

Whistleblowing Policy

1. Policy Statement

- 1.1 Wirral Council is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment the Council wants its employees, and others that it deals with, who have concerns about any aspect of how the Council operates or the work it does, to feel confident in coming forward and voicing those concerns.
- 1.2 The Council's Whistleblowing Policy, Procedure and supporting documents set out Wirral Council's approach to the management of whistleblowing within the workplace.

2. Background

Raising Concerns About Issues at Work

- 2.1 The purpose of the Whistleblowing Policy is to make it clear to all employees that it is safe and acceptable to raise any concerns they may have at an early stage over any perceived wrong-doing by the Council, its employees or those with whom it has dealings without fear of victimisation, reprisal, discrimination or disadvantage.
- 2.2 The Council recognises that its employees may from time to time be concerned about an issue at work. Usually such issues can and are easily resolved. The Council does however also recognise that employees may be the first to realise serious wrong-doing within the Council and may be reluctant to speak up because of loyalty to colleagues or to the Council itself. It can be difficult to know what to do.
- 2.3 Employees may also fear bullying, harassment or victimisation if they did raise their concerns and may therefore choose not to do so.
- 2.4 Any employee who raises concerns over possible wrong-doing by the Council its employees or those with whom the Council has dealings ("a whistleblower") is also afforded protection under the Public Interest Disclosure Act 1998. The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". This gives protection to a whistleblower who raises concerns about serious fraud or malpractice at their place of work against victimisation or dismissal, provided they have acted in a responsible way in dealing with their concerns.
- 2.5 This policy applies to all employees of the Council. Whilst they are not covered by the policy, other individuals performing functions in relation

to the organisation, such as volunteers, agency workers and contractors, are encouraged to use it.

- 2.6 If employees wish to make a complaint about their employment or the way they have been treated at work, they should raise their complaint using the Council's Grievance or Dignity at Work Policy (please see the Grievances section below for further guidance).
- 2.7 The Whistleblowing Policy is in addition to the Council's Complaints Policy and Procedures. The holding of any data in connection with this Whistleblowing Policy will be consistent with the provisions of the Data Protection Act 1998 (as amended) and any other relevant legislation.

Aims of the Whistleblowing Policy

2.8 The Whistleblowing Policy aims to:

- encourage employees to feel confident in raising concerns and to question and act upon concerns over perceived wrong-doing by the Council, its employees or others with whom the Council has dealings;
- provide guidelines for employees to raise concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure employees that if they raise a concern in the public interest reasonably believing that the information, and any allegations contained in it, are substantially true, they will be protected against any possible reprisals, harassment or victimisation; and will not be discriminated against or suffer any disadvantage.

2.9 The Whistleblowing Policy is intended to cover those concerns that fall outside the scope of other Council policies and procedures. However, if anyone is in doubt as to whether the Whistleblowing Policy applies, they should seek advice from the Council's Human Resources Section or the Head of Legal and Member Services (or their authorised representative), their trade union, or any relevant external advisor (such as those listed in Appendix 1 and 2 to this Whistleblowing Policy)

2.10 To assist employees to decide which is the right policy to use, they should consider,

1) If they have witnessed or are aware of something of concern and want to raise it, if so they should do so under the Whistleblowing policy, or

2) If they have a complaint about something happening to them and want a particular response or outcome to address that complaint, they should raise this under the grievance or bullying and harassment policy.

2.11 While it is not possible to provide a complete list of all the issues which might be properly raised under the Whistleblowing Policy, any concern about improper, unethical, illegal or negligent practice(s) in the workplace, including the conduct of officers or members of the Council or others acting on behalf of the Council, can be raised. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- financial impropriety, maladministration or the unauthorised use of public funds;
- a miscarriage of justice has been/is likely to occur;
- the health or safety of any individual has been/is likely to be endangered;
- the environment has been/is likely to be damaged;
- the Council's Constitution (including Standing Orders, Financial Regulations etc) have or are not being observed or are being breached by member and/or officers;
- sexual or physical or verbal abuse of any employee or service recipient is taking place;
- discrimination is occurring to any employee or service recipient on grounds of sex, race or disability;
- any other form of improper action or conduct is taking place; information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

2.12 It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

2.13 The Whistleblowing Policy is intended to assist employees raise concerns they may have over any perceived wrong-doing by the Council, its employees or those with whom it has dealings so that they can be examined and/or investigated. It is not intended to be used as a mechanism to question or challenge financial or management decisions taken by the Council where there is no suggestion or allegation of wrong-doing.

Grievances

2.14 The Whistleblowing Policy and procedure is for disclosures about matters other than a breach of an employee's own contract of employment.

- 2.15 Where an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the organisation's grievance procedure.
- 2.16 The Council's Dignity at Work Policy and Grievance Policy should be used relation to matters concerning:
- Terms and conditions of employment (excluding grading);
 - Working conditions or health and safety matters;
 - New Working Conditions or organisational changes; and/or
 - Disagreements or breakdown in relationship with colleagues or managers.
- 2.17 Where an employee raises a concern(s) under both the Whistleblowing Policy and a grievance under the Council's Grievance Policy, the Council will ensure that a clear distinction is maintained between both matters and ensure that they are effectively progressed and determined.
- 2.18 Any proposed resolution of a grievance will not undermine or otherwise prevent any investigation being carried out in relation to any concern(s) raised under the Whistleblowing Policy. Similarly, dealing with a concern raised under Whistleblowing should not be linked to resolution of a grievance.
- 2.19 Where employees are in any doubt as to whether the concern(s) raised falls within the Whistleblowing Policy or the Council's Grievance Policy, they should seek advice from the Council's Human Resources Section or Trade Union Representative.

Commitment to Employees

- 2.20 The Council is committed to good practice and high standards and wants to be supportive of employees making the decision to report any concern(s) they have under the Whistleblowing Policy.
- 2.21 If employees raise a concern they consider to be in the public interest, they are fulfilling their role as public servants and their duties to the Council. In these circumstances, employees will not be at risk of losing their job or suffering any form of reprisal or retribution as a result of raising a concern(s)
- 2.22 The Council will not tolerate any bullying, harassment, victimisation (including informal pressures), discrimination or unfair treatment of employees who raise a legitimate concern(s) under this Whistleblowing Policy. Such retaliation could include, but is not limited to:
- frequent and undesirable changes in work assigned;
 - unsubstantiated disciplinary action;
 - Isolation or exclusion

- unjust denial of promotion or transfer
- 2.23 The Council will take appropriate action promptly to protect such employees. Employees should refer to the Dignity at Work Policy if they have any concerns regarding their treatment within the workplace.

Confidentiality

- 2.24 It is the Council's intention for the Whistleblowing Policy to help employees feel confident to raise any concern they may have without fear of victimisation, the Council recognises that it can be difficult at times to speak up openly. For this reason, when employees raise a concern(s) under the Whistleblowing Policy, the Council will not reveal their identity without their consent first being obtained or unless required by law (please see below).
- 2.25 There are specific circumstances where confidentiality cannot be guaranteed. It may be impossible to take action to resolve a concern(s) without revealing the identity of the person who raised it, for example, where their personal evidence is essential. In such cases the Council will discuss with the employee who raised the concern whether and how best to proceed. Employees should remember that the Council owes a duty of fairness to all its employees, including those suspected of wrongdoing.
- 2.26 If there is an unauthorised disclosure of the identity of an employee or any other person who raised a genuine concern in confidence under the Whistleblowing Policy, disciplinary action may be taken against that employee.

Anonymous Allegations

- 2.27 An anonymous concern is where no one knows the identity of the person who raised it. While the Whistleblowing Policy is designed to reassure employees that it is safe and acceptable for them to speak up, they may still have concerns about their own position. While the Council can offer confidentiality (see above), employees should remember that if they fail to reveal their identity to the Council, it will be more difficult for the Council to look into the concern(s) raised. The Council will not be able to protect their position or provide them with details of any outcome or feedback. Head of Legal and Member Services (Monitoring Officer) (or his authorised representative) will consider every anonymous concern(s) raised under this Whistleblowing Policy, however any decision to investigate will be at their sole discretion.
- 2.28 In exercising discretion referred to in the Confidentiality section above, the Head of Legal and Member Services (or his authorised representative) shall have regard to the following factors;

- the seriousness of the concern(s) raised;
- the credibility of the concern(s);
- the likelihood of confirming any allegation(s) made from attributable sources; and
- any other material or relevant factor.

Untrue or unfounded allegations

2.29 No action will be taken against employees that raise a genuine concern(s) even if they are mistaken and no malpractice or serious risk is found. However, if an employee makes an allegation under the Whistleblowing Policy which transpires to be false, malicious or for personal gain, disciplinary action may be taken against that employee.

Additional support for employees

- 2.30 Anyone who raises a concern(s) or is the subject of an investigation under the Whistleblowing Policy can access confidential counselling through the Occupational Health Service.
- 2.31 The Employee Assistance Programme is an independent organisation that provides confidential help and assistance including counselling for employees for any personal or work-related issue. It is available 24 hours a day, 7 days a week, 365 days a year. They can be contacted on 0800 882 4102 or via the website www.pamassist.co.uk (User Name - Wirralb, Password – Council).

3. Commitment to Equality

3.1 Please identify which, if any, of the following Equality Duties this policy addresses:

Eliminate unlawful discrimination, harassment and victimisation

To advance equality of opportunity

To foster good relations between different groups of people

3.2 The purpose of the Whistleblowing Policy is to make it clear to all employees that it is safe and acceptable to raise any concerns they may have at an early stage over any perceived wrong-doing by the Council, its employees or those with whom it has dealings without fear of victimisation, reprisal, discrimination or disadvantage.

4. Procedures

4.1 The Procedure provides guidelines for employees on how to raise concerns. It aims to reassure employees that, if concerns are raised in good faith reasonably believing that the information and any allegations contained in it are substantially true, they will be protected against any

possible reprisals, harassment or victimisation and will not be discriminated against or suffer any disadvantage.

- 4.2 The procedure also specifies the process and timescales for providing a response to employees raising concerns and for pursuing them if they are not satisfied.

5. Supporting Documentation

5.1 This Policy is complimented by:

- Whistleblowing Procedure
- Whistleblowing Internal Contacts
- Whistleblowing External Contacts
- Confidential Reporting Form (CRF1)
- Whistleblowing Flowchart

6. Related Policies

- Grievance
- Dignity at Work
- Complaints

7. Consultation

7.1 Consultation was undertaken with trade unions when current policy was agreed in September 2011.

8. Communication and Awareness

8.1 This policy is considered:

Internal
[For Members, Officers and
Contractors]

External
[For our Residents, Customers
and Service Users]

8.2 All employees must be made aware of, and understand the need for this Policy. The Council will send out a clear message about its commitment to ensuring that any concerns raised are investigated and dealt with appropriately. All employees and managers are expected to comply with the terms of this Policy.

9. Monitoring and Review

- 9.1 The Whistleblowing Policy and its Procedure will be reviewed every three years as part of the Human Resources & Organisational Development Policy Review Programme. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.
- 9.2 The Head of Legal and Member Services, (Monitoring Officer) has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Head of Legal and Member Services, (Monitoring Officer) has responsibility to ensure all issues raised under this Whistleblowing Policy are investigated thoroughly and in a timely manner.
- 9.3 On behalf of the Head of Legal and Member Services, (Monitoring Officer), the Head of Human Resources and Organisational Development will ensure that a confidential corporate casework system is maintained containing all concerns and that the progress and outcomes of those concerns are fully documented within that system.
- 9.4 The Head of Human Resources and Organisational will appoint a Senior Human Resources Officer to co-ordinate and monitor the progress of investigations to ensure that they are carried out comprehensively and in a timely manner. The Senior Human Resources Officer will liaise with the appointed Designated Officer and/or Investigating Officer (and if necessary the Head of Legal and Member Services, (Monitoring Officer)) to discuss the progress of investigations and identify and address any issues that arise that hinders or otherwise prevent the timely investigation of the concern(s) raised.
- 9.5 The Head of Legal and Member Services, (Monitoring Officer) will review the system referred to above and produce and present a twice yearly report detailing any relevant matters and issues arising in connection with the Whistleblowing Policy to the Council's Chief Executive Strategy Group and to the Audit and Risk Management Committee.
- 9.6 The reports prepared will not disclose details of any employees (or other confidential information), but will summarise (so far as is possible without undermining or exposing the Council to unacceptable risk or challenge) the number and nature of the concerns raised under the Whistleblowing Policy, the Department(s) to which the concerns relate and the outcomes.
- 9.7 The table below sets out the ownership and review schedule for this policy. However it may be necessary to review as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

Document Ownership	
Policy owned by:	Head of Human Resources & Organisational Development
Policy written by:	Tony Williams, HR Manager, Human Resources & Organisational Development, Transformation and Resources
Date policy written:	February 2012
Policy due for 1st review:	February 2015

Version Control Table All changes to this document are recorded in this table.			
Date	Notes/Amendments	Officer	Next Scheduled Review Date
29 November 2013	Reviewed and Reformatted	Tony Williams	February 2015
July 2014	Legislative updates and audit recommendation	Tony Williams	February 2015