



## Whistleblowing Policy

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|---------------------------|---------------|----------------------------|---------------------------|
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## **Whistleblowing Policy**

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## **1.0 Introduction**

Employees or Councillors are often the first to realise that there may be some form of inappropriate conduct 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 be easier to ignore the concern rather than report what may just be a suspicion of misconduct, but this can have serious consequences if wrongdoing goes undetected.

## **2.0 Aims of the Policy**

When it is in the public interest, it is the policy of Hart District Council to encourage and enable employees to raise serious concerns about malpractice or wrongdoing within the Council.

The Council is committed to:

- The highest possible standards of openness, integrity and accountability and in line with these values to deter and detect wrongdoing in the workplace.
- Encouraging all employees to raise such matters as soon as possible.
- Acting speedily and effectively to investigate and take appropriate action.
- Providing a separate and additional channel of communication for making disclosures.
- Reassuring employees that they will be protected from harassment or victimisation for making a disclosure where they reasonably believe it to be true.

## **3.0 Scope**

This policy applies to all of the Council's functions and activities, and covers all employees, members, agency workers, contractors and sub-contractors, volunteers and consultants.

## **4.0 Responsibility and Accountability**

Managers must:

- Ensure that employees are familiar with the Whistleblowing Policy.
- Ensure that any disclosures made to them are investigated in line with the provisions of this Policy.

- Must keep the employee advised of progress.
- Ensure that there are no unreasonable delays in the use of this Policy. Employees must:
  - Raise a matter of concern as soon as possible within the provisions of this Policy.
  - Ensure that any disclosure made is believed to be reasonably true and in the public interest.

## **5.0 When the Whistleblowing Policy Applies**

This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures (i.e., the Council's complaints procedures or employment - related procedures such as the grievance policy).

This policy is intended to cover concerns which are in the public interest. Concerns could include but are not limited to:

- Financial malpractice, impropriety, or fraud.
- Failure to comply with the law.
- Dangers to health & safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour
- Attempts to conceal any of above.

Without limiting the protection offered by the Public Interest Disclosure Act 1998, employees are reminded of their duties of trust, confidentiality, and loyalty to their employer. This includes maintaining the confidentiality of the information they may have access to during their employment, for example, personal information relating to service users, members, and employees.

## **6.0 Procedure for Making Disclosure**

You should normally raise concerns with the Monitoring Officer or the Section 151 Officer. However other options are available which are:

- Chief Executive
- Audit Manager

- Your Line Manager
- Union Representative

Concerns are better raised in writing. The written disclosure should clearly set the background and history of the matter, giving names, dates and places where possible, and the reasons for the concern. Employees who feel unable to put this concern in writing may telephone or meet the appropriate officer.

Concerns should be expressed at the earliest opportunity so that it is easier for the Council to take appropriate action.

Where a line manager receives a disclosure, they must discuss it with the Monitoring Officer prior to commencing an investigation.

## **7.0 Investigating Disclosures**

The investigation of a disclosure will commence as soon as practically possible. Owing to the varied nature of issues that could be raised it is not possible to lay down precise timescales for investigations or how they will be carried out. However, these will be undertaken as quickly as possible without affecting their quality and depth.

Written confirmation of receipt of a disclosure will be sent to the employee within 3 working days. (Email is an acceptable form of “writing” in terms of the written confirmation).

The action taken by the Council will depend on the nature of the concern as determined by the Monitoring Officer. Where the Monitoring Officer is the subject of the complaint or is not available, the action will be initiated by The Head of Corporate Services. The Council could decide that the matters raised may be:

- investigated internally
- referred to the Police
- referred to the External Auditor
- form the subject of an independent enquiry

Initial enquiries will be made within 10 working days 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.

All concerns will be treated in confidence and every effort will be made not to reveal the employee’s identity if that is their wish. However, the appropriate time, the identity may need to be revealed as they may be required as a witness. Hart District Council will not knowingly reveal the identity without that individual’s prior knowledge and consent, except where required by law.

If the employee still has concerns following the outcome of the investigation and they have not previously done so, they have the option to discuss the matter with either:

- The Chief Executive
- relevant professional bodies or regulatory organisations
- the police
- Local Government Ombudsman
- The Council's Governance and Audit Committee.

This internal procedure exists to provide an effective and protected means of disclosure: the whistleblower may also consider disclosure to prescribed bodies (e.g., Health & Safety Executive, HM Revenues and Customs and Financial Conduct Authority).

An independent charity, Protect can offer independent and confidential advice. They can be contacted:

Telephone: 020 3117 2520

Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

## **8.0 Safeguards**

The Council is committed to good practice and high standards and wants to be supportive of employees and members. The Council recognises that the decision to report a concern can be a difficult one to make.

If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. In these situations, you are a witness and not a complainant.

The Council will not tolerate the harassment or victimisation of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a councillor will be reported under the Members' Code of Conduct.

The Public Interest Disclosure Act 1998 provides legal protection against dismissal or victimisation of those who make an allegation based on reasonable belief and make the disclosure under this internal procedure or externally in the appropriate way.

## Untrue Allegations

If an allegation is made on the basis of reasonable belief, but it is not confirmed by the investigation, no action will be taken against the employee making that allegation. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken.

## VERSION CONTROL

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| Version | Author(s)     | Summary of key changes  | Effective Date |
|---------|---------------|---|----------------|
| 1.1     | HR (Capita)   | <ul style="list-style-type: none"><li>Review and update of content to ensure compliance with legislation changes.</li></ul> | Oct 2013       |
| 1.2     | Audit Manager | <ul style="list-style-type: none"><li>Review and update to take into account internal structure changes</li></ul>           | Sept 2016      |
| 1.3     | Audit Manager | <ul style="list-style-type: none"><li>Review and update</li></ul>   | July 2018      |
| 1.4     | Audit Manager | <ul style="list-style-type: none"><li>Review and update</li></ul>   | Dec 2021       |