

Whistleblowing Policy

- **Section:** Conduct in the Workplace
- **Source:** Audit and Governance Committee – 19 June 2019

Introduction

All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something, but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The Council and the Chief Executive are committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

This policy does not form part of any employee's contract of employment and we may amend it at any time. This policy applies to all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers who work for us; whether full-time or part-time.

If something is troubling you that you think we should know about or look into, please use this policy.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) breach of the Bribery Act 2010;
- (g) financial fraud or mismanagement;
- (h) breach of our internal policies and procedures including our Code of Conduct and Constitution;
- (i) conduct likely to damage our reputation or financial wellbeing;

- (j) unauthorised disclosure of confidential information;
- (k) negligence;
- (l) breach of Modern Slavery Legislation
- (m) the deliberate concealment of any of the above matters.

If, however, you wish to make a complaint about your employment or how you have been treated, please use the grievance policy or bullying / harassment policy - which you can get from your manager or personnel officer. The relevant policies are also available on the intranet. If you have a concern about financial misconduct or fraud, please see our Anti-Fraud Policy. This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, staff or the organisation itself.

If in doubt - raise it!

OUR ASSURANCES TO YOU

Your safety

The Council and the Chief Executive are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken.

If you raise a genuine concern under this policy, you will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

The harassment or victimisation of anyone raising a genuine concern will be viewed as a disciplinary matter.

Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

Your confidence

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get independent advice from 'Public Concern at Work' (see contact details under Independent Advice below).

How to raise a concern internally:

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Step one

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing. In some cases they may need to refer the matter to one of the named persons below.

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

- **Chief Legal and Democratic Officer: David McCullough**
david.mccullough@sefton.gov.uk or on 0151 934 2008
- **Chief Personnel Officer: Paul Cunningham** on
paul.cunningham@sefton.gov.uk or on 0151 934 3209
- **Head of Corporate Support: Stephan Van Arendsen** on
Stephan.VanArendsen@sefton.gov.uk or on 0151 934 4081

You can also submit a concern via the web reporting form. The above named people have been given special responsibility in dealing with whistleblowing concerns.

If you want to raise the matter confidentially, please let us know at the outset so that appropriate arrangements can be made.

The person receiving your concern may arrange a meeting with you if they require some further information from you. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

Step two

Once the concern has been raised the person receiving your concern will review the initial information you have provided and determine whether it is appropriate to deal with the matter under this policy before a full investigation is undertaken.

Step three

Within ten working days of a concern being raised, the person dealing with your concern will write to you:

- acknowledging that the concern has been received;
- indicating how the Authority propose to deal with the matter;

- giving an estimate of how long it will take to provide a final response;
- informing whether any initial enquiries have been made;
- supplying information on employee support mechanisms; and
- stating whether further investigations will take place and if not, why not.

If steps one to three have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the **Chief Executive: Dwayne Johnson** on dwayne.johnson@sefton.gov.uk or on **0151 934 4900**.

How will we Handle the Matter:

We will acknowledge receipt of your concern within 10 days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing, please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

Occasionally it may be necessary to vary the time it takes to deal with matters. Whilst staff will work hard to try to meet any deadlines where possible, if these are to be varied, then staff will liaise with you as appropriate.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern, please contact the Chief Personnel Officer Paul Cunningham : paul.cunningham@sefton.gov.uk or on **0151 934 3209**. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern

Recording Concerns

Every Concern which a Whistleblower raises; whether or not the concern leads to a full investigation, will be recorded by the Chief Legal and Democratic Officer. As such all managers receiving whistleblowing concerns shall inform the Chief Legal and Democratic Officer who shall record the complaint and provide the manager with a reference number.

Access to the recorded concerns shall be restricted by the Chief Legal and Democratic Officer to personnel which in his reasonable opinion require access to the recorded concern in order to fully investigate the concern in line with this policy.

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. The Council has a legal obligation to provide the information unless it falls under one of the exemptions contained within the Act.

The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying a whistleblower, including:

- Section 40 Personal Data;
- Section 41 Information which, if disclosed, would give rise to an actionable breach of confidence.

The Council will always seek to protect the identity of individuals during the course of progressing an investigation. If the Council receives a request for information identifying you as a whistleblower the Council will not disclose this information unless you have consented for us to do so.

The Council will ensure that our handling of concerns meets the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Monitoring and Oversight

The Chief Legal and Democratic Officer will make the Chief Internal Auditor aware of all Whistleblowing concerns. An annual report will also be presented to the Audit and Governance Committee and where such concerns are deemed appropriate, full Council.

Independent Advice

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.org.uk. Their lawyers can talk you through your options and help you raise a concern about malpractice at work.

You can also contact your union (where applicable) for advice.

External Contacts

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. It would be better for you to raise a concern with an appropriate regulator – such as the Financial Conduct Authority, the Health and Safety Executive, the Care Quality Commission - than not at all. Public Concern at Work (*or, if applicable, your union*) will be able to advise you on such an option if you wish.

If you are not satisfied, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- Public Concern at Work (020 3117 2520 or <https://www.pcaw.org.uk/>);
- Ofsted (www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted)
- the external auditor (Hassan Rohimun, Associate Partner, Government & Public Sector (UK&I), Ernst & Young LLP, 2 St. Peter's Square, Manchester M2 3DF, United Kingdom);
- The Commission for Local Administration (Local Government Ombudsman) (0300 0610614 or <http://www.lgo.org.uk/>);
- Care Quality Commission (<http://www.cqc.org.uk>)
- a trade union;
- the local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police