



**WHISTLE-BLOWING POLICY**  
**Guidance for Managers**

## **Whistle-Blowing Policy – Guidance for Managers**

Whistle-blowing is the term used when someone who works within or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

It is important to know the difference between a Whistle-Blow and a Grievance. A whistle-blowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects service users, the public, other staff or the organisation itself. A grievance, on the other hand, is a personal complaint about an individual's own employment situation. A whistle-blowing concern is where an individual raises information as a witness whereas a grievance is where the individual is a complainant.

The Whistle-Blowing policy should be followed for whistle-blowing disclosures. For complaints, grievances, safeguarding adults, and safeguarding children issues there are separate policies and procedures which should be followed in these cases.

Whistle-blowing investigations must be well managed and carried out by knowledgeable and experienced staff in order to result in the right outcome. Internal Audit will give all necessary advice and are trained in handling investigations, and may be the appropriate team to conduct any further investigative work.

There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case. Remember that a poorly directed investigation may prematurely alert the suspect and result in the destruction of evidence. Managers may be required to assist with this, but this will be under very specific guidance.

Your primary responsibility is to report the issue and all associated facts promptly and accurately to an appropriate officer (this could be your own manager Operational Director and Monitoring Officer (Legal and Democratic Services); Strategic Director – Policy and Resources; Head of Internal Audit or the Chair of the Standards Committee). You should then be prepared to cooperate as instructed in any subsequent investigation. Internal Audit will be responsible for notifying the whistle-

blowing officer of any matters they need to be aware of relating to investigations taking place.

If an employee approaches you with an allegation under this policy to discuss any concerns or potential allegations they may have:

- Listen to the employee and make a note of all relevant dates, times and events. Obtain as much information as possible from the employee. If the employee has made any notes or diary entries, take a copy of these also. In addition, note any documentary evidence which may exist to support the allegations made, but do not interfere with this evidence in any way.
- Reassure the employee that any issues of confidentiality will be respected as far as possible, however, in certain cases (for example the need to come forward as a witness in a criminal investigation, or when a third party may need to be informed as part of an investigation) this may not be possible.
- Encourage the employee to use the Council's whistle-blowing policy and procedure as their first recourse, however let them know that there are prescribed agencies and bodies, external to the Council, that can be contacted and that these are listed as part of the policy.
- Reassure them that they will not suffer reprisal if they are honestly raising concerns (even if they are mistaken), and that victimisation for whistleblowing will not be tolerated. The Council will treat the harassment or victimisation of a whistle blower (including informal pressures) as serious misconduct, and this will be dealt with under disciplinary policies. Give assurance that any member of staff raising a genuine concern using this procedure will not be penalised or disadvantaged in any way for doing so.
- You should not attempt to investigate the matter further yourself, or recommend that the employee do so themselves. The allegation or statement should be referred to internal audit to be logged and initial investigations started.
- Explain that Internal Audit will write to the employee within 10 days acknowledging their concerns and inviting them to an initial meeting to discuss the matter.
- An initial investigation will then take place and the employee making the allegation will be kept informed of proceedings and outcome as far as possible
- A statement might be required as part of the evidence, but this will be dealt with during the course of the investigation.

## Do...

- ✓ **Be open to staff concerns.** Staff are always encouraged to raise concerns about malpractice or wrongdoing early and effectively. You should reassure staff that if they raise concerns with you, they will be protected from victimisation or reprisal. You should encourage staff to raise concerns openly but where this is not possible do everything you can to reassure them about confidentiality. If someone wishes to discuss a concern in confidence you should respect it, but tell them that there may be limits to this for instance, where their evidence is needed in court or where the matter cannot be resolved unless their identity is revealed.
- ✓ **Write down details.** Get as much information as possible from the employee. If he or she has made notes, ask for a copy of these. In addition, note any documentary evidence that may exist to support the concern, but do not interfere with the evidence in any way.
- ✓ **Advise the appropriate officer.** Internal Audit is responsible for handling whistleblowing allegations and for investigating cases of suspected fraud or misconduct. You should liaise with them.
- ✓ **Deal with the matter promptly.** The earlier the problem is detected the earlier the damage caused can be repaired.
- ✓ **Distinguish between whistle-blowing and grievances.** A whistle-blowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects patients, the public, other staff or the organisation itself. A grievance, on the other hand, is a personal complaint about an individual's own employment situation. A whistle-blowing concern is where an individual raises information as a witness whereas a grievance is where the individual is a complainant
- ✓ **Thank the worker for raising the matter, even if the concern proves mistaken.** The law only requires that there be a genuine doubt – the individual is not expected to produce unquestionable evidence to support the concern.
- ✓ **If in doubt, seek advice from Internal Audit.**

## Don't...

- ✘ **Ignore or ridicule concerns raised by staff.** One reason people are reluctant to raise concerns is fear of ridicule or recrimination. As their manager you should reassure them that they will not suffer reprisal if they are honestly raising concerns (even if they are mistaken), and that victimisation for whistle-blowing will not be tolerated.
- ✘ **Approach or accuse any individuals directly** If the concern seems credible, don't accidentally tip-off a fraudster in case incriminating evidence could be destroyed.
- ✘ **Convey the concern to anyone other than someone with the proper authority.** If you're unsure, Internal Audit is trained to be able to deal with, and guide you on, whistle-blowing matters.
- ✘ **Try to investigate the matter yourself.** Pass it on or discuss it as soon as possible with the officer who has been given that responsibility.
- ✘ **Give any unrealistic expectations** or make assurances about how the matter will be dealt with beyond what is laid out in the Policy.
- ✘ **Delay.** Always remember that you may have to explain how you dealt with the concern.

## Summary of Manager's Responsibilities

- Become familiar with these principles and to whom suspicions should be reported.
- If you receive a report of suspected fraud, corruption or bribery make a note of all relevant details, but *do not attempt to investigate the matter further yourself.*
- Report all reasonable suspicions promptly to the Head of Internal Audit.
- If in doubt seek advice from Internal Audit.
- Don't delay. You may miss an opportunity to deal with a problem before it becomes a crisis. It may also discourage employees from raising concerns in the future.