



people policies

Whistleblowing Policy





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Policy

Purpose of the policy

This policy and procedure enables council employees to exercise their rights under the Public Interest Disclosure Act 1998. It applies to all councillors and employees of the council and includes temporary staff and agency staff.

The council is committed to high standards of integrity. It will not tolerate any form of malpractice and recognises that employees have an important part to play in reporting any concerns.

Employees are often the first to realise that there is something seriously wrong in their workplace. The council recognises that it is often difficult for employees to report concerns through fear of victimisation or reprisal. This whistleblowing policy aims to reassure staff that they can raise genuine concerns without fear of reprisals and they are regarded as witnesses who are drawing to the council's attention potential risks. It aims to encourage and enable staff to raise concerns internally within the council, rather than overlooking the problem or raising the concern externally.

The aim of this policy is to:-

- Outline the procedure for employees, who have reasonable suspicions, to raise concerns at an early stage
- Ensure employees are given feedback where possible
- Reassure employees they will be protected from victimisation or reprisals if they raise any concerns
- Enable employees to take the matter further if they are unhappy with the council's response.

This policy should not be used for employees to make a complaint about their own employment within the council which should be raised through the Grievance policy. It is intended to cover

concerns that fall outside of other procedures; including the following (this list is not exhaustive)

- a criminal offence
- a failure to carry out a legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- concealment of any of the above
- personal conduct



Employee's responsibilities

- Employees should initially raise concerns with their manager. However, this depends on the seriousness of the concern, the sensitivity of the issue raised and who is suspected of being involved in the malpractice. If, for some reason, the employee is unable to raise the concern with their manager, they should contact their Service Director or one of the following:-
 - **Service Director: HR** Tel: 0117 92 22670
 - **Service Director: Legal Services (Monitoring Officer)** Tel: 0117 92 22839
 - **Chief Internal Auditor** Tel: 0117 92 22448 or 0117 92 22063
- This policy will enable employees to raise concerns that they reasonably believe are in the public interest. Disclosures relating only to the individual concerned without any wider impact are unlikely to meet public interest.
- If an employee is not satisfied that their concerns have been taken seriously, they should write to the Strategic Director: Business Change and request that the investigation is reviewed.
- Employees do not have to provide evidence of the allegation but will be expected to demonstrate that there are reasonable grounds for raising the concern.
- If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If however a malicious or vexatious allegation is made then appropriate action will be taken. This could potentially result in dismissal.

Manager's responsibilities

- As a line manager you are responsible for the application of this policy in your work area.
- All concerns raised will be treated confidentially by those involved in the reporting process.
- Take the necessary steps to minimise any difficulties that an employee may experience as a result of raising a concern.

- Must ensure that their team members are aware of this policy and updated on any changes made.
- The manager is responsible for the application of this policy in their work area.

Trade union representative's role

- To support and advise members.
- To raise issues with the manager with a view to resolving them informally and at local level.
- To seek a resolution at a local level to avoid escalation into a more serious matter.
- In the event that the trade union does not achieve a satisfactory outcome it may commence the formal dispute resolution process.

Victimisation

The council will protect any member of staff who makes a good faith disclosure from any form of victimisation and reprisals. Disciplinary action will be taken against any employee who engages in any form of harassment or victimisation against an employee who has raised a concern.

There may be some circumstances where management agree it is appropriate to transfer an employee to another directorate, this would be done in consultation with the employee concerned.

Employees who are concerned about reprisals can seek information and advice on anonymity from HR or their trade union.

Anonymous Allegations

This policy encourages employees who raise concerns not to remain anonymous, by ensuring they will be protected from victimisation.

However, where an employee wishes to remain anonymous, the council will attempt to protect their identity. This may not always be possible as employees who report concerns may be required to give evidence as a witness, in situations where disciplinary or criminal action is taken.

The council will use its discretion in maintaining the anonymity of the individual concerned. The following factors would need to be taken into account:-

- the seriousness of the issue(s) raised
- the likelihood of obtaining information from alternative sources, which would confirm the allegation

Untrue Allegations

The council will protect individuals from false and malicious allegations. Allegations will be investigated before determining what action, if any, should be taken. Where it is established that an employee makes an allegation which is known to be false, malicious or for personal gain, they will be subject to disciplinary action, under the council's Disciplinary policy.

Where allegations made in good faith are found to be untrue, no action will be taken against the employee raising the concern and the council will ensure that the negative impact on the person accused is minimised.

The Public Interest Disclosure Act (PIDA) 1998

Employees are able to rely on their right under the Public Interest Disclosure Act 1998, which came into force on 2 July 1999 and provides the following:

- provides legal protection, in certain circumstances, to employees making disclosures

in good faith about malpractice

- protection from suffering any detriment as a result of making a 'qualifying disclosure', as defined within the Act
- a list of prescribed persons that employees can contact when raising a concern.

The Act makes it unlawful for the council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

What this means is that, under PIDA, employees who act honestly and reasonably are given automatic protection for raising a matter internally. Protection is also available to people who report a disclosure to a 'prescribed person/body'. Examples of such prescribed bodies are the Care Quality Commission, Foods Standards Agency (FSA) and HM Revenue & Customs, with the full list being available on the gov.uk website.

Process

- 1 Wherever possible, employees should raise concerns in writing which identify the nature of the concerns and the grounds on which these are based. Information on the background, history, names, dates and places should be provided if possible. If employees do not feel able to raise concerns in writing they may telephone the appropriate officer, or arrange to meet the officer face to face.
- 2 Employees will receive an initial response to any concerns raised within ten working days. Due to the nature of the concerns covered by this policy, it may not always be possible for the council to indicate how it proposes to deal with the matters raised and the timescales involved. However, the council undertakes to inform employees, who wish to know, of the progress and outcome where this will not compromise the process. This aims to reassure employees that the matter is being or has been properly addressed.
- 3 At any meeting arranged to investigate a concern the employee will have the right to be accompanied by their trade union representative or a work colleague, who is not involved in the area of work to which the concern relates.
- 4 If an employee is not satisfied that their concerns have been taken seriously, they should write to the Strategic Director: Business Change and request that the investigation is reviewed.
- 5 Action taken by the council will be dependent on the nature of the concern raised. The concerns raised may:
 - be resolved by agreed action without the need for investigation
 - be investigated by management or Internal Audit
 - at the discretion of the council, be the subject of an independent inquiry; or be referred to the police.

Related procedures

The council has existing procedures in place for employees to raise a variety of concerns:-

- financial irregularities, including fraud and corruption through the Financial Regulations Guidelines and Procedures
- for employees in Social Care, the statutory procedure exists for service users to provide feedback about social care services received in the form of complaints, comments and complaints; and
- the council's services through the council's external Corporate Complaints procedure (available to employees who are resident in the city)
- to raise concerns about employment related issues for example the Grievance & Disciplinary policies and the Code of Conduct for Investigations.

This policy exists in addition to the above procedures and is intended to have a wider application covering other forms of malpractice that are not covered in the above policies.

External contacts

Employees who take a concern outside the council should ensure that they do not disclose confidential information, except in accordance with this procedure.

If you feel that it is right to take the matter outside the council the following are possible contact points:

- The Police (Avon and Somerset Constabulary - local rate telephone number is 0845 4567000)
- Your trade union
- Your solicitor
- A Member of Parliament (MP)

If you want to seek external advice please contact Public Concern at Work (an independent registered charity who can give advice - telephone number 020 7404 6609 or whistle@pcaw.co.uk)



Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

Associated policies

Anti-Fraud, Bribery and Corruption Strategy & policy

Anti-Money Laundering policy

Code of Conduct for Employees

Code of Conduct for Investigations

Disciplinary policy

Grievance policy

External websites

[Gov.uk/whistleblowing](https://www.gov.uk/whistleblowing)

[Pcaw.org.uk](https://www.pcaw.org.uk)

Additional guidance

Code of Conduct and Whistleblowing Summary



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The audience of this document is made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

History of most recent policy changes – must be completed

Version	Date	Change
V.1.00	24 July 2014	re-formatted policy