

## **WIGAN COUNCIL**

### **WHISTLEBLOWING POLICY**

#### **1 Introduction**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 Similarly, contractors who trade with the Council may find themselves in a position where Council officers make inappropriate requests, linked to “promises” or opportunities for future business. There may be some reluctance to report such suggestions due to a lack of hard evidence, or a fear of losing future contracts.
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.3 This Whistleblowing Policy is intended to encourage and enable those with serious concerns to raise them with the Council rather than overlooking a problem or blowing the whistle outside.
- 1.4 The policy applies to all employees and those contractors who supply goods or services to the Council, for example, suppliers, agency staff, builders, and drivers. It also covers those providing services under a contract with the Council in their own premises, for example, care homes.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. We are responsible for making service users aware of the existence of these procedures.

#### **2 Aims and scope of this policy**

- 2.1 Whistleblowing is where an individual has concerns about a danger or illegality that has a public interest to it, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and has no additional public interest.

2.2 This Whistleblowing Policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

2.3 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures.

2.4 That concern may be about something that:

- is unlawful; or
- makes you feel uncomfortable in terms of professional standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Contract Procedure Rules or policies; or
- falls below established standards or practice; or
- amounts to improper conduct.

### **3 Safeguards**

#### **3.1 Harassment or Victimisation**

The Council is committed to good practice and high standards and wants to be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will do what it lawfully can to protect you when you raise a concern in good faith.

This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

#### **3.2 Confidentiality**

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, particularly if the Police or External Auditors become involved. In order to take effective action, the Council will need proper evidence which may be required to stand up to examination in Courts or Tribunals.

### **3.3 Anonymous Allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### **3.4 Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, that is for no other purpose than to cause trouble or annoyance or without good reason to discredit the Council, any member or officer, an investigation will take place to determine whether disciplinary action is taken.

## **4 How to raise a concern**

- 4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach your Chief Officer or alternatively the Chief Executive, the Deputy Chief Executive or the Assistant Director, Legal .
- 4.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.
- 4.3 The earlier you express the concern, the easier it is to take action.
- 4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the following :

Mrs Donna Hall -Chief Executive on 01942 827148 (Internal 2148)

E-mail: [Donna.hall@wigan.gov.uk](mailto:Donna.hall@wigan.gov.uk)

Mrs Alison McKenzie-Folan Director-Customer Transformation on 01942 827784 (Internal 2784)

E-mail: [A.Mckenzie-Folan@wigan.gov.uk](mailto:A.Mckenzie-Folan@wigan.gov.uk)

Mr Paul McKevitt- Deputy Chief Executive (Director Resources & Contracts) on 01942 827581 (Internal 2581)  
E-mail: [P.McKevitt@wigan.gov.uk](mailto:P.McKevitt@wigan.gov.uk)

Mrs Linda Fisher- Assistant Director- Legal on 01942 827026 (Internal 2026)  
E-mail: [Linda.Fisher@wigan.gov.uk](mailto:Linda.Fisher@wigan.gov.uk)

Mrs Sonia Halliwell – Assistant Director- HR and OD on 01942 488412 (Internal 8412)  
E-mail: [Sonia.Halliwell@wigan.gov.uk](mailto:Sonia.Halliwell@wigan.gov.uk)

Mrs Nicola Welch- Chief Internal Auditor on 01942 827556 (internal 2556)  
E-mail: [N.Welch@wigan.gov.uk](mailto:N.Welch@wigan.gov.uk)

Mrs Jo Whittingham -External Audit Manager on 0161 214 6361  
E-mail: [Jo.E.Whittingham@uk.gt.com](mailto:Jo.E.Whittingham@uk.gt.com)

4.6 If you wish to discuss confidentially whether and how best to raise a whistleblowing concern then independent advice can be obtained from the following

- the independent charity Public Concern at Work 020 7404 6609

Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

4.7 You may invite a companion, who may be from your trade union or professional association, or a friend or a legal representative to raise a matter on your behalf. You may also have such a companion to represent you at any meeting which is held relating to your concern.

## **5 How the council will respond**

5.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

5.2 The action taken by the Council will depend on the nature of the concern as determined by the Assistant Director- Legal . The Council could decide that the matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry

5.3 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific

procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

- 5.4 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.
- 5.5 Within ten working days of a concern being received, your immediate manager, Chief Officer, the Chief Executive or relevant Director, depending upon who you have approached, will write to you:
- acknowledging that the concern has been received
  - indicating how it proposes to deal with the matter if possible at such an early stage
  - giving an estimate of how long it will take to provide a final response if possible at such an early stage
  - telling you whether any initial enquiries have been made, and
  - telling you whether further investigations will take place, and if not, why not.
- 5.6 The amount of contact between the officers considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.7 When any meeting is arranged, off-site if you so wish, you have the right to be accompanied by your chosen companion. This may be a union or professional association representative or a friend but cannot be involved in the area of work to which the concern relates.
- 5.8 The Council will do what it lawfully can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure. The Council cannot provide legal representation for you. Where appropriate, counselling may be provided by HR.
- 5.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

## **6 How the matter can be taken further**

- 6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- |  |               |
|--|---------------|
| • the External Auditor (Grant Thornton)  | 0161 953 6900 |
| • UNISON                                 | 0845 355 0845 |
| • Audit Commission public enquiries team | 0303 444 8330 |

- the Police 0161 872 5050
- the independent charity Public Concern at Work 020 7404 6609

6.2 It is stressed that this list is not exhaustive and you are free to contact any organisation which you feel will be able to deal properly with your concerns. This may include:

- your local Councillor
- your solicitor
- other relevant professional/regulatory bodies.

6.3 It will be safe to raise a concern with any of the above provided that:-

- (a) You make the disclosure in good faith
- (b) You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- (c) You do not make the disclosure for the purposes of personal gain.

6.4 If you make allegations which you have no grounds to believe are true, or maliciously or for personal gain then you could face defamation proceedings or a prosecution for wasting Police time. If you decide to address your concerns by going to the Press or the media then you may face defamation proceedings if your allegations are unfounded.

## **7 The responsible officer**

7.1 The Assistant Director – Legal (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes and will report as necessary to the Council. If you request it the Assistant Director– Legal will do what he lawfully can to protect your identity but you should realise that he may be obliged to disclose it to the Police or the External Auditor or the Courts.

## **8 The law**

8.1 This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.