



# Whistleblowing Policy

## St Helens Borough Council

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V1	24 May 2021 Approved by Audit & Governance Committee on 07.06.21
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## **WHISTLEBLOWING POLICY**

### **1. INTRODUCTION**

- 1.1 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 feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of the Council's business, to come forward and voice those concerns.
- 1.3 This policy document makes it clear that you can do so without fear of disadvantage, discrimination, harassment or victimisation. The Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle" outside as premature or unnecessary publicity may impede proper investigations or hurt individuals unnecessarily.
- 1.4 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments.

This policy has been discussed with the relevant trade unions and professional organisations and has their support. It complies with the Public Interest Disclosures Act 1998 and good practice, which protects employees from being subject to detriment by their employer because they have reported a concern on matter covered by the Act.

### **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 The policy applies to all those who work for the Council whether full or part time, employed, subcontracted, working as an agency worker or a consultant either through an agency or self-employed or as a volunteer. It also covers suppliers and those providing a service with the Council in their own premises.
- 2.2 This policy aims to:
  - encourage you to feel confident in raising any serious concerns you may have and to question and act upon concerns about professional practice.
  - provide for a culture of zero tolerance towards fraud and corruption and deter wrongdoing.
  - provide avenues for you to raise those concerns, set out how the Council will respond to allegations, and receive feedback on any action taken.
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
  - reassure you that you will be protected from possible reprisals of victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

2.3 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures and where you have a reasonable belief that the disclosure is in the public interest, usually because it will harm or threaten others including risks to the wider public, customers, staff or to the Council itself.

2.4 These include:

- 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
- Conduct likely to damage the Council's reputation
- Fraud or theft against the Council, its customers or its suppliers
- Negligence
- Covering up wrongdoing of any of the above or deliberating concealing information about any known malpractice

2.5 Thus, any serious concerns that you have about any aspect of service provision or the conduct of Members or Officers 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 known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Constitution and policies or procedures; or
- falls below established standards of practice; or
- amounts to improper conduct

2.6 This policy does not replace the Corporate Comments, Compliments and Complaints Policy and procedures and/or Children's and Adults Safeguarding Procedures.

### **3. SAFEGUARDS**

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

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear, because you will be doing your duty to your employer and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and in the public interest. This would include taking appropriate action against anyone who harassed or victimised you.

3.4 Please be aware, however, that should you already be the subject of disciplinary or redundancy procedures, the procedures will not be paused as a result of a whistleblowing report.

#### **4. CONFIDENTIALITY**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. This means that your identity will not be revealed to the person(s) complained about unless this is incompatible with a proper investigation, for example there may be times when the Council is unable to resolve a concern without revealing your identity, such as where your personal evidence is essential, and it is necessary for you to come forward as a witness.

#### **5. ANONYMOUS COMPLAINTS**

- 5.1 You are encouraged to put your name to your allegation whenever possible rather than make an anonymous complaint.
- 5.2 Concerns expressed anonymously are much less powerful and are more difficult to investigate if further information or clarification cannot be obtained from the person raising the concern and it also makes it more difficult to establish if the allegations are credible and made in the public interest. However, the investigation of anonymous complaints will be considered at the discretion of the Council.
- 5.3 In exercising this discretion, the factors to be taken into account include:
- the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.
- 5.4 Where the Council decides to pursue an anonymous complaint, it will follow the procedure at Section 8.

#### **6. UNTRUE ALLEGATIONS**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

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

- 7.1 As a first step, you should normally raise concerns with your immediate manager or another senior manager within the service. This depends, however, on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example:
- a) if you believe Management or a Member of the Council is involved you should approach either the Chief Executive (Tel. No. 01744 676100); the Council's Monitoring Officer (Tel. No. 01744 673209); or the Executive Director, Corporate Services (Tel. No. 01744 673201);
  - b) if you are employed at a school, or otherwise, in the provision of services to children or young people, you could approach the Director of Children & Young People (Tel. No. 01744 671187);
  - c) those employed in Social Services residential establishments who feel that it is inappropriate to raise issues with their immediate manager can approach the Executive Director, People's Services and Integrated Health (Tel. No. 01744 671822) or the Director of Adult Services (Tel no 01744 676789);
  - d) those employed in Personal Care Services can approach the Executive Director, People's Services and Integrated Health (Tel. No. 01744 671822) or

the Director of Adult Social Services (Tel no 01744 676789).

- 7.2 However, the important thing is that you raise your concern and therefore you can raise concerns with any senior manager in the organisation with whom you feel comfortable.
- 7.3 Concerns may be raised verbally or in writing either face to face or by telephone, however where possible it is preferable if you raise your concerns in writing and you are asked to provide full details in the online form which can be found here: [Report fraud or whistleblowing - St Helens Borough Council](#).
- 7.4 The earlier you express the concern, the easier it is to take action.
- 7.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. You do not have the responsibility of investigating the matter – it is the Council's responsibility to look into the matter once you have raised the matter with the appropriate person.
- 7.6 You may find it easier to discuss your concern with a colleague first and it can feel easier to raise the matter if there are two or more of you who have had the same experience or concerns, but you do not have to do that if you are comfortable coming forward by yourself.

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

- 8.1 The Council will look into your concerns and respond to them. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may
- be investigated by Management, Internal Audit or through the disciplinary process
  - be referred to the school governing body.
  - be referred to the Police
  - be referred to the External Auditor
  - be referred to a relevant professional body or regulator.
  - form the subject of an independent inquiry
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial inquiries 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 to ensure it acts in the public interest.
- 8.4 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.
- 8.5 Within ten working days of a concern being raised, the person with whom you raised your concern will write to you
- acknowledging that the concern has been received;
  - indicating how it is proposed to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial inquiries have been made;
  - supplying you with information on staff support mechanisms; and
  - telling you whether further investigations will take place and if not, why not.
- 8.6 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 the information provided. If necessary, the Council will seek further information from you.

- 8.7 Where any meeting is arranged, off site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.8 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 advice and support.
- 8.9 The Council accepts that you will need to be assured that the matter has been properly addressed and so we will inform you of the outcome of any investigation, although sometimes the need for confidentiality or legal considerations may prevent us giving you specific details.

## **9. THE RESPONSIBLE OFFICER**

- 9.1 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 (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.
- 9.2 The effectiveness of the policy will be continually monitored based on the experience of its use.

## **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 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 Council's External Auditor
  - your trade union
  - your local Citizens Advice Bureau
  - relevant professional bodies or regulatory organisations
  - the Police
  - the Protect help line service for employees (Tel: 020 3117 2520). This organisation is an independent charity, which can provide free, independent, confidential advice to anyone worried about malpractice in the workplace.
- 10.2 If you do take the matter outside the Council, you should ensure that you do not disclose information which should properly remain confidential.

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