

WHISTLEBLOWING POLICY

1 Document Information

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3 Introduction

- 3.1 The Isle of Wight Council is committed to the highest standards of openness, honesty, probity and accountability. In line with this commitment the Isle of Wight Council encourages anyone who has a genuine concern about malpractice or wrongdoing within the Council to come forward without fear of reprisal and voice their concerns.
- 3.2 'Whistleblowing' is the disclosure of information which relates to suspected malpractice that is occurring within the organisation. This will include an illegal, immoral, irregular, dangerous or unethical activity under their employer's control. This can cover a criminal offence, the breach of a legal obligation, a miscarriage of justice, a danger to health and safety of any individual, damage to the environment or a deliberate attempt to conceal any of the above.
- 3.3 This policy primarily covers employees (including teaching non-teaching staff within schools) and people working for or on behalf of the Council including casual and agency workers, contractors or sub-contractors who are providing a service on behalf of the Council. The Isle of Wight Council also encourages volunteers (including School Governors) who have a concern to raise it in the knowledge that it will be taken seriously and dealt with appropriately. This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 3.4 It is essential that disclosures of impropriety, irregularity or wrong doing are dealt with appropriately and promptly. This policy will not apply where there is already an appropriate procedure in place for dealing with a concern. Specifically, this policy is not designed to be used for allegations that fall within the scope of specific statutory procedures (for example child or vulnerable adult protection) which will normally be referred for consideration under the relevant processes, unless the whistle blower has good reason to believe that the appropriate process is not being followed or will not be followed effectively.
- 3.5 This policy seeks to encourage and assist those individuals above, who believe they have discovered malpractice or impropriety, to raise their concerns within the Isle of Wight Council in the first instance rather than overlooking a problem or raising concerns outside of the organisation.
- 3.6 This policy is not designed to question financial or business decisions taken by the Isle of Wight Council nor should it be used to reconsider any matters, which have already been addressed under the disciplinary, grievance, equality or other employment related procedures.

4 Policy aims

4.1 This policy aims to:

- 4.1.1 Encourage all employees, or other individuals who work on behalf of the Council, to feel confident in raising concerns, where there is reasonable belief that it is either happening, has taken place, or is likely to happen in the future, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- 4.1.2 Provide guidance as to how to raise a Whistleblowing concern.
- 4.1.3 Reassure employees that they should be able to raise genuine Whistleblowing concerns without fear of reprisals, even if they turn out to be mistaken.

If in doubt – raise it!

5 Scope of policy

- 5.1 This policy is designed to deal with disclosure of information by an employee who relates to some danger, bribery, corruption, fraud or other unlawful or unethical conduct in the workplace. A “qualifying disclosure” means any disclosure of information which relates to something which involves an issue in the public interest, where the individual has reasonable belief that any of the following is either happening, has taken place, or is likely to happen in the future:
- Criminal activity;
 - Miscarriages of justice;
 - Unauthorised use of public funds;
 - Possible fraud, corruption, bribery or malpractice;
 - Failure to comply with any legal or professional obligation or regulatory requirement;
 - Damage to the environment;
 - Danger to health and safety or welfare of other staff members or the public;
 - Breaches of Isle of Wight Council internal policies and procedures including the Employee's Code of Conduct;
 - Breaches of agreed Isle of Wight Council or governing body procedures;
 - Conduct likely to damage the reputation of the Isle of Wight Council;
 - Unauthorised disclosure of confidential information;
 - Negligence;
 - Allegations of abuse to children, young people and vulnerable adults;
 - Other unethical conduct;
 - Deliberate concealment of any of the above matters.
- 5.2 This Whistleblowing Policy is primarily for concerns where the interests of others or the organisation itself are at risk. If you have a concern about financial misconduct or fraud, please also refer to the Counter-Fraud and Corruption Strategy.
- 5.3 There are existing procedures in place that enable employees to raise a concern relating to their employment. These would normally be made under the Harassment & Bullying (Protection From) or Grievance procedure. Employees should consult this policy and obtain advice from Human Resources in relation to discrimination, harassment, bullying and victimisation.
- 5.4 There are also detailed procedures issued by professionals in relation to the protection of children, young adults and vulnerable adults.

6 Our assurances to you

Your Protection and Support

- 6.1 The Isle of Wight Council believes that a culture of openness and accountability is essential. It also recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the alleged malpractice.

It is an integral part of this policy that employees can 'blow the whistle' without fear of recrimination, reprisal, or be disadvantaged in any way. This Policy aims to reassure workers that it is safe and acceptable to speak up and to enable Whistleblowing concerns to be raised at an early stage and in the right way. A confidential support and counselling hotline are available to whistleblowers who raise concerns under this policy.

link: <http://wightnet.iow.gov.uk/hr/HealthSafeWell/EmpAssist.aspx>

- 6.2 The Isle of Wight Council will not tolerate harassment or victimisation in any form and will take action and put in place support measure to protect employees who raise a concern. Any employee who makes an allegation that turns out to be unfounded will not be penalised if there is evidence that they had a genuine concern, or belief, when making the allegation.
- 6.3 The Public Interest Disclosure Act 1998 amends the Employment Rights Act 1996 to introduce new rights for workers not to be subjected to unfair dismissal or detriment by their employer for making a protected disclosure.
- 6.4 A qualifying disclosure will be 'protected' if the worker reasonably believes that it is made "in the public interest". A worker has the right not to be subjected to any detriment by his or her employer on the grounds that they have made a protected disclosure. 'Detrimental treatment' includes being unfairly penalised, disciplined or subjected to any other detriment (including termination of the employment contract). In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker.
- 6.5 It is a disciplinary offence to victimise an employee for raising a protected disclosure. It is also a disciplinary offence to maliciously make a false allegation.

7 How to raise a concern

Please remember that you do not need to have evidence of malpractice before raising a concern. However, you are asked to explain as fully as you can the information or circumstances that gave rise to your concern.

- 7.1 If you have a Whistleblowing concern, you are asked to raise it in the first instance with your line manager (or trade union representative), who will undertake an initial assessment of the whistleblowing disclosure. We request that concerns are raised preferably in writing, however, they can be raised verbally. It should include reference to the fact that it is a whistleblowing disclosure, the background and history of the concerns, names, copies of any documents, dates, places along with why you are particularly concerned about the situation.
- 7.2 It is recognised that your first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved. Should you feel unable to raise the matter with your line manager, for whatever reason, you should raise your concern with your trade union representative, your manager's superior or alternatively with any of the following officers:

**Assistant Director of Corporate Services (Monitoring Officer),
Helen Miles - 01983 821000 ext 6342**

Assistant Director of Finance, Kerry Hubbleday – 01983 821000 ext 6381

Director of Corporate Services, Claire Shand - 01983 821000 ext 6283

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

NB: The role of the Monitoring Officer is to be responsible for making sure that all Council actions are lawful and to report any unlawful acts or maladministration to the Council.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

- 7.3 If the above channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact

**The Head of Paid Service (known as the Chief Executive, John Metcalfe)
01983 821000 ext 6341**

8 How the Council will handle the matter

- 8.1 The Council hopes that an individual will feel able to voice Whistleblowing Concerns openly under this Policy. However, if you want to raise your concern confidentially, every effort will be made to protect your identity. If it is considered necessary to reveal identifying information about the whistleblower then this will be discussed with you prior to disclosure.
- 8.2 The Council does not encourage the submission of anonymous disclosures as concerns are more difficult to investigate and are generally less powerful. Anonymous whistleblowing referrals will be considered at the discretion of the officers handling the concern. Whistleblowers who are concerned about possible reprisals if their identity is revealed should contact one of the named officers within section 7.2.
- 8.3 Your whistleblowing disclosure will be acknowledged within 5 working days. Within the next 10 working days you will be receive written confirmation on how it is proposed the matter be dealt with. You will be advised of any initial enquires that have been made, whether further investigation is required, and if not, why not (where appropriate), provided with details of support mechanisms available, advised of the investigating officer (where appropriate), and, an estimate of how long it will take to provide a final response along with how you will be informed of progress. The response will depend on the nature of the concern raised and may be advice only, resolved by agreed action without the need for further investigation or identified as requiring a formal investigation.
- 8.4 The amount of contact between you and the Officer considering your whistleblowing disclosure will depend on the nature of the concerns raised and whether any additional information is required from you. If a meeting is necessary, you will have a right to be accompanied by a work colleague or a trade union representative.
- 8.5 If you have any personal interest in the matter, you should disclose this at the outset. If it is considered that your concern falls more appropriately within the Council's Grievance Policy, Equality Policy or other relevant procedure, you will be notified.
- 8.6 Whilst the Council cannot guarantee a response to matters raised in a way that you may wish, all concerns raised under this policy will be handled in a timely, robust and fair manner.

9 Investigation and outcome

- 9.1 Once a whistleblowing concern has been raised, an initial assessment will be undertaken to determine the scope of any informal review, internal inquiry or the need to undertake a more formal investigation.
- 9.2 In some cases, it may be considered appropriate to appoint an investigating officer. The investigating officer appointed may be internal or external to the organisation and/or have a particular specialism dependent upon the nature of the concerns raised.
- 9.3 The investigating officer will keep you informed of the progress of the investigation and anticipated timescales. You should treat any information shared about the investigation confidential.
- 9.4 If the allegation is against an employee, further action may be taken under one of the other Council policies which may include disciplinary action, where appropriate. However, sometimes the need for confidentiality may prevent the sharing of specific details regarding the investigation or information about whether any disciplinary action will be taken as a result.
- 9.5 Where the allegation is against a third party, appropriate action might include speaking or writing to the person and / or their superior about the situation; or, in very serious cases, banning them from the premises or terminating a contract with them.
- 9.6 Whether or not a Whistleblowing concern is confirmed by the investigation, we will consider how best to manage the ongoing working relationship between all persons involved with the Whistleblowing concerns. It may be appropriate to arrange some form of mediation and / or counselling, or to change the duties, working location or reporting lines of any of the individuals involved in the Whistleblowing concerns raised.
- 9.7 The Council takes all concerns seriously and can assure you that no action will be taken against an individual if they have raised a concern in the genuine belief that it is, or may be true. However, if it is concluded that the whistleblower has made false allegations maliciously or with a view to personal gain, the individual will be subject to disciplinary action.

10 If you are not satisfied

- 10.1 While we cannot always guarantee the outcome that you may be seeking as a result of raising the matter with us, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 10.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in section 7.2 or through your trade union representative. Alternatively, you may contact the Chief Executive, whose contact details are set out in section 7.3.

11 Independent advice

If you are unsure whether to use this Policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk you through your options and help you raise a Whistleblowing Concern.

You can also contact your union (where applicable) for advice.

12 External contacts

12.1 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

12.2 While we hope this Policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where it may be appropriate for you to report a concern to an external body such as:

- The District Auditor;
- Relevant professional bodies or regulatory organisations such as the Care Quality Commission;
- The Police;
- The Local Government Ombudsman.
- Your Trade Union Representative

It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external, or contact Public Concern at Work (or, if applicable, your union), who will be able to advise you on such an option if you wish.

12.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party. The law allows you to raise a concern in the public interest with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in section 7 for guidance.

13 Policy monitoring

The Chief Internal Auditor in conjunction with the Human Resources service will monitor the operation of the Policy.

The Officer receiving the whistleblowing allegation should ensure that the Chief Internal Auditor is provided with sufficient details to include the disclosure on a central register.