



CONSTITUTION OF THE COUNCIL

Part 5 Section 9

WHISTLEBLOWING POLICY

Introduction

All of us at one time or another has a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the Council itself, it can be difficult to know what to do.

You may be worried about raising a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the incorrect way and are not sure what to do next.

The Council are committed to running the organisation in the best way possible. This policy seeks to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern that you may have at an early stage and in the right way. Rather than wait for proof, the Council would prefer you to raise your concern as soon as you feel able to do so.

This policy applies to all those who work for the Council; whether full-time or part-time, employed, subcontracted, working as a consultant, through an agency or as a volunteer. If you have a whistleblowing concern, you are encouraged to notify us of the same as soon as is practicably possible.

Are you using the correct policy?

If something is troubling you and you think that the Council should know about or investigate it, please use this policy. If, however, you wish to make a complaint about your employment or how you have been treated, you are encouraged to use the grievance or dignity at work policies, which are available on the People pages of the Council's Intranet site:

<https://wbcnet.wirral.gov.uk/people-standards-and-conduct/dignity-work>
<https://wbcnet.wirral.gov.uk/people-standards-and-conduct/grievance>

If you have a concern that relates to financial misconduct or fraud, you are advised to refer to the Anti-Fraud and corruption policy, which is available on the Internal Audit page of the Council's Intranet site:

<https://wbcnet.wirral.gov.uk/news/news/2019/11/18/fraud-awareness-week>

The Whistleblowing Policy is primarily for concerns where there is a risk that is in the public interest. This includes risks to the wider public, customers, staff or to the Council itself.

Public Interest Disclosure Act (1998) (PIDA)

This policy is drafted in line with the provisions of the Public Interest Disclosure Act (1998) (PIDA). The Act protects you from detrimental treatment or victimization by your employer if, in the public interest, you disclose a concern regarding any wrongdoing.

Examples of concerns that you may raise include:

- Data protection issues
- Fraud/Theft
- Breaches of the council's policies and procedures.
- Conflicts of interest
- Safeguarding issues
- Health and safety

Policy Aims

This policy aims to:

- Encourage you to feel confident in raising concerns and to question concerns that you may have about perceived wrong doings
- Provide a clear process in which you can communicate your concerns
- Ensure that you receive a response to your concerns and are aware of how you can pursue the same if you are not satisfied with the Council's response
- Reassure you that if your disclosure is genuine, you will be protected from harassment, reprisals or victimisation by anyone working for or with the Council

Victimisation

The Council is committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course, the Council does not extend this assurance to someone who maliciously raises a matter they know is untrue.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

Confidentiality

With these assurances, we hope that you will raise your concern openly. However, the Council recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, you are requested to advise the Council of your concern at the outset. If you ask the Council not to disclose your identity, it will not be disclosed without your consent (unless required by law). You should understand

that there may be times when the Council is unable to resolve a concern without revealing your identity, for example where personal evidence is essential or in an investigation report to provide context. In such cases, the Council will discuss with you whether and how the matter can be best progressed.

Please remember that if you do not identify yourself (and therefore are raising a concern anonymously) it may be difficult for the Council to investigate the matter. The Council will not be able to protect your position or provide feedback, as it can when a whistleblower's identity is disclosed at the outset.

How to raise a concern internally

When raising your concern, you need not have firm evidence of malpractice. However, the Council does request that you explain as fully as you can, the information or circumstances that have given rise to your concern.

If you wish to raise the matter confidentially, you are requested to advise the Council of this at the outset, so that appropriate arrangements can be made.

Step one

If you have a concern about malpractice, the Council hopes that you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing in open correspondence or by using the Council's Confidential Reporting Form (CRF1) (Appendix 1), which is available on Whistleblowing page of the Council's Intranet site: <https://wbcnet.wirral.gov.uk/people-standards-and-conduct/whistleblowing>

Step two

If you feel unable to raise the matter with your manager, for whatever reason, you are encouraged to use the Council's Confidential Reporting Form (CRF1) and send the same to one of the Council's Designated Officers. The list of Designated Officers, with their contact details is available both on the Whistleblowing page of the Council's Intranet site and at Appendix 2 of this policy.

These people have been given special responsibility and training for dealing with whistleblowing concerns.

Step three

If you feel unable to raise your concerns with any of the Council's Designated Officers, you can communicate your concerns by completing the Council's CRF1 form and sending it directly to the Council's Director of Law & Governance (the Monitoring Officer).

Step four

If your concern relates to the Council's Director of Law & Governance (the Monitoring Officer) then you should communicate directly with the Council's Chief Executive, again utilising the Council's CRF1 form.

How the Council will respond

Where a concern has been raised under step one or two (above), it will be acknowledged within 5 working days and communicated to the Director of Law & Governance (the Monitoring Officer).

Upon receipt of the concern details, the Director of Law & Governance (the Monitoring Officer) or their appointed representative will write to you, acknowledging your concern and undertake a preliminary investigation.

If the Director of Law & Governance (the Monitoring Officer) is satisfied that the concern raised requires a formal investigation, it will be referred to the Council's Whistleblowing Board.

The Whistleblowing Board consists of senior officers from Law & Governance, Internal Audit and Human Resources.

As soon as is practicably possible, the Whistleblowing Board will consider the concern raised and instruct either an internal or external investigator.

The Whistleblowing Board will write to you to confirm:

1. The details of the appointed investigator
2. Details of how your concern will be investigated
3. Details of the support mechanisms available to you during the investigation

During the investigation the investigator will maintain regular contact with you and where possible, provide a timetable for the investigation.

At the conclusion of the investigation, a report will be sent to the Director of Law & Governance (the Monitoring Officer), outlining the findings of the investigation and provide any recommendations.

Recommendations are sometimes provided to assist the Council in addressing findings that are reported during the investigation.

The Director of Law & Governance (the Monitoring Officer) will then write to you with details of his/her findings.

Additional support for employees

Any employee who raises a concern or is the subject of an investigation under the Whistleblowing Policy can access confidential counselling through the Employee Assistance Programme.

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. Further details are available on the Intranet under 'Employee Assistance Programme':

<https://wbcnet.wirral.gov.uk/people-health-and-safety/employee-assistance-programme>

External Disclosures and Independent Advice

It is the aim of the Whistleblowing Policy to provide you with the reassurance and information that you need to raise your concern internally.

If you would prefer to report your concern externally, you may wish to seek advice from your Trade Union, your regulatory / professional body or from the whistleblowing charity PROTECT. What is most important, is that your concern is raised and considered. PROTECT can be contacted by telephone on 020 3117 2520 or by email whistle@protect-advice.org.uk and more information about what they do can be found by visiting www.protect-advice.org.uk

Commitment to Equality

This policy addresses the following equality duties:

- Eliminate unlawful discrimination, harassment and victimisation
- To advance equality of opportunity
- To foster good relations between different groups of people

Supporting Documentation

- Confidential Reporting Form (CRF1) (Appendix 1)
- Designated Officer contact details (Appendix 2)

Related Policies

- Grievance
- Bullying / Harassment
- Dignity at Work
- Complaints
- Anti-Fraud
- Information Governance

Consultation

Consultation has been undertaken with the Trade Unions.

Communication and Awareness

This policy is considered:

- Internal (for members, officers, consultants, contractors and volunteers)

All staff 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 staff and managers are expected to comply with the terms of this Policy.

Managers will receive training on the management of whistleblowing concerns.

Monitoring and Review

The Whistleblowing Policy will be reviewed every three years by the Whistleblowing Board. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

The Director of Law & Governance (Monitoring Officer) has overall responsibility for the maintenance and operation of the Whistleblowing Policy.

The Director of Law & Governance (Monitoring Officer) has responsibility to ensure all issues raised under this Whistleblowing Policy are investigated thoroughly and in a timely manner.

The Whistleblowing Board will convene bimonthly, to discuss the progress of investigations and identify and address any issues that arise that may hinder or otherwise prevent the timely investigation of the concern(s) raised.

To ensure appropriate Committee oversight, a quarterly report will be prepared by the Whistleblowing Board for the Audit & Risk Management Committee. This report will communicate:

1. The number and nature of whistleblowing concerns raised in the municipal year
2. That the investigations are being effectively monitored / progressed

The Director of Law & Governance (Monitoring Officer) will review the system referred to above and produce and present an annual report detailing any relevant matters and issues arising in connection with the Whistleblowing Policy to the Council's Senior Leadership team and to the Audit and Risk Management Committee.

The report prepared will not disclose details of any staff (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 / nature of the concerns raised under the Whistleblowing Policy, details of the service(s) to which the concerns relate and the subsequent outcomes.