

Warwick District Council Whistleblowing Policy and Procedure

1 Introduction

- 1.1 The Council is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, it encourages employees and others that work for it, who have serious concerns about any aspect of the Council's work, to come forward and express those concerns.
- 1.2 A complaints procedure is available for parties who do not work for the Council.

2 Definition of 'Whistleblowing'

- 2.1 Whistleblowing is a term that is used to describe an employee who raises concerns within the workplace. This could include harmful or illegal practices within the workplace that raise serious issues of public interest, for example putting members of the public at risk.
- 2.2 Employees that whistle blow are protected by law. This means that they cannot be treated unfairly or dismissed as a result of their whistleblowing.
- 2.3 Whistleblowing is ultimately beneficial for the organisation as it helps to improve governance within the organisation and protect it from potential legal action and reputational damage.

3 The Difference Between Whistleblowing and Grievance

- 3.1 Although whistleblowing and a grievance both involve an employee reporting something that they are concerned about, grievance incorporates a variety of terms including complaint, disagreement, or expression of dissatisfaction about an event or circumstances that may be related to colleagues or managers, whereas whistleblowing involves the employee highlighting what they perceive as wrongdoing by the organisation that could have a wider, societal impact, including on the organisation itself.

4 Types of Whistleblowing

- 4.1 There are two main types of whistleblowing: internal whistleblowing and external whistleblowing.

Internal whistleblowing involves an employee reporting illegal activity or misconduct to a manager or HR representative within the organisation. This means that the reporting is kept within the organisation and may be dealt with internally, although the organisation may decide to get external parties involved if required.

External whistleblowing involves reporting the illegal activity or misconduct to an external organisation. This could include reporting the issue to a statutory body, a union, the police, or a lawyer.

5 Aims and Scope of This Policy

5.1 This policy applies to everyone who works for the Council. This therefore includes employees, agency workers and contractors.

5.2 This policy aims to:

- encourage individuals to feel confident in raising serious concerns
- provide avenues for individuals to raise those concerns
- reassure employees that they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a whistleblowing disclosure.

5.3 Thus, any serious concerns that individuals have about any aspect of service provision or malpractice by the Council can be reported under the Whistleblowing Policy. This may be about something that:

- is against the Council's standing orders, policies, or regulations; or
- is a breach of a legal obligation or a criminal offence; or
- amounts to improper conduct.

5.4 The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. Whilst some concerns will fall into the category of whistleblowing, others may instead be a grievance. The Government has published a list of concerns that count as whistleblowing. Some examples include:

- Illegal activity which would constitute a criminal offence, for example fraud.
- Action or negligence which would put people's health and safety at risk.
- Risk of damage or actual damage to the environment.
- The organisation acting unlawfully, for example by not holding the correct insurance.
- Covering up illegal activity, misconduct, or wrongdoing.
- sexual or physical abuse of colleagues or clients, or
- other unethical or improper conduct

The concern may relate to the conduct of staff, Councillors or any individual or organisation that is in any way connected with the Council. It may relate to the Council as a legal entity.

6 Safeguards

6.1 Whistleblowers are important to maintaining a workplace that is free from illegal or unethical practices.

6.2 Whistleblowers are offered protection under UK law. This means that a whistleblower cannot be treated unfairly as a result of their whistleblowing. This includes dismissal, demotion, harassment, or other penalties that arise due to the disclosure.

6.3 The Council will not tolerate any victimisation (including informal pressures) and will take appropriate action to protect individuals when they raise a concern in good faith. Victimisation of an individual for whistleblowing will be a disciplinary offence.

- 6.4 Finally, any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee.

7 Confidentiality

- 7.1 Where an individual does not wish to reveal their identity, they can raise concerns anonymously (see section 10 below). An individual who has raised concerns may need to attend an investigation meeting in order for the investigating manager to understand more about the matters of concern.

8 Informally Raising a Concern

- 8.1 In the first instance, an employee should normally raise concerns with their line manager or, in particular circumstances, their manager's line manager. This depends, however, on the seriousness and sensitivity of the issue involved. For example, if an employee believes that management is involved, they should approach the Chief Executive, the Deputy Chief Executive, a Head of Service or the Audit and Risk Manager.

- 8.2 Concerns may be raised orally or in writing. Individuals who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason they are particularly concerned about the situation.

If an employee wants the matter to be investigated formally, they must confirm this in writing (see Formal Whistleblowing below).

- 8.3 In order to ensure that the most appropriate action can be taken, employees should raise concerns at the earliest opportunity.
- 8.4 Employees should not conduct their own investigations.

9 Raising a Formal Whistleblowing

- 9.1 Those individuals who do not feel comfortable in raising concerns informally, or who feel that the concerns warrant raising formally, should submit them by letter or email, titled 'Formal Whistleblowing', to one of the following individuals:

- Chief Executive
- Deputy Chief Executive
- Head of Financial Services
- Head of People and Communications
- Audit and Risk Manager

- 9.2 Individuals are reminded this is not the process for raising personal complaints, which for employees is the Grievance process (see Grievance Policy).

10 Anonymous Allegations

- 10.1 This policy encourages individuals to put their name to an allegation whenever possible.

- 10.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the officer receiving the allegation.
- 10.3 In exercising this discretion the factors to be considered would include:
- the seriousness of the issues raised
 - the evidence provided to support the allegation
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources.

11 Untrue Allegations

- 11.1 If an employee makes an allegation in good faith, but it is not upheld by the investigation, no action will be taken against them. However, if an employee makes an allegation that they reasonably know to be untrue – for whatever reason e.g. out of malice, supposed frivolity or personal gain – it may be considered to be gross misconduct and disciplinary action may be taken against them.

12 How the Council Will Respond

- 12.1 Where appropriate, the matters raised may:
- be investigated internally either by Internal Audit, management, or by an external investigator (on behalf of the Council)
 - be referred to the police (if relevant)
 - be referred to the external auditor, or
 - form the subject of an independent inquiry.
- 12.2 In order to protect individuals and those accused of misdeeds or malpractice, 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.

13 The Responsible Officer

- 13.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Chief Executive maintains a record of concerns raised and the outcomes (but in a form which does not endanger the employee's confidentiality) and will report as necessary to the Council.

14 Taking the Matter Further

- 14.1 This policy is intended to provide individuals with an avenue **within** the Council to raise concerns. The Council hopes individuals will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Council, the following are possible contact points:
- the Council's external auditors
 - relevant professional bodies or regulatory organisations
 - the employee's solicitor
 - the Police

- the employee's Member of Parliament (MP).
- a councillor
- the charity – 'Protect' (formerly known as 'Public Concern at Work').

14.2 If an employee does take the matter outside the Council, they should ensure that they do not disclose confidential information. For example, they need to be aware of the restrictions on the disclosure of information imposed by the Data Protection Act 1998 and by the General Data Protection Regulations.

Audit and Risk

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Reason for Update: Review following legislative change.