

NORFOLK COUNTY COUNCIL

John of Gaunt Infant & Nursery School

The Whistleblowing Policy

1. INTRODUCTION

- 1.1 As a person working for the Council you may be the first to realise that there could be something seriously wrong within the Council. However, you may feel that speaking up would be disloyal to your colleagues or to the Council. You may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, integrity and accountability. 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.
- 1.3 The purpose of this Policy and the accompanying Whistleblowing Procedure is to make it clear that you can raise your concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. The Council encourages you to raise serious concerns in the first instance **within** the Council rather than overlooking a problem or 'blowing the whistle' outside, and we would rather that you raised the matter when it is just a concern rather than waiting for proof.
- 1.4 You should continue to raise appropriate concerns with relevant external agencies such as the Health and Safety Executive, the Audit Commission, and utility regulators.
- 1.5 The Policy and Procedure applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes, or in the premises of another contractor, including construction and other sites. The Policy also applies to organisations working in partnership with the Council.
- 1.6 The Policy has been prepared in response to the Public Interest Disclosure Act 1998 in accordance with Government and Local Government Association guidance on the issue and has been discussed with the relevant trade unions and has their support. The Procedure has the full support of the Joint Consultative and Negotiating Committee and Unison. Any changes, other than statutory, will be referred to the Joint Consultative and Negotiating Committee for consultation. The Policy has been formally adopted by the Council and publicised widely to all those who may wish to use it.
- 1.7 The Council recognises employees may wish to seek advice and be represented by their trade union representative when raising a concern under the Policy, and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the Policy and Procedure will not suffer detriment in their employment with the Council.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

2.2 There are existing procedures in place to enable employees to lodge grievances relating to their employment. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, including the corporate complaints procedure. This Policy therefore includes your concerns about:-

- conduct which is an offence or a breach of law;
- harassment;
- sex, race or disability discrimination;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- breaches of the Council's Standing Orders, and policies;
- anything that makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- other unethical or improper conduct (not otherwise included in this list)
- concealing information about any of these matters

2.3 The Policy applies to service provision, the conduct of Officers, Members, or others acting on behalf of the Council.

3. THE COUNCIL'S PROMISE TO YOU

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees and others who work for the Council.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If you raise your concern based on reasonable belief and in good faith, you should have nothing to fear because you will be doing your duty to your employer and the public and The Public Interest Disclosure Act 1998 will protect you from dismissal or other detriment. If your concern is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith, even if you are genuinely mistaken in your concerns. Any harassment or victimisation of a whistleblower may result in disciplinary action against the person responsible for the harassment or victimisation.
- 3.4 Any investigations into allegations arising from your whistleblowing will not influence or be influenced by any other personnel procedures to which you may be subject.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If we are not able to resolve your concern without revealing your identity (e.g. because your evidence may be needed in Court), we will discuss this with you.

5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but may be considered by the Council taking into account:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

6. THE RESPONSIBLE OFFICER

- 6.1 The Head of Law, (the Council's Monitoring Officer), has overall responsibility for the maintenance and operation of this Policy. The Head of Law will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council, or any Standards Committee of the Council.

The Whistleblowing Procedure

1. HOW TO RAISE A CONCERN

- 1.1 As a first step, you should normally raise concerns with your immediate manager, Chief Officer or if you wish your Trade Union. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 1.2 If you are unsure whether or how to raise a concern you can contact the independent voluntary organisation Public Concern at Work on 0171 404 6609, for guidance.
- 1.3 Concerns may be raised orally or in writing on the Whistleblowing Form attached to this Procedure and which you can obtain from the Head of Law. The Council encourages you to identify yourself when raising your concern, but if you wish you may remain anonymous. You can also telephone the Council's Whistleblowing Hotline **01603 224433**.
- 1.4 The Head of Law, as the Officer responsible for this Policy, will be informed of all concerns raised under the Policy (unless, of course, they are against the Head of Law).
- 1.5 If you believe that senior management is involved, or if you are not happy with your Chief Officer's response to your concerns, you should approach the:
 - Chief Executive
 - Director of Finance
 - Head of Law (unless your concern is about her/him)
 - Head of Internal Audit
 - You can also telephone the Council's Whistleblowing Hotline **01603 224433**
- 1.6 The earlier you express the concern the easier it is to take action.
- 1.7 Although you are not expected to provide proof for your concern, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 1.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 1.9 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised. Any meetings that need to be arranged with you can be held off-site if you wish.
- 1.10.1 If you are not an employee of the Council we would prefer that you raise your concern in the first instance with the Chief Officer of the Council department you are working for.

2. HOW THE COUNCIL WILL RESPOND

- 2.1 Whoever you raise your concerns with (normally your Chief Officer or the Head of Law) will appoint a person to investigate your concern and you will be informed who this is. Confidentiality will be maintained in accordance with section 4 of the Whistleblowing Policy.
- 2.2 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. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, harassment or discrimination issues) will normally be referred for consideration under those procedures.
- 2.3 Following initial investigations the Council will respond to your concerns as appropriate. Your concern may:
- be investigated by management, 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.
- 2.4 Some concerns may be resolved by action agreed with you without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 2.5 Within seven working days of a concern being raised, the person appointed to investigate your concern will contact you (in a way which does not arouse suspicions in your workplace):
- acknowledging that the concern has been received;
 - indicating how we propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any initial enquiries have been made;
 - supplying you with information on staff support mechanisms;
 - advising you of your entitlement to seek advice and representation from your trade union representative ;
 - telling you whether further investigations will take place and if not, why not, and
 - to agree with you how to proceed if you have chosen to remain anonymous.
- 2.6 The Council will do what it can to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and other appropriate support.
- 2.7 The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints and any confidentiality or other issues, we will inform you of the outcome of any investigation.

3. HOW YOUR CONCERNS CAN BE TAKEN FURTHER

- 3.1 This Procedure is intended to provide you with an avenue within the Council to raise concerns. If you are unsure whether or how to raise a concern you can contact the independent voluntary organisation Public Concern at Work on 0171 404 6609, for guidance. The Procedure has the full support of the Joint Consultative and Negotiating Committee and Unison. Any changes, other than statutory, will be referred to the Joint Consultative and Negotiating Committee for consultation.
- 3.2 The Council hopes you will be satisfied with any action taken as a result of raising a concern. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- the external auditor (Send your letter to: The Audit Commission, Springvale Court, Hadleigh Road, Sproughton, Ipswich, Suffolk, IP8 3AS Telephone 01473 203000 - Hotline No. 020 7630 1019)
 - your trade union;
 - your local Citizens Advice Bureau;
 - relevant professional bodies or regulatory organisations;
 - the police.
- 3.3 If you do take the matter outside the Council, you should be careful not to disclose confidential information, and ensure that you comply with the requirements of the Public Interest Disclosure Act 1998 so that you do not lose the protection of the Act against dismissal or other detriment. Seek advice from the contact point about this.

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