



Northumberland
County Council

**HUMAN RESOURCES
POLICIES AND PROCEDURES**

WHISTLEBLOWING POLICY

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NORTHUMBERLAND COUNTY COUNCIL

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HUMAN RESOURCES POLICIES AND PROCEDURES

WHISTLEBLOWING

REFERENCE NUMBER: HRP-40-V1.3

1. OPERATIONAL SUMMARY

1.1 Policy Aim

Northumberland County Council insists on honesty, integrity, inclusion, diversity, equity and fairness in all aspects of its business and expects the highest standards of professionalism and ethical conduct to be maintained in all its activities. The Council expects the same in its relationships with all those with whom it does business.

Pursuant to this, the Council promotes a culture of openness and accountability.

The objectives of the Whistleblowing Policy are as follows:

- To encourage Employees to report suspected wrongdoing as soon as possible, with the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be protected wherever possible
- To provide Employees with guidance as to how to raise those concerns
- To reassure Employees that they are able to raise genuine concerns in good faith in the Public Interest without fear of reprisals, even if they turn out to be mistaken.

All workers working have a contractual right and duty to raise genuine concerns they have with their employer about malpractice, service user safety, financial impropriety, bribery or any other serious risks they consider to be in the public interest. This policy has been developed to ensure that the Council has a process for employees to raise any such concerns. It complies with the Public Interest Disclosures Act 1998 and good practice, which protects workers from subject to detriment by their employer because they have made a report.

1.2 Policy Summary

This policy gives an overview of Whistleblowing and public interest disclosure, a breakdown of responsibilities for members of staff, support available to staff making such disclosures and a flowchart outlining the process.

1.3 What it means for staff

Directors, Heads of Service and Managers – are responsible for ensuring adequate dissemination and implementation of policies. They are also responsible for making service users aware of the existence of these procedures.

All Council Employees/Workers/Volunteers/Contractors/Agency Staff – are responsible for reading the new/revised policies to maintain current awareness of changes which impact on their roles. All workers should work to create a culture of openness and accountability.

History of previous versions of this document:

Approved Where	Version	Issue Date	Review Date	Contact Person	Description of Changes
Joint Consultative Committee	1.0	January 2017	January 2018	Hugh Cadwallader	Policy in revised format
Joint Consultative Committee	1.1	April 2017	November 2020	Hugh Cadwallader	Minor changes to reflect change in contact personnel
Joint Consultative Committee	1.2	October 2017	November 2020	Hugh Cadwallader	Changes to include Safecall input and contact details. Flowchart also included

Statement of changes made in most recent version:

Version	Date	Description
1.3	September 2019	Update of contact details and name for independent advice line (<i>Protect</i>) to reflect name and address change.

2. Introduction

2.1 The Council welcomes suggestions from service users and employees as to ways to ensure continuous development and improvement of services. There is an expectation that employees and others who deliver services on behalf of the Council will report any concerns about possible bad practice. This will usually be facilitated through normal management arrangements, however, where that is not possible, this policy provides an avenue for reporting serious malpractice.

Employees are often the first to realise that there may be something seriously wrong within the Council. However, in some cases they may not express their concerns because they feel that speaking up would be disloyal. 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. However, the Council is committed to the highest possible standards of openness, integrity and accountability.

In line with that commitment the Council encourages employees, and others who it deals with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Reporting a concern ("Blowing the Whistle") can be done without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or reporting the matter outside of the Council.

The right to report a concern "blow the whistle" speak up applies to all employees and those contractors working for the Council on its premises, for example, agency staff, builders, drivers and individuals who are training. It also applies to suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Council Groups.

3. Purpose

3.1 The purpose of this policy is to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;

- provide avenues for employees to raise those concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and ensure that they are aware of how to pursue them if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in the public interest;
- Provide a mechanism by which the Council's Counter Anti-Fraud and Corruption Strategy can be implemented.

4. Scope of the policy

4.1 Providing staff raising a concern meet the legal definition, staff making a protected disclosure are protected when making a disclosure in order to encourage individuals to speak out.

A disclosure is within the scope of a protected disclosure if it indicates that the following may have occurred (please note that this is not an exhaustive list):-

- a criminal offence and / or activities;
- bribery, corruption or blackmail
- financial malpractice or irregularity
- improper use of authority
- failure to comply with any legal obligations or regulatory requirements;
- miscarriage of justice;
- there is a threat to an individual's health and safety;
- damage to the environment;
- covering up wrongdoing in respect of any of the above;
- conduct likely to damage the Council's reputation
- breaches to the Council's internal policies and procedures
- deliberate concealment regarding information about known malpractices (financial or otherwise)
- fraud or theft against the Council, its customers or its suppliers
- negligence

In addition, employees must also have a reasonable belief that the disclosure is in the public interest. This Policy should not be used for complaints relating to their own personal circumstances, such as the way they have been treated at work. In those cases they should use the appropriate internal procedure, for example the Grievance Procedure.

Any serious concerns that employees have, which are in the public interest, about any aspect of service provision or the conduct of officers or Members of the Council or others acting on its behalf can be reported under the Whistleblowing Policy.

This policy does not replace the corporate complaints procedure which is concerned with addressing complaints about Council services.

The Corporate Fraud Team encourages the general public and other Council employees to report concern about Fraud. There is a facility to report fraud through the contact centre on 0345 600 6400 or through a fully confidential 24 hour telephone hotline on 01670 624359 or reports can be made online via the Council's website.

If an employee has any concerns about a service provided by another organisation on behalf of the Council e.g. Active Northumberland, the employee should contact the service provider in the first instance. In cases where the Council contracts with a private organisation it may be appropriate to notify the relevant Executive Director of the Council. In some cases it may also be necessary to inform the appropriate regulatory organisation. For example in private care homes it may be appropriate to notify the Executive Director of Adult Services and inform the Care Quality Commission.

5. Safeguards against harassment or victimisation

5.1 The Council is committed to good practice and high standards and wants to be supportive of employees and others covered by this policy.

The Council recognises that the decision to report a concern can be a difficult one to make; ultimately however they will be doing their duty to their employer and those for whom employees are providing a service.

The Council will not tolerate any harassment or victimisation of any kind. Harassment or bullying of a whistleblower constitutes a disciplinary offence and the Council will take appropriate action, including disciplinary action if necessary, to protect employees when they raise a concern.

Any investigation into allegations of potential malpractice will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, health and wellbeing, capability, redundancy or any other dismissal procedures that already affect an employee or may affect them in the future.

5.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the employee's identity if they so wish. At the appropriate time, however, the employee may need to come forward as a witness.

5.3 Anonymous Concerns' Reporting

This policy, nevertheless, encourages employees to put their name to their concern whenever possible. Concerns expressed anonymously are much more difficult to investigate thoroughly. It should be emphasised, however, that **wherever possible** confidentiality will be preserved.

In exercising this 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.

Whilst employees can remain anonymous if they choose, the Council does not encourage anonymous reporting. Proper investigation may be more difficult or impossible if further information from the person raising a concern cannot be obtained; it is also more difficult to establish whether any such allegations are credible and have been made in the public interest. People who are concerned about possible reprisals if their identity is revealed are assured that the Council will not tolerate any victimization or detrimental treatment of anyone who raise a concern in the good faith in the Public Interest.

5.4 Untrue Allegations

If an employee reports a concern in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

6. How to raise a concern

6.1 As a first step, employees should normally raise concerns with their immediate manager or a more senior manager within the service.

Concerns can be raised verbally or in writing. Wherever possible, concerns should be made in writing using the template at Appendix 1.

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Policy Author: Hugh Cadwallader

(Created November 2017; Disposal Date: November 2020)

If the concern is raised verbally, a written note will be taken in line with the template at Appendix 1.

In some cases, employees may feel unable, or it may not be appropriate, to raise concerns with their immediate manager due to the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. In this case, the concern can be reported direct to a more senior manager within the service or the:

- Chief Executive
- Service Director of Finance (Deputy Section 151 Officer)
- Director of Human Resources
- Legal Services Manager (Monitoring Officer)
- Corporate Fraud Manager
- Chief Internal Auditor.

The earlier employees express the concern the easier it is to take action.

Advice or guidance on how to pursue matters of concern may be obtained from their line manager or the people named in the contact list at the end of this document.

Unless criminal actions are suspected employees may invite their trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

7. Independent Whistleblowing Hotline - Safecall

7.1 Where the matter is more serious, or where employees feel that their line manager or their manager has not addressed the concern, or employees prefer not to raise it with them for any reason, they should utilise the independent confidential hotline. The company providing this service is Safecall.

Safecall provide an independent external reporting line where employees can raise their concerns about the Council and be assured they will be fully addressed. Each call is treated in complete confidence by skilled call handlers who will summarise the content of the call and send it to the Monitoring Officer for dissemination as appropriate. Safecall will not disclose an employee's name to the Council if they wish to remain anonymous.

The Safecall service is available 24/7 365 days via the Freephone below:



Alternatively Safecall can be contacted via e-mail northumberlandcc@safecall.co.uk or via the web www.safecall.co.uk/report .

A flowchart of how concerns can be raised is included as Appendix 2.

8. Investigation and outcome

8.1 Once employees have raised a concern we will deal with it fairly and in an appropriate way. We will carry out an initial assessment to determine the scope of any investigation and will inform the employee of the outcome of that assessment. The person raising the concern may be required to provide further information.

Wherever possible the Council will aim to keep the employee informed of the progress of the investigation and it's likely timescale. However, sometimes the need for confidentiality may prevent the Council giving the employee specific details of the investigation or any disciplinary action taken as a result. All persons involved in this process should treat any information about the investigation as confidential.

Where any meeting is arranged, off site if employees so wish, and unless criminal actions are suspected, they can be accompanied by a union representative or a work colleague.

The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if the person raising the concern is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for them to receive advice about the procedure and they may also wish to contact Occupational Health for support.

The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, The Council will inform the employee of the outcome of any investigation but the employee must keep that information confidential.

9. The Responsible Officer

8.1 The Director of Human Resources has overall responsibility for the maintenance of the policy and the Monitoring Officer for operation of this policy.

10. How the matter can be taken further

10.1 This policy is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes those raising concerns will be satisfied with any action taken. If not, and if employees feel it is right to take the matter outside the Council, further possible contact points are given in the External Contact List at the end of this booklet.

If the matter is not referred to an external body, employees should ensure that they do not disclose information which should properly remain confidential. Those persons raising a concern will need to confirm this with the person or organisation that they decide to contact.

11. Independent advice

If an employee wants independent advice at any stage they can contact:

Protect :

Address: The Green House
244-254 Cambridge Heath Road
London E2 9DA

Telephone: 020 3117 2520
Fax: 020 7403 8823
email: whistle@protect-advice.org.uk
Website: www.protect-advice.org.uk

Protect (*formerly known as Public Concern at Work*) is a registered charity which is the independent authority on public interest whistleblowing. Its lawyers can give free, confidential advice at any stage about raising a concern about serious wrongdoings or malpractice at work

12. Training and support

Advice can be gained from the HR department in relation to the implementation of this policy and associated procedure.

13. Monitoring and audit

The Monitoring Officer maintains a record of concerns raised and the outcomes and will report as necessary to the Council in a form which does not endanger confidentiality.

14. Contact list

14.1 Internal

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below.

Daljit Lally	Chief Executive	01670 622929
Liam Henry	Legal Services Manager	01670 623324
Alison Elsdon	Service Director of Finance	01670 622168
Kelly Angus	Director of Human Resources	01670 623134
Allison Mitchell	Chief Internal auditor	01670 623884

Any Head of Service or any local trade union official.

14.2 External

If employees have used the appropriate internal procedures and are not satisfied with any action taken in relation to their concerns and if they feel it is right to take the matter outside the Council, further possible contact points are given below. It is stressed that the list below is not exhaustive and employees are free to contact any organisation which they feel will be able to deal properly with their concerns.

Action Fraud	Anti Fraud & Corruption Hotline	0207 630 1019
External Auditor	Ernst & Young	0191 247 2500
Northumbria Police		03456 043 043
Professional Bodies (examples):	CIPFA	0207 543 5600
Regulatory Organisations (examples):	Royal Town Planning Institute Environment Agency	0207 929 9494 0870 850 6506

	Health & Safety Executive	0191 202 6300
	Ofsted	0845 640 4045
	Commission for Social Care Inspection	01670 707900
Voluntary Organisations (examples):	Barnardos	0191 281 5024
	RoSPA	0121 248 2000
Safecall	<i>see paragraph 7 above</i>	

APPENDIX 1

PRIVATE AND CONFIDENTIAL

RAISING A CONCERN

To be completed by the person initially raising the concern and/or the manager to whom the concern was raised.	
Name of person raising concern: (may be anonymous)	
Job title	
Service	
Contact address Telephone Email	
Relationship with subject of allegations (for example manager, colleague, none, etc.)	
Brief outline of nature of concern and dates. (Please outline nature of concern providing details of suspected wrong doing including name(s), job title(s), date(s), timescale(s), place and other relevant information). Please use additional sheets if necessary	

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Declaration (may be anonymous)

Signature:
(of person raising initial concern)

Please print name: _____

Date: _____

To be completed by the manager to whom the concern was raised:

Name	
Job title	
Service	
Telephone	
Place of work	
Email	
Relationship with subject of allegations (for example manager, colleague, none, etc.)	

Additional information obtained from the person raising the concern to help clarify the nature of the concern, if applicable.

Signature:
(of person to whom
complaint is raised)

Please print name:

Date:

APPENDIX 2

Raising Concern / Speaking Up / Whistleblowing - flow chart

