



# **Craven District Council**

## **Whistleblowing Policy**

**Last Updated: November 2017**  
**Approved: Standards Committee (STN.333)**

## INTRODUCTION

- 1.1 At Craven District Council we want to make sure that we are providing excellent services to the residents of Craven. Our staff, councillors, partners and contractors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness and accountability. We know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law, resulting in some very serious consequences.
- 1.2 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.
- 1.3 The Council is committed to the highest possible standards of openness, honesty, integrity, preventing and detecting fraud and corruption and it is everyone's responsibility to pursue these aims. In line with that commitment, we encourage anyone with serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.4 This policy document makes it clear that you can come forward and voice your concerns without fear of suffering from any form of retribution. This **Whistleblowing Policy** is intended to encourage and enable you to raise serious concerns **within** the Council rather than ignoring your concerns, feeling helpless, or making the matter public. We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible.
- 1.5 The policy applies to you whether you are a permanent or temporary employee, agency or casual member of staff or if you work as a contractor or volunteer.
- 1.6 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some service units.
- 1.7 This policy has been discussed with the relevant trade unions and professional organisations who would like to support such a policy.

## 2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide you with the means to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that you will be protected from possible reprisals, harassment or victimisation if you believe that you have acted in the public interest.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Policy is intended to cover major concerns that fall outside the scope of other HR policies. These include:

- Conduct which is an offence, or a breach of the law;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- Unauthorised use of public funds;
- Fraud and corruption; and
- Other unethical conduct.

2.3 **Any serious concerns that you have about any aspect of service provision or the conduct of officers or Members of the Council, or others acting on behalf of the Council can be reported under the Whistleblowing Policy.** This may be about something that:

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

2.4 This policy does **not** replace the Council's Comments, Compliments and Complaints Procedure.

## 3. SAFEGUARDS

### Harassment or Victimisation

3.1 The Council is committed to good practice and high standards and wants to support its employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If a concern is reported in reasonable belief and in the public interest, you

should have nothing to fear because you will be doing your duty to the Council and to those for whom you are providing a service.

- 3.3 The Council will not tolerate harassment or victimisation (including informal pressures) and will take appropriate action to protect any one who raises a concern in accordance with this Policy. Also, the law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistleblowing disclosure considered to be in the public interest.
- 3.4 Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect you.

## **4. CONFIDENTIALITY**

- 4.1 This Policy encourages you to put your name to your allegation whenever possible.
- 4.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity without your permission. However, if you agree, you may be called as a witness at the appropriate time, in order to prove the case.
- 4.3 If a case comes before the Court, your evidence may prove crucial. Whilst the Council will take reasonable steps to conceal your identity, there is the possibility it may have to be disclosed for the purposes of criminal investigation or to provide evidence in Court.
- 4.4 At some stage it is likely that the person against whom you are making a complaint will be spoken to. Every effort will be made to ensure your confidentiality, however the circumstances of the case may unavoidably infer your identity. In such cases, wherever practicable, you will be consulted beforehand.

## **5. ANONYMOUS ALLEGATIONS**

- 5.1 Concerns can be expressed anonymously or through a union representative, but they may be more difficult to investigate. The Council will have to use its discretion to determine if enough relevant information has been provided to decide if an investigation is warranted.
- 5.2 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.

## **6. OUR ASSURANCES TO YOU**

- 6.1 If you raise a genuine concern you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in the public interest, in reasonable belief, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue in which case disciplinary action may be taken against them.

- 6.2 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity we will not disclose it without your consent. If we are unable to resolve the concern without revealing your identity (for example, because your evidence is needed in court), we will discuss with you how you wish to proceed.
- 6.3 Remember, if you do not tell us who you are, it will be more difficult for us to look into the matter, or to obtain further information, or to protect your position or to give you feedback.
- 6.4 Any officer or member who discloses confidential information about an on-going investigation, or in any way compromises that investigation, will be dealt with in accordance with the Council's adopted policies and procedures.

## **7. HOW TO RAISE A CONCERN**

- 7.1 As a first step, you should normally raise concerns with your immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager is involved, you should raise the matter with one of the following:

Chief Executive;  
Solicitor to the Council (Monitoring Officer);  
Chief Finance Officer (s151 Officer); or  
Audit Services Manager (Harrogate Borough Council).

You should receive a written acknowledgement within five working days (see paragraph 8.5 below) but if you do not please contact either the Solicitor to the Council or the Chief Finance Officer (or ask your representative to).

- 7.2 Concerns may be raised verbally or in writing. If wish to make a written report you are asked to include the following information:
- the background and history of the concern (giving relevant dates);
  - details of any evidence you may have or may be able to point to;
  - the reason why you are particularly concerned about the situation.
- 7.3 The earlier you express your concern; the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of the allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 You can seek confidential advice and guidance on how to pursue matters of concern by contacting one of the officers listed in paragraph 7.1 above, or your union representative or Human Resources.
- 7.6 You may also seek advice from the independent charity, Protect (formerly Public

Concern at Work) whose legal advisers can provide free confidential advice at any stage about how to raise a concern about serious malpractice at work. Their contact details are:

*The Green House*  
244-254 Cambridge Heath Road  
LONDON  
E2 9DA

Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

You may also seek advice from your trade union representative as well and invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

- 7.7 The staff counselling service is also available to all employees who are experiencing difficulties or challenges at work (or at home). The service is completely confidential, is independent and can be accessed by self-referral. Oasis Peoplecare can be contacted on 0800 9757 141 or email [op@oasisschool.org.uk](mailto:op@oasisschool.org.uk).

## **8. HOW THE COUNCIL WILL RESPOND**

- 8.1 The Council will respond to your concerns. Do not forget that the Council may need to test out your concerns. Doing so is not the same as doubting or rejecting them.
- 8.2 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally by either the Chief Executive, Solicitor to the Council, Chief Finance Officer or the Audit Services Manager, whoever is most appropriate in the individual circumstances. No one else would be delegated this task. Matters relating to fraud/money will be investigated by the Chief Finance Officer or Audit Services Manager;
  - be referred to the Police;
  - be referred to the External Auditor; and/or
  - form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of an offence or possible malpractice, initial discreet 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, fraud or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this may be taken before any investigation is conducted.
- 8.5 Within five working days of a concern being raised, the Council will write to you or email, acknowledging that your concern has been received. It is your responsibility to inform

your representative (if you have appointed one) of communications between you and the Council.

8.6 Within ten working days of a concern being raised, the Council will write to you again:

- indicating how the matter will be dealt with;
- invite you to suggest how best to contact you e.g. inside or outside office hours, by work or personal email etc.;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place; and if not, why not; and
- giving you information on the support available to you.

8.7 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 information provided. You may be asked to provide further information.

8.8 When any meeting is arranged, you have the right if you so wish, to be accompanied by a representative of your choice as outlined in 7.6 above.

8.9 The Council will take steps to minimise any difficulties which 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 arrange for you to receive support from Witness Service.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will be given appropriate information about the outcomes of any investigation.

## **9. THE RESPONSIBLE OFFICER**

9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and will liaise, where necessary with Internal Audit and/or the Chairman of Audit and Governance Committee. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit and Governance Committee.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

10.1 This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:

- The *External Auditor*;
- The Police;
- Relevant professional bodies or regulatory organisations;
- The Health and Safety Executive; or

- The Chairman of Standards Committee.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. You should check this with the person you contact.

## **11. THE LAW**

11.1 This policy and procedure has been written down to take account of The Public Interest Disclosure Act 1998, which protects staff making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

11.2 The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by the Local Government Act 1988, the Local Government and Housing Act 1989 and the Accounts and Audit Regulations 2003.

## **12. REVIEW**

12.1 This policy will be reviewed every two years or earlier if circumstances require it.





If you would like this information in a way which is better for you, please telephone 01756 700600.

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