



Whistleblowing Policy

www.harborough.gov.uk

1. Introduction

- 1.1 This policy is intended to encourage and enable employees, and others involved with the Council, to raise concerns about the Council without fear of adverse consequences for themselves. It sets out how to raise a concern, the process that will be followed when a concern is raised and seeks to provide confidence concerns will be dealt with appropriately.
- 1.2 Harborough District Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of inappropriate conduct is encouraged to report this activity and not ignore it.
- 1.3 Employees are often best placed to recognise that there may be something seriously wrong within the Council. The Council wants people to feel confident expressing concerns – it enables us to put things right. Other people including Councillors, contractors and suppliers are also in a position to identify concerns that affect Council services and that need to be addressed.
- 1.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This process is commonly referred to as "whistle blowing".
- 1.5 This policy seeks to provide a transparent method for dealing with concerns. Whistle-blowers can have confidence through this policy that they have the fullest protections afforded by the Public Interest Disclosure Act.
- 1.6 This policy makes it clear that staff and others can make reports without fear of reprisals and sets out what protections are in place. It is intended to encourage and enable concerns to be raised within the Council so that they can be addressed appropriately.
- 1.7 The Council is committed to good practice in this area and wants to be supportive of those raising concerns. All Officers, Councillors and partners have a responsibility to protect the Council's interests through the proper adherence to this policy.

2. Aims and Scope of this Policy

- 2.1 This Policy aims to:
 - a) Encourage and enable any person to feel confident in raising serious concerns and to question and act upon concerns
 - b) Provide avenues for people to raise those concerns and receive feedback on any action taken

- c) Ensure that those raising concerns receive a response to your concerns that they are aware of how to pursue them if they are not satisfied
 - d) Reassure anyone making a referral that they will be protected from reprisals or victimisation.
- 2.2 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders and drivers. The law, through the public interest disclosure act, also provides formal protections to staff to enable them to raise concerns. The policy also covers suppliers and those providing Services under a contract within the Council in their own premises. The Council will seek to ensure that as part of its procurement processes, this code is brought to the attention of such external contractors, suppliers and services providers (described in this code as “Contractors”).
- 2.3 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment or if they consider they are being harassed due to their race, sex or age or if they are concerned about health and safety risks. There are also procedures for complaining about the service, and for raising concerns that Councillors may have breached the Members’ Code of Conduct. This policy should not be used for such concerns. Advice can be obtained from the Monitoring Officer if you have any doubts about the best process to follow. The Monitoring Officer is a senior officer of the Council who is responsible for this policy. Their contact details are available at the end of this document.
- 2.4 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the above procedures. A concern may be about:
- a) sexual, physical or emotional abuse of clients or other individuals
 - b) conduct which is an offence or a breach of law
 - c) disclosures related to miscarriages of justice
 - d) health and safety risks, including risks to the public as well as employees
 - e) damage to the environment
 - f) unauthorised use of public funds
 - g) action that is contrary to the Council’s financial procedures or contract regulations
 - h) possible fraud, corruption or financial irregularity
 - i) action that is against the Council’s Standing Orders and policies
 - j) practice that falls below established standards or practice
 - k) other improper or unethical conduct
 - l) any attempt to prevent disclosure of the above.
- 2.5 The concern may be something that:
- a) makes a person feel uncomfortable in terms of known standards, their experience or the standards to which they believe the Council subscribes
 - b) is against the Council’s Constitution and policies

c) falls below established standards of practice

d) amounts to improper conduct.

If in doubt, please contact either the Monitoring Officer or Protect, a Whistleblowing Charity and advice provider using the contact details at the end of this document.

3. Safeguards

- 3.1 The Council recognises that the decision to report a concern can be a difficult one to make. If the person reporting the concern believes what they are saying is true and the statement is made in good faith, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
- 3.2 The Council will not tolerate any harassment or victimisation, including informal pressures, and will take appropriate action to protect those raising concerns when they are raised in good faith. Where necessary, the Council will act against those subjecting any complainant to harassment, victimisation or any other pressures as a result of raising concerns.
- 3.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the person raising the concerns.
- 3.4 This policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998.

4. Confidentiality and Anonymity

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern if they so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. At the appropriate time, however, the individual may need to come forward as a witness. They will be able to be supported by a representative of their choice when doing so.
- 4.2 This policy encourages those raising concerns to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

5. Untrue Allegations

- 5.1 If allegations are made in good faith, but are not confirmed by the investigation, no action will be taken against the person raising the concern. If, however,

allegations are made frivolously, maliciously or for personal gain, disciplinary action may be taken.

6. How to Raise a Concern

- 6.1 When an individual wishes to raise a concern, he or she will need to identify the issues carefully. They could consider the following in doing this:
- a) Is it illegal?
 - b) Does it contravene professional codes of practice?
 - c) Is it against government guidelines?
 - d) Is it against the Council's guidelines/ procedures?
 - e) Is it about one individual's behaviour or is it about general working practices?
 - f) Does it contradict what the employee has been taught?
 - g) Has the individual witnessed the incident?
 - h) Did anyone else witness the incident at the same time?
- 6.2 Concerns from staff should normally be raised with their immediate manager, or their superior, in the first instance. Non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report. Their manager may then seek support from their Director, the Council's Monitoring Officer, Chief Finance Officer, Chief Executive or Internal Auditor in how to consider and respond to the concerns raised.
- 6.3 In some cases, the nature or sensitivity of the concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate manager they can approach the Council's Monitoring Officer, Chief Finance Officer, Chief Executive or Internal Auditor. Contact details can be found on the Council's intranet pages.
- 6.4 Others, such as partners, wishing to raise a concern should consider whether to raise that concern directly with the relevant senior officer of the service involved or use the Council's existing Complaints process. Details of all such contacts can be found on the Council's website.
- 6.5 Concerns can be raised verbally or in writing. Anyone who wishes to make a written report should give the background and history of the concern (giving relevant dates if possible) and the reason why they are particularly concerned about the situation.
- 6.6 If the individual wishes, they may ask for a private meeting with the person to whom they wish to make the complaint and can be accompanied if they wish. An employee may invite their trade union or professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns they have raised.

- 6.7 Although a person is not expected to prove the truth of an allegation that is made, it will be necessary to demonstrate that there are sufficient grounds for concern. It is not necessary for any person to undertake investigations into their concern prior to contacting the Council, as this may undermine any ultimate action needing to be taken.
- 6.8 Advice and guidance on how specific matters of concern may be pursued can be obtained from the Council's Internal Audit Service. Alternatively, you may wish to seek advice from a person independent of the Council. In this case you should contact the Council's External Auditors.
- 6.9 Staff may wish to get confidential advice from their trade union or professional association and may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns. The individual may also seek advice from Protect, a whistleblowing charity. Contact details can be found at the end of this document.
- 6.10 If the individual feels unable to raise concerns directly with the Council, they should report the matter to a "prescribed person". This will ensure that their legal rights are protected. The list of prescribed persons can change and so up to date information can be obtained by accessing an online brochure entitled "Whistleblowing: list of prescribed people and bodies" available at <https://www.gov.uk>.

7. How the Council will respond

- 7.1 The Council will respond to concerns raised, giving due consideration to the constraints of maintaining confidentiality or observing any legal restrictions. In any event, a confidential record of the steps taken will be kept in accordance with the Data Protection Act 2018.
- 7.2 The Council may also ask to meet with the individual raising concerns in order to gain further information from them. Testing those concerns is not the same as either accepting or rejecting them. It is sometimes necessary to test out any concerns raised to identify how strong any evidence may be.
- 7.3 Where appropriate, the matters raised may be:
- a) investigated internally,
 - b) referred to the police,
 - c) referred to the external auditor,
 - d) made the subject of an independent enquiry.
- Following any of the action above, a concern may be upheld or may be dismissed.
- 7.4 In order to protect individuals and those accused of misdeeds or possible malpractice, the Council will undertake initial enquiries to decide whether an

investigation is appropriate and, if so, what form it should take. In most cases, it is anticipated that these initial enquiries will be completed within ten working days of an allegation being made. The overriding principle which the Council will have in mind when deciding what steps to take is whether the matter falls within the public interest. Any concerns or allegations which fall within the scope of any other specific procedures (for example, misconduct or discrimination issues) will normally be referred to the relevant service area for consideration under those procedures.

- 7.5 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.
- 7.6 Within seven working days of a concern being raised, the person those concerns have been raised with will write to the person raising them:
- a) acknowledging that the concern has been received,
 - b) indicating how they propose to deal with the matter,
 - c) giving an estimate of how long it will take to provide a final response,
 - d) advising whether any initial enquiries have been made,
 - e) providing information on staff support mechanisms, and
 - f) indicating whether further investigations will take place and if not, why not.
- 7.7 The amount of contact between the officers considering the issues and the person raising the concerns will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Council will seek further information.
- 7.8 The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if an individual is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure.
- 7.9 The Council accepts that assurance is required that the matter has been properly addressed. Thus, subject to legal constraints, the Council will inform the person raising the complaint of the outcome of any investigation.

8. The Responsible Officer

- 8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and will maintain a record of concerns raised and the outcomes (in a manner which does not endanger confidentiality) and will immediately notify the Chief Executive and Section 151 Officer of all issues raised under this Policy.
- 8.2 A report will be made to the Council's Audit and Standards Committee via the Annual Governance Statement on the use of this policy.

9. How the Matter can be Taken Further

- 9.1 This Policy is intended to provide an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If not, and the individual feels it is right to take the matter outside the Council, the following are possible contact points:
- a) one of the “prescribed persons”
 - b) a trade union
 - c) Citizens Advice Bureau
 - d) relevant professional bodies or regulatory organisations
 - e) a relevant voluntary organisation, including Protect
 - f) the Police.
- 9.2 If the matter is taken outside the Council, care should be taken to ensure that confidential information is not disclosed.

10. Review

- 10.1 This policy will be reviewed annually when the Annual Governance Statement is being prepared, and whenever the relevant legislation changes.

11. Contact Details

The Monitoring Officer can be contacted:

By Email: monitoring.officer@harborough.gov.uk

By Phone: 01858 828282, ask to speak to the Monitoring Officer

By Post: The Monitoring Officer
Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
Leicestershire
LE16 7AG

Protect, the Whistleblowing Charity

By Phone: 020 3117 2520

By Webform: via their website – protect-advice.org.uk