



# Rutland County Council

## WHISTLEBLOWING POLICY

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## **1. Introduction**

- 1.1 Rutland County Council is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, honesty and accountability.
- 1.2 The term Whistle Blowing has a specific legal definition i.e. a disclosure or allegation of serious wrongdoing made by an employee and a wider public definition i.e. any disclosure or allegation of serious wrongdoing made by anyone. UK Whistle Blowing legislation was introduced by the Public Interest Disclosure Act 1998, which sets out to protect individuals who make certain disclosures of information in the public interest, to allow such individuals to bring action in respect of victimisation and for connected purposes.
- 1.3 This Policy seeks to cover both disclosures and allegations of serious wrongdoing made by employees and members of the public, and to demonstrate the Council's commitment to the protection of those who raise concerns in what they reasonably believe to be in the public interest. To this end, where this policy makes reference to a whistle blower; it refers to any individual (including Rutland County Council employees and/or members of the public) who is making a disclosure or allegation of serious wrongdoing. Examples of wrongdoing are:
- Breach of a legal obligation;
  - Any criminal activity, including incitement to commit a criminal act;
  - Corruption or fraud
  - A miscarriage of justice
  - A danger to the health or safety of an individual or damage to the environment
  - Abuse of power or authority
- 1.4 Failure to comply with professional standards, Council policies or codes of practice/conduct. Committed by or related to the actions of:
- Rutland County Council employees;
  - County Councillors; and/or
  - Contractors, agency staff, suppliers or consultants of Rutland County Council in the course of their work for the Council.
- 1.5 The Council will investigate such allegations and, where appropriate, take action. The Council is also committed to preventing any harassment, victimisation or unfair treatment of any person arising from their whistle blowing, and where appropriate, will take disciplinary action against any member of staff responsible for such harassment, victimisation or unfair treatment against a whistle blower.
- 1.6 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 work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

- 1.7 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 seem easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.8 This Whistleblowing Policy makes it clear that any employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This 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.
- 1.9 These procedures are in addition to the Council's Compliments, Comments and Complaints Policy and Procedures and other statutory reporting procedures applying to some departments. The Council will proactively publish these procedures to ensure all stakeholders are aware of its existence; It is also the individual responsibility of each stakeholder to ensure customers and members of the public are aware of the existence of these procedures.
- 1.10 The Policy has been discussed with the relevant trade unions and has their support.
- 1.11 A flowchart has been developed to guide you through the process; this can be found at Appendix A.

## **2. Aims and Scope of the Policy**

- 2.1 The Policy aims to:
- encourage anyone to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - provide avenues to raise those concerns and receive feedback on any action taken;
  - ensure that anyone making a disclosure receives a response to their concerns and knows how to pursue them if unsatisfied;
  - reassure employees making a disclosure that they will be protected from possible reprisals or victimisation either from colleagues or the Council, as their employer, if they make a disclosure in what they believe is to be the public interest.
- 2.2 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment contract. Anyone wishing to raise a matter under this subject should refer to the Council's Grievance Policy. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures and are outlined at section 1. above.

- 2.3 Thus, any serious concerns that anyone has about any aspect of service provision or the conduct of officers or Councillors or others acting on behalf of the Council can be reported under the Whistleblowing Policy. This may be about something that:
- makes someone feel uncomfortable in terms of known standards, own experience or the standards we believe the Council subscribes to; or
  - is against the Council's Constitution and policies; or
  - falls below established standards of practice; or
  - amounts to improper conduct.

### **3. Safeguards**

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of anyone with legitimate concerns.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one for anyone to make. If a disclosure is made in the public interest, in reasonable belief, there should be nothing to fear from acting to protect the interests of the Council and the people that it serves.
- 3.3 A whistle blower is protected from victimisation if they are:
- A worker
  - Revealing information as set out at section 1. Above thus making what is known as a 'qualifying disclosure'. This means that they are eligible for protection against detriment if they disclose under the employer's recognised procedure.
  - Revealing it to the right person, and in the right way making it a 'protected disclosure'. (See section 7).
- 3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect any individual who raises a concern in accordance with this Policy.
- 3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already be in place.

### **4. Confidentiality**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of anyone reporting a concern if they so wish. At the appropriate time, however, they may need to come forward as a witness, to allow an investigation to proceed.

### **5. Anonymous Allegations**

- 5.1 This Policy encourages everyone to put their name to their allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

## **6. Untrue Allegations**

- 6.1 If allegations are made frivolously, maliciously or for personal gain, appropriate and proportionate action may be taken against the individual making them.

## **7. How to Raise a Concern**

- 7.1 As a first step, employees should normally raise concerns verbally or in writing to their immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that management is involved, an approach should be made to the nominated officers below. The telephone contacts for these senior officers are provided below.
- the Head of Corporate Governance (Deputy Monitoring Officer) - Diane Baker 01572 720941
  - the Director for Resources (Monitoring Officer) – Debbie Mogg 01572 758358
  - the Chief Executive – Helen Briggs - 01572 758201
- 7.2 Anyone else wishing to raise a concern can also contact the nominated officers above. Contact can be via the Council's dedicated email address [whistleblowing@rutland.gov.uk](mailto:whistleblowing@rutland.gov.uk) or verbally to a nominated officer.
- 7.3 If the concern is about a child or vulnerable adult and is considered to be a safeguarding issue, the matter should be referred immediately to the Director of People.
- The Director of People – Dr. Tim O'Neil 01572 758402
- 7.4 Concerns should set out:
- the background and history of the concern (giving relevant dates);
  - the reason why there is particular concern about the situation.

- 7.5 Although anyone making a disclosure is not expected to prove beyond doubt the truth of an allegation, there is a requirement to demonstrate to the person contacted that there are reasonable grounds for concern and that they believe there is a public interest in the matter.
- 7.6 If the person making the disclosure is an employee, they may invite a trade union or professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

## 8. How the Council will respond

- 8.1 Where appropriate, the matters raised may:
- be investigated by management (including the use of external investigators), internal audit, or through the disciplinary process;
  - be referred to the police;
  - be referred to the external auditor;
  - form the subject of an independent inquiry.
- 8.2 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries 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 the public interest.
- 8.3 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.
- 8.4 Within **ten working days** of a concern being raised, the person with lead responsibility for managing the concern will write to you:
- acknowledging that the concern has been received;
  - indicating how the Council proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - advising whether any initial enquiries have been made;
  - supplying information on support mechanisms, and
  - advising whether further investigations will take place and if not, why not.
- 8.5 The amount of contact between the Officers considering the issues and those making a disclosure will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 8.6 Where any meeting is arranged, an employee can be accompanied by a union or professional association representative or a friend. A member of the public, or any other party, may be accompanied by a friend.
- 8.7 The Council will take steps to minimise any difficulties which an individual might experience as a result of raising a concern. For instance, if the person making the disclosure is required to give evidence in criminal or disciplinary

proceedings the Council will arrange for that person to receive advice about the procedure.

- 8.8 The Council accepts that anyone making a disclosure will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Council will inform the person making the disclosure of the outcome of any investigation.

## **9. The Responsible Officer**

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of the Policy. The Head of Corporate Governance maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality), on behalf of the Chief Executive, and will assist in reporting as necessary to the Council.

## **10. How the Matter can be taken further**

- 10.1 The Policy is intended to provide an avenue within the Council to raise concerns. The Council hopes that anyone wishing to raise a concern will be satisfied with any action taken. If not the following are possible contact points:

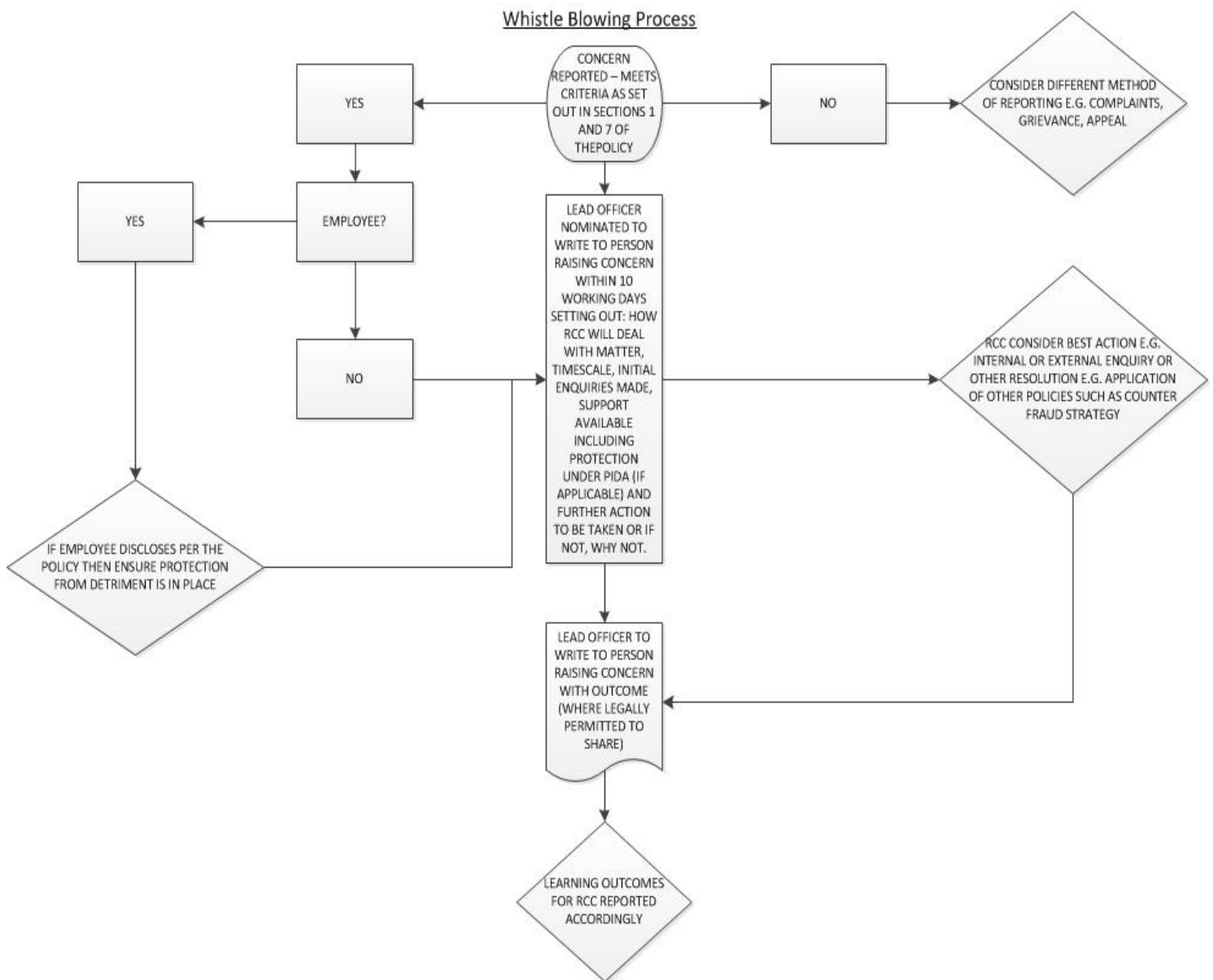
- the Council's Internal Audit team
- the Council's External Auditor;
- [Public Concern at Work](#).
- the Police; or, for employees
- A trade union

- 10.2 If anyone decides to take the matter outside the Council, they should ensure that they do not disclose confidential information.

## **11. Maintaining the Policy**

- 11.1 The Policy will be reviewed by the Audit and Risk Committee on a regular basis to ensure that it continues to be fit for purpose.





**A large print version of this document is available on request**



**Rutland**  
County Council

Rutland County Council  
Catmose, Oakham, Rutland LE15 6HP

01572 722 577  
[enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
[www.rutland.gov.uk](http://www.rutland.gov.uk)