

Isle of Wight Council
**WHISTLEBLOWING AT
WORK POLICY
2015**

1 Document Information

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3 Introduction

3.1 All of us at one time or another has concerns 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 posed to others or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

Whistleblowing Concerns may relate to:

- Criminal activity;
- A miscarriage of justice;
- Failure to comply with any legal or professional obligation or regulatory requirement;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;
- Damage to the environment;
- A health and safety risk to the public or to other employees;
- Breach of Isle of Wight Council internal policies and procedures including our Code of Conduct;
- Conduct likely to damage the reputation of the Isle of Wight Council;
- Unauthorised disclosure of confidential information;
- Physical, sexual abuse or neglect of service users or employees;
- Other unethical conduct;
- The deliberate concealment of any of the above matters.

Additionally, a Whistleblowing Concern must relate to the public interest, which broadly means that the concern affects the general welfare, the wellbeing of the public or of a substantial group of individuals, or the integrity of public services (in contrast to the limited interest of a person or a small group of people or private organisation).

3.2 You may be worried about raising a Whistleblowing 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 organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

3.3 The Isle of Wight Council is committed to running the organisation in the best way possible and to do so we need your help. We have introduced this updated Policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any Whistleblowing Concern you may have at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

3.4 The aims of this Policy are:

3.4.1 To encourage staff to report Whistleblowing Concerns as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

3.4.2 To provide staff with guidance as to how to raise those concerns.

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- 3.4.3** To reassure staff that they should be able to raise genuine Whistleblowing Concerns without fear of reprisals, even if they turn out to be mistaken.
- 3.5** This Policy applies to all those who work for us; whether on casual hours, working full-time or part-time, are within a politically restricted post, employed through an agency or as a volunteer (including school governors), a contractor or subcontractor who is providing a service on behalf of the Council. If you have a whistleblowing concern, please let us know.
- 3.6** A whistleblower is a person who raises a genuine Whistleblowing Concern as set out in section 3.1. If you have any genuine Whistleblowing Concerns affecting any of our activities (a whistleblowing concern) you should report it under this Policy.
- 3.7** If a Whistleblowing Concern is troubling you that you think we should know about or look into, please use this Policy. If however, you wish to make a complaint about your employment or how you have been treated, please use the Grievance Policy or Equality Policy - which you can access on the Council's intranet or get from your manager or Human Resource Service. This Whistleblowing Policy is primarily for concerns where the interests of others or of 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.

If in doubt – raise it!

4 Our Assurances to You

4.1 Your Protection and Support

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine Whistleblowing Concerns under this Policy, even if they turn out to be mistaken. Elected Members, the Managing Director and senior officers are fully committed to this Policy. If you raise a genuine Whistleblowing Concern under this Policy, you will not be at risk of losing your job or suffering any form of retribution as a result.

4.1.1 Staff must not suffer any detrimental treatment as a result of raising a genuine Whistleblowing Concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a Whistleblowing Concern. If you believe that you have suffered any such treatment, you should inform one of the contacts in paragraph 5.2 immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

4.1.2 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

4.1.3 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this Policy. Their contact details are under Paragraph 9.

4.2 Your Confidence

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get independent advice from Public Concern at Work (see contact details under Independent Advice) or if you would like advice on whether something falls within the scope of the Policy you may contact the Monitoring Officer, the Head of Resources or the Section 151 Officer.

5 How to Raise a Concern

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

5.1 Step One

If you have a Whistleblowing Concern, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to any of the officers listed in step two below.

5.2 Step Two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with any of the following people:

The Council's Monitoring Officer - 01983 821000 ext 6342

The Council's Section 151 Officer - 01983 821000 ext 6382

The Head of Resources - 01983 821000 ext 6281

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.

The role of the Section 151 Officer is to be responsible for the proper administration of the Council's financial affairs and has authority to determine financial practices and procedures required for this purpose.

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

5.3 Step Three

If these 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 Managing Director)
01983 821000 ext 6211**

6 How We Will Handle the Matter

- 6.1** We hope that staff will feel able to voice Whistleblowing Concerns openly under this Policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 6.2** We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible and whether the individual making the allegation reasonably believes he or she is making the disclosure in the public interest. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contact points listed in paragraph 5.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out in paragraph 9 of this Policy.
- 6.3** We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this Policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 6.4** Once you have told us of your Whistleblowing Concern, we will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. We will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern or there is any information missing please let us know.
- 6.5** When you raise the concern it will be helpful to know if you have an idea as to how the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our Grievance Policy, Equality Policy or other relevant procedure, we will let you know.
- 6.6** While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. By using this Policy you will help us to achieve this.

7 Investigation and Outcome

- 7.1** Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2** In some cases we may appoint an investigator. The investigator may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 7.3** We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or information about whether any disciplinary action is taken as a result. You should treat any information about the investigation as confidential.
- 7.4** 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.
- 7.5** 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.
- 7.6** Whether or not a Whistleblowing Concern is confirmed by the investigation, we will consider how best to manage the ongoing working relationship between you and any 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..
- 7.7** If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

8 If You Are Not Satisfied

- 8.1** 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.
- 8.2** 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 paragraph 5.2. Alternatively you may contact the Managing Director, whose contact details are set out in paragraph 5.3.

9 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.

10 External Contacts

10.1 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.

10.2 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.

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.

10.3 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 paragraph 5.2 for guidance.

11 Policy Monitoring

The Council's Audit Committee is responsible for the monitoring of this Policy and will review its use at least annually. The Business Improvement Manager in conjunction with the Human Resource Service will monitor the operation of the Policy and if you have any comments or questions, please do not hesitate to let one of their teams know.

12 Related Documents

- Corporate Plan <http://wightnet.iow.gov.uk/documentlibrary/view/corporate-plan-2015-17>
- Counter Fraud and Corruption Strategy <http://wightnet.iow.gov.uk/documentlibrary/view/counter-fraud-and-corruption-strategy>
- Customer Complaints Procedure <http://www.iwight.com/council/OtherServices/Complaints-Team/Making-a-complaint1>
- Equality Policy <http://wightnet.iow.gov.uk/documentlibrary/view/equality-policy-statement-practice-guidelines>
- Grievance Procedure <http://wightnet.iow.gov.uk/documentlibrary/view/grievance-procedure-incl-school-based-staff>
- Local Safeguarding Children boards www.4lscb.org.uk
- Safeguarding Adults Multi-Agency Policy Procedure, and guidance <http://wightnet.iow.gov.uk/documentlibrary/view/safeguarding-adults-multi-agency-policy-procedure-guidance>
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