

# WHISTLEBLOWING POLICY

Originated by:	Central Personnel
LJCC:	
Full Council:	
Implemented:	
Amended	07/04/2010

## Introduction

Denbighshire County Council is committed to being an open and accountable organisation. It is not just an expectation, **but a requirement** of all employees to bring to the Council's attention any justifiable concerns that they have to ensure that the people of Denbighshire receive services which are in accord with the Council's regulations, procedures and codes of practice.

The responsibility for whistleblowing rests with any person, whatever their position, who has evidence of malpractice. Employees are often the first to realise that there may be something seriously wrong; however, they may not be able to express their concerns because they feel that by doing so:

- They would be disloyal either to colleagues or managers
- They may suffer harassment or victimisation

## Definitions

### Whistleblowing

Any action by an employee to disclose malpractice in the form of irregularity, wrongdoing or serious failures which relate to any policies, procedures, guidelines or regulations.

### Employee

Includes all employees (temporary, permanent, casual, and relief), contractors working for the Council premises, those providing services under contract for the Council.

## Aims of the Whistleblowing Policy

1. The aims of this Policy are to:
  - Ensure that all employees feel confident in raising justifiable concerns and in questioning and acting upon those concerns
  - Ensure that all employees receive a response to their concerns and know how to pursue them if they are not satisfied
  - Encourage good communication and an open and supportive work environment
  - Protect employees from harassment and victimisation if they have "whistleblown" in good faith
  - Reassure the people of Denbighshire that the highest standards of service and conduct are expected
2. Justifiable concerns may relate to anything which:

- Is unlawful
  - Is contrary to the Council's Financial Regulations or policies
  - Where experience, or learning tells them that something is seriously amiss
3. This Policy is not for employees to make a grievance about their own situation or for people who use our services to make complaints. There are already existing procedures for these.

## **1.0 Safeguards**

### **1.1 Harassment or Victimisation**

The Council is committed to the highest possible practices and standards and will be supportive to any employee who raises any justifiable concern in good faith. We require all employees to ensure that they act upon any concern that they have. Not to do so would be a neglect of their professional duty.

Employees who do raise genuine concerns can be assured of the full support of the Council, which will take action to protect employees against harassment or victimisation to the maximum extent of the resources available. Employees who raise concerns about malpractice in good faith with their employers are protected against victimisation and dismissal by the Public Interest Disclosure Act 1998.

### **1.2 Confidentiality**

The Council will do its best to ensure that confidentiality is maintained; however, as investigations progress there may be a requirement for the "whistleblower's" identity to be revealed, or for them to give evidence in person.

If the "whistleblower's" identity does need to be divulged, the Council will make provision for support.

### **1.3 Anonymous Allegations**

This Policy encourages employees to give their names, as anonymous concerns are much less powerful. In considering anonymous allegations the Council will take account of:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the concern from attributable sources

If the Council decides not to pursue an anonymous allegation it shall record the reasons for its decision in writing and notify any employee who may be subject of such an allegation that no further action will be taken.

## **1.4 Untrue Allegations**

The Council encourages employees to raise justifiable concerns that they have in good faith; however, there may be rare occasions when it becomes apparent that concerns are being raised maliciously or vexatiously, and, in such circumstances, disciplinary action may be taken.

## **1.5 Sources of Support**

There are a number of sources of support both for employees who wish to raise concerns under this procedure and for employees who may be the subject of allegations made under the procedure. For example, trade unions will be able to offer procedural advice and represent employees in any interviews or hearings, and the Occupational Health team will be available to employees to offer support and counselling.

## **1.6 Protection**

Under the Public Interest Disclosure Act 1998, disclosures made for the purpose of obtaining legal advice are protected. This Policy ensures that disclosures made to recognised trade union officials will also be protected.

## **2.0 How to Raise a Concern**

In the first instance, attempts should be made to discuss the concerns with the line manager; however, this Policy recognises that this is not always possible. There are several ways of raising concerns and these will depend on the seriousness of the concern and who is involved. Employees can contact:

- Senior managers within the Department
- Heads of Service
- Corporate Directors
- The Chief Executive
- The Monitoring Officer
- The Head of Internal Audit Services
- Trade unions
- The Children's Commissioner

Trade union representatives and professional associations will prove a valuable resource for employees who wish to use this procedure.

The Children's Commissioner has the power to initiate and conduct an inquiry into cases of individual children who raise issues of public policy of relevance to other children.

Employees should raise their concerns in writing at the earliest opportunity possible. If an employee requires assistance in order to put their concerns in writing, they may contact any of the officers in 4.1 above.

Details should include:

- Background and history
- Names, dates and places where possible
- Reasons why they are concerned
- Copies should be kept of all correspondence, but:
- Originals of any documents should not be removed from the workplace
- Copies should not be given to any outside bodies before the Council has had the opportunity to respond to the concerns raised, or particularly if it contains confidential or privileged information.

Although employees are not expected to prove the truth of any allegations, they will need to demonstrate that there are sufficient grounds for their concerns.

### **3.0 How the Council will respond**

The Council will respond to any concerns raised. Action taken will depend on the nature of the concern. The action may include:

- Appointing an internal investigating officer to the Directorate
- Appointing an independent person to oversee investigations in relation to children
- Appointing an investigating officer external to the Directorate or Council
- Referral to the Police
- Referral to the external auditor
- In making the decision on how to investigate, the Council will need to:
- Test out the validity of the concerns – this is not the same as rejecting them
- Establish whether other procedures are more appropriate e.g. Child Protection, harassment procedures etc.
- Establish whether an agreed action can be taken without investigation
- In responding to the person raising the concerns, the Council will:
- Acknowledge the concern within 10 working days
- State how the matter will be dealt with

- Give an estimate of how long it will take to conclude matters – if this is delayed it will keep in touch
- Inform of any initial enquiries made
- Inform of any further investigations planned to take place – if there none, then reasons will be given
- Inform of the need to clarify issues with them
- Supply information on employee support available

Contact between the person responsible for the investigation and the employee may or may not be substantial, depending on the need to clarify issues. The employee should always be given the opportunity to have a friend, who is not directly involved in the work relating to the concern, or a representative of their trade union or professional association to be present at any interviews.

If the concerns are referred on to any other proceedings e.g. disciplinary or the Police, the Council will advise and, where possible, support the employee through the procedures.

The Council will inform the person raising the concern of the outcome of the investigation and resultant action, subject to legal constraints.

#### **4.0 How the matter can be taken further**

This policy is intended to provide for concerns to be addressed within Denbighshire County Council. If, however, this is not achieved, the employee should ask:

- Whether the Chief Executive is aware of the concerns and investigation
- How else they can pursue their claims within the Council
- Why their concerns have not been accepted
- For confirmation in writing

Before taking their concerns outside of the Council.

If the employee is still dissatisfied, they can pursue other avenues:

- A Denbighshire County Councillor
- The Council's external auditor
- Relevant professional bodies, regulatory organisations or Trade Union
- A solicitor
- The Police
- Local M.P. or A.M.

- Public Interest Disclosure Line (020-7404-6609) or e-mail [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

If concerns are taken outside the Council, the employee will need to ensure that they do not disclose confidential information, or that disclosure is “privileged”.

## **5.0 The responsible officer**

The Responsible Officer is the “Monitoring Officer” for the Council.

The Monitoring Officer has the overall responsibility for the maintenance and operation of this Policy.

The Monitoring Officer will maintain a record of concerns raised and action taken. The Monitoring Officer will also ensure that outcomes of investigations are reported as necessary to Cabinet or designated Committee, ensuring confidentiality.