

## Section 5 - Whistleblowing policy

- 5.5.1 This policy supports a culture of openness, honesty, and trust where all those involved with providing services know how to raise concerns and feel confident that legitimate concerns will be dealt with promptly and appropriately.
- 5.5.2 Whistleblowing is viewed by the council as a positive act that can make a valuable contribution to the council's efficiency and long-term success. It is not disloyal to colleagues or the council to speak up.
- 5.5.3 **What is the aim of the policy and when does it apply?**
- 5.5.4 **STATEMENT OF INTENT**
- 5.5.5 Speaking up about any concern you have at work is vitally important. In fact, it's essential because it will help us to keep improving our services for all residents and the working environment for our staff.
- 5.5.6 You may feel worried about raising a concern, and we understand this. But please don't be put off. We will listen to and investigate what you say.
- 5.5.7 This policy encourages concerns to be raised in a constructive and positive manner and provides an escalation process where concerns can be raised if they remain outstanding.
- 5.5.8 If you raise a genuine concern (i.e. held in reasonable belief) under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern; in fact any such attempt would warrant you raising a concern in itself. Any such behaviour is a breach of our PEOPLE values, and if upheld following investigation, could result in disciplinary action for the person(s) involved.
- 5.5.9 Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. We want to hear from you. Of course, we do not extend this assurance to someone who may maliciously raise a matter they know is untrue, this would be an abuse of this policy and would result in disciplinary action.
- 5.5.10 We are committed to ensuring that if you wish to raise a concern that you are not deterred and have therefore incorporated an element of independence into the policy. The monitoring officer at Buckinghamshire Council will receive copies of all complaints received at step two and is able to be contacted directly for anyone wishing to raise their concern anonymously.

**5.5.11 Scope of this policy**

**5.5.12 This policy is intended to enable you to raise a concern when you become aware of wrongdoing in the council**

**5.5.13 Who can raise a concern under this policy?**

5.5.14 The policy applies to all employees, agency workers, temporary workers, students and volunteers working for Herefordshire council. Staff working for Hoople, other contractors working for the council (where the contractor has agreed to adopt the council's policy), elected and co-opted members of Herefordshire Council.

5.5.15 For staff working with or assisting Herefordshire schools there will be a specific whistleblowing policy in your school for you because of the special relationship that exists with the schools' governing bodies. You will need to ask your head teacher for a copy of the policy.

**5.5.16 What should be reported?**

5.5.17 You can raise a concern about any risk, malpractice or wrongdoing you feel is harming the services we deliver. Just a few examples of this might include, but are by no means restricted to, concerns that:

- make you feel uncomfortable;
- are not in keeping with the council's constitution and policies;
- fall below established standards of practice;
- are in breach of the officer or councillor code of conduct; or
- are improper.

5.5.18 These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- intentional damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- abuse of power for financial or other gain
- neglect or abuse of clients, or
- other unethical conduct.

#### 5.5.19 **Confidentiality**

5.5.20 We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police or if it is required to be disclosed for the purposes of subsequent disciplinary action).

5.5.21 If you wish to raise a wholly anonymous concern then you can do this via the monitoring officer at Buckinghamshire Council as set out in step three below.

#### 5.5.22 **Raising a Concern**

##### 5.5.23 **Who should I raise my concern with?**

##### 5.5.24 **Step one**

5.5.25 If you have a concern, we hope you will feel able to raise it first with your line manager. This may be done orally or in writing. To assist you, the concern can be copied to the whistleblowing generic email address [whistleblowing@herefordshire.gov.uk](mailto:whistleblowing@herefordshire.gov.uk) to ensure that actions are tracked and escalated by the monitoring officer.

##### 5.5.26 **Step two**

5.5.27 If you feel unable to raise the matter with your Line Manager, for whatever reason, please raise the matter with your director or monitoring officer.

5.5.28 They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to HR any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful

##### 5.5.29 **Step three**

5.5.30 If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the chief executive at Herefordshire Council, internal audit or the monitoring officer at Buckinghamshire Council (see list of contact

details below).

**5.5.31 Step four**

5.5.32 You can raise concerns formally with external bodies other than your employer which are listed here\_ <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

**5.5.33 How should I raise my concern?**

5.5.34 You may raise your concerns with any of the people listed above by telephone, in person or in writing (including email). The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates).

5.5.35 If your concerns are raised verbally then a written record will be taken.

**5.5.36 What the council will do with my concerns?**

5.5.37 The council is committed to giving concerns raised through the policy thorough consideration whilst responding as quickly as possible. We will also be open and transparent with people raising concerns and those subject to whistleblowing, explaining when information can and cannot be shared.

5.5.38 Any person receiving a concern at stage 2 should immediately inform the monitoring officer. The monitoring officer will acknowledge receipt of the concern within 2 working days and inform internal audit and the monitoring officer at Buckinghamshire Council of the disclosure.

5.5.39 An appropriate lead will be identified by the monitoring officer to undertake initial enquires. The enquiry will be objective and evidence based, and will produce findings that focus on learning lessons to prevent problems recurring.

5.5.40 Where appropriate, after initial enquires have been made, the matters raised may:

- be further investigated by the someone suitably independent (usually from a different part of the organisation or external)
- be referred to the police
- be referred to the external auditor
- be referred to existing child protection/abuse procedures

#### **5.5.41 Communicating with you**

5.5.42 We will treat you with respect at all times and will thank you for raising your concerns.

5.5.43 Within ten working days of a concern being raised, the monitoring officer will have had the initial enquiry undertaken and will confirm in writing to you:

- indicating how the council proposes to deal with the matter i.e. telling you whether further investigations will take place and if not, why not
- supplying you with information on any support mechanisms as appropriate
- Confirming how the matter can be taken further as set out in section 6 of this policy.

5.5.44 While the council cannot guarantee that the outcome will be as you wish, it will handle the matter fairly and in accordance with this policy. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation, maintaining security and confidentiality for all parties as far as possible. You will not however be provided with any report or other correspondence created investigation and dealing with your disclosure.

#### **5.5.45 How will we learn from your concern?**

5.5.46 The focus of the investigation will be on improving the service we provide for residents and on holding our staff to account for upholding professional standards and PEOPLE values. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate. Where it identifies employment issues or potential fraudulent behaviour, these matters will be dealt with under the appropriate policy.

#### **5.5.47 How the Matter can be Taken Further**

5.5.48 This policy is intended to provide you with an avenue within the council to raise concerns. The council hopes you will be reassured with any action taken. If you are not, and you feel it is right to take the matter outside the council, you should follow step four in the process. A public disclosure to anyone other than those listed in the live link above, could take you outside the protection of the Public Interest Disclosure Act and of this policy.

5.5.49 You should not disclose information that is confidential to the council or to anyone else, such as a client or contractor of the council, except to those included in the list of prescribed contacts.

- 5.5.50 This policy **does not** prevent you from taking your own legal advice.
- 5.5.51 This policy is not for people with concerns about their employment or own private circumstances.
- 5.5.52 **Review of the policy**
- 5.5.53 The council's audit and governance committee will review this policy.
- 5.5.54 **Corporate recording and monitoring**
- 5.5.55 Herefordshire Councils monitoring officer will maintain a corporate register containing all disclosures that are brought to their attention. All officers allocated to look into a concern must ensure the monitoring officer is provided with sufficient details for the corporate register.
- 5.5.56 The monitoring officer will review the corporate register and produce an annual report for the chief executive and internal audit. The review will include a summary of the concerns raised, to which department they relate, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:
- the council and/or the relevant department learns from mistakes and does not repeat them, and
  - for consistency of approach across the departments
- 5.5.57 **Support**
- 5.5.58 If you are unsure whether to use this policy or want independent advice or support at any stage, you may contact the following;
- "UNISON has a vital role to play in creating a culture of raising concerns with management, supporting members who make the decision to blow the whistle and to ensure that employer's policies and practices are fair. Branch officers and stewards have a key role to play in raising concerns about wrongdoing and supporting members who speak out. Any member with a potential whistleblowing concern can telephone us on 01432 277977 or email [unison@herefordshire.gov.uk](mailto:unison@herefordshire.gov.uk) for support and advice."
- 5.5.59 The independent charity **Protect** (formerly Public Concern at Work) on 020 3117 2520. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.
- 5.5.60 The Orchard - Employee Assistance Programme (EAP) - This resource is available free of charge, offering immediate information, answers and advice

to a range of workplace and personal issues that affect daily life. Whether you need information or have questions you can contact the EAP and talk to one of our Information Specialists or Counsellors. All counsellors are professionally qualified and accredited by the British Association for Counselling and Psychotherapy, free of charge and available 24/7. To access the online portal, please visit <http://www.colleaguesupport.co.uk/> and enter the code 72160 as your username and password.

#### 5.5.61 List of contacts

Chief Executive	Paul Walker – <a href="mailto:paul.walker@herefordshire.gov.uk">paul.walker@herefordshire.gov.uk</a>
Corporate Director, Economy and Environment	Ross Cook – <a href="mailto:ross.cook@herefordshire.gov.uk">ross.cook@herefordshire.gov.uk</a>
Corporate Director, Community Wellbeing	Hilary Hall – <a href="mailto:hilary.hall@herefordshire.gov.uk">hilary.hall@herefordshire.gov.uk</a>
Corporate Director, Children and Families	Darryl Freeman – <a href="mailto:darryl.freeman@herefordshire.gov.uk">darryl.freeman@herefordshire.gov.uk</a>
Monitoring Officer	Claire Porter – <a href="mailto:Claire.Porter2@herefordshire.gov.uk">Claire.Porter2@herefordshire.gov.uk</a>
Deputy Monitoring Officer	Kate Charlton - <a href="mailto:kate.charlton@herefordshire.gov.uk">kate.charlton@herefordshire.gov.uk</a>
Internal Audit (SWAP)	Jacqui Gooding - <a href="mailto:jacqui.gooding@swapaudit.co.uk">jacqui.gooding@swapaudit.co.uk</a>
External Audit (Grant Thornton)	Jon Roberts - <a href="mailto:jon.roberts@uk.gt.com">jon.roberts@uk.gt.com</a>
Monitoring Officer, Buckinghamshire Council	Nick Graham - <a href="mailto:nick.graham@buckinghamshire.gov.uk">nick.graham@buckinghamshire.gov.uk</a>
West Mercia Police	<a href="https://www.westmercia.police.uk/">https://www.westmercia.police.uk/</a>