



WHISTLE BLOWING POLICY

It is important to know the difference between a 'Whistle blow' and a 'grievance.' A Whistle blow has a public interest aspect to it, for example because the issue raised puts others at risk. A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance policy, not this policy. For example, a member of staff being formally interviewed on capability grounds, without previously having had any indication that their performance was not acceptable, may lead to a grievance complaint being made. Whilst a member of staff who observes colleagues sharing/selling confidential data to which they have access, to unauthorised party, should lead to a Whistle Blow.

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1. Introduction

1.1 Employees are often the first to realise that there may be something seriously wrong within a local authority. 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 employees may feel that it is easier to ignore the concern, rather than report what may just be a suspicion of malpractice.

1.2 Cherwell District Council (CDC) are committed to the highest possible standards of openness, probity and accountability. In line with that commitment CDC encourage employees and others with serious concerns about any aspect of either Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

1.3 Whistle blowing is the term used when someone who works in or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organization's own reputation. For example, instances of theft from the Council, accepting or offering a bribe, and failure by colleagues to adhere to Health & Safety directives could all be the subject of a Whistle blow.

1.4 The Government expects public bodies to have a policy in place and the Whistle blowing policies and procedures in local authorities are assessed regularly as part of their external audit and review. The Council is committed to the highest possible standards of openness, probity and accountability, and so has developed and endorsed this policy. In line with that commitment it expects and encourages employees, and others that it deals with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.5 This policy document makes it clear that concerns can be raised without fear of victimisation, subsequent discrimination or disadvantage. This Whistle blowing policy is intended to encourage and enable employees to raise concerns within either Council in person, rather than overlooking a problem or using other methods to report concerns.

2. Who can use this policy?

2.1 This policy is for Council officers whether they be full or part-time employees, secondees, casual workers or volunteers, or contractors. Members of the public can use the Council's complaints procedure or complain to the ombudsman.

3. What does this policy apply to?

3.1 This policy applies to anything illegal, improper, unethical or wrong that is done by:

- officers
- Councillors
- co-opted committee members
- anyone representing the Council
- partner organisations
- contractors, consultants or other suppliers.

3.2 Examples would include a criminal offence, fraud or corruption, damage to the environment, safeguarding concerns, theft or misuse of public money, breach of a legal obligation, a failure to follow the Council's finance, contract or other rules or a deliberate attempt to conceal any of these things.

3.4 The Council has other policies and procedures, for example on recruitment and selection, discipline, grievances, bullying and harassment and diversity. The whistle blowing policy should only be used when other policies are inappropriate.

3.5 If an employee raises a disclosure whilst they are subject to another of the Council's procedures, for example, Staff Disciplinary and dismissal policy and procedures , , or Sickness Absence Management Procedure, parallel investigations may be conducted. The Procedures already instigated will not, in most cases, be suspended. However, the employee's right to raise a concern under this Procedure will not be affected.

4. Purpose of whistle blowing policy

4.1 Officers with serious concerns about any of the Council's work or activities are expected to blow the whistle. This policy document makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy:

- encourages officers to blow the whistle within the Council rather than say nothing or take their concerns elsewhere
- protects whistle blowers from reprisals as long as they have acted honestly and in the public interest
- provides a procedure for whistle blowing
- ensures whistle blowers get a response
- gives advice on what to do if the response is not good enough.

5. Protecting the identity of whistle blowers

5.1 The Council cannot guarantee to protect the identity of whistle blowers as it may, during an investigation, have to say where it got its information from and disclose the original complaint. The whistle blower may also have to act as a witness in any subsequent hearing.

6. How will the Council protect whistle blowers?

6.1 The Council will protect whistle blowers from reprisals as long as they had a reasonable belief that the allegations were true and made them in good faith. Reprisals will be treated seriously as a disciplinary offence and dealt with through the disciplinary procedure. Where workers blow the whistle but do not cite the policy they will still be protected under it.

6.2 The Council will try to minimise any difficulties resulting from whistle blowing. For example, it will advise whistle blowers about the procedure if they have to act as witnesses.

7. Anonymous allegations

7.1 This policy encourages workers to put their names to allegations but the Council may investigate allegations made anonymously. In deciding whether to investigate an anonymous allegation, the Council will consider how serious it is, whether it is believable and whether evidence can be obtained from a non-anonymous source.

8. Untrue allegations

8.1 Workers will not suffer reprisals for making allegations that turn out to be untrue, as long as they had a reasonable belief that the allegations were true and made them in the public interest. Allegations that are made without a reasonable belief as to their truth or not made in the public interest are likely to be treated as a disciplinary offence and dealt with through the disciplinary procedure.

9. Role of trade unions and professional associations

9.1 Workers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistle blowers can bring a trade union or professional association representative or a friend with them to meetings.

10. How do workers blow the whistle?

10.1 Saying that the whistle blowing procedure is being used

The whistle blower should wherever possible make it clear from the start that they want to use the whistle blowing procedure.

10.2 Putting concerns in writing

Whistle blowers should wherever possible put their concerns in writing, giving as much detail and including relevant dates. Whistle blowers are not expected to prove that their allegations are true

but they need to show that there are reasons for raising their concern and it was made in the public interest. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead.

10.3 Who should whistle blowers go to with their allegations?

Whistle blowers should normally go to their line manager or head of service but if the whistle blower does not want to go to their line manager or head of service, they can go to the Chief Executive, a Director, the Monitoring Officer or the Director of Finance. If the whistle blower suspects fraud or corruption, they can also go to the Council's Corporate Fraud Team/internal auditors.

11. How will the Council respond to whistle blowing?

11.1 Notification of allegation Upon receipt of an allegation under this policy the person receiving the allegation must immediately notify the Monitoring Officer, the Head of Financial Services and the Head of Business Improvement (unless the allegation relates to one or more of them).

11.2 Appointment of an officer to investigate

The person receiving the complaint will agree, in consultation with the Monitoring Officer, the Director of Finance and the Head of Insight and Corporate Programmes how (unless the allegation relates to one or more of them) the allegation will be investigated and write to the whistle blower within 10 working days. The letter should:

- acknowledge that the whistle blower has used the whistle blowing policy
- say how their concern will be dealt with and how long they think this will take
- tell them whether any initial enquiries have been made
- say what further action will be taken (or say why no further action will be taken)

Tell them they have the right to bring someone with them to any meetings they have to attend about the allegation.

11.3 Interviews

If the whistle blower has not put their concerns in writing, they may be interviewed. A summary of the interview will be made which should be signed by the person conducting the interview and the whistle blower.

11.4 Further action

After preliminary investigation the Council will take further action if the investigation officer decides it would be in the public interest to do so. Further action may include:

- Arranging an investigation by management or Corporate Fraud Team/Internal auditors
- Arranging a disciplinary process
- Referring allegations to the police

- Referring allegations to the external auditor
- Arranging an independent inquiry if the allegations are very serious or complicated

11.5 Response to whistle blowers at the end of the investigation

If the law allows, the Council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

11.6 Support

Whistle blowers are encouraged to obtain support and advice that may include their trade union representative or HR team contact, a designated representative for bullying and harassment or the charity Public Concern at Work, the whistleblowing charity, which provides a confidential independent helpline for whistleblowers. Contact details are shown below.

Public Concern at Work

(Independent whistleblowing charity)

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

12. Taking concerns further

12.1 If a worker has sought advice and feels it is right to raise their concerns outside the Council, people they could approach include their local Council, their local councillor, the external auditor, the health and safety executive, a government department, a solicitor, the police, an MP or a relevant professional body or regulatory organisation. If a worker does raise their concerns outside the Council, they must do it without passing on confidential information. The Monitoring Officer can give advice on this.

13. Monitoring and reporting

13.1 The Director of Finance (or their nominated deputy) will report to each meeting of the Audit and Governance Committee on the number (if any) of whistle blowing complaints made as part of the Council's anti-fraud and corruption awareness framework.

14. Responsibility for this policy

14.1 The Monitoring Officer has overall responsibility for this policy and how it is used and how the policy is working.

15. How to respond to a Whistleblowing Concern – Flow Chart

15.1 This is an overview only and should be used in conjunction with the Whistleblowing Policy.

Designated Officers are Head of Business Improvement, Head of Financial Services and Monitoring Officer.

* If there is any doubt as to whether the complaint could be considered to be whistleblowing the manager must refer it as such.

** Unless the complaint is about one or more of the Designated Officers when it should be referred to an Executive Director or the Chief Executive.



