



Whistleblowing Procedure

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1. INTRODUCTION

- 1.1 Suffolk County Council is committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.
- 1.2 Although the County Council has set in place rules, regulations, quality standards and procedures to ensure that the highest standards of conduct and commitment to service are observed, it recognises that malpractice can occur.
- 1.3 The County Council is not prepared to tolerate any such malpractice in the performance and delivery of its services and will treat any complaints very seriously.
- 1.4 Whistleblowing is 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others, for example, members of the public.
- 1.5 This procedure encourages workers to raise serious concerns, without fear of reprisal or victimisation, internally within Suffolk County Council rather than over-looking a problem or raising the matter outside.
- 1.6 It applies to all employees, elected members, agency workers and those contractors working on Suffolk County Council premises, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with Suffolk County Council in their own premises.
- 1.7 The whistleblower's identity will, so far as is possible, be kept confidential.
- 1.8 Legislation provides protection for workers who raise legitimate concerns about specified matters that the worker reasonably believes are in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by a worker who has a reasonable belief that:
 - a criminal offence;
 - a miscarriage of justice;
 - an act creating risk to health and safety;
 - an act causing damage to the environment;
 - a breach of any other legal obligation; or
 - concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient.

- 1.9 A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he / she has made a disclosure.
- 1.10 Protection from detriment also applies to ex-employees making disclosures after the termination of their employment.

2. OTHER PROCEDURES

2.1 This Procedure is not intended to replace existing procedures:

- If your concern relates to your own treatment as a worker (e.g. a breach of contract of employment), you should raise it under the existing grievance or harassment procedures.
- If a client has a concern about services provided to him / her, it should be raised as a complaint to the County Council.
- Complaints of misconduct by County Councillors are dealt with under a separate procedure and should be reported to the Monitoring Officer.
- The Council has an Anti-fraud and Corruption Strategy. This includes the requirement to inform the Head of Audit Services of any suspected fraud or irregularity affecting the Council's assets.
- Concerns about money laundering should be raised in accordance with specific guidance provided.
- Any issues, concerns or complaints of a health and safety nature should be reported using the County Council's incident report forms.

2.2 Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

3. PRINCIPLES

3.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work and, accordingly, should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

- 3.2 Any matter raised under this Procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person(s) who raised the issue.
- 3.3 A worker who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he / she has made a disclosure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he / she has raised a legitimate concern.
- 3.4 The Council will be vicariously liable where a worker is subjected to a detriment by a co-worker for making a protected disclosure. Therefore the Council will take all reasonable steps to prevent the detriment.
- 3.5 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 3.6 If misconduct is discovered as a result of any investigation under this procedure the Council's disciplinary procedure will be used, in addition to any appropriate external measures.
- 3.7 Maliciously making a false allegation is a disciplinary offence.
- 3.8 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to the Monitoring Officer or another officer as per Section 8.

4. AIM & SCOPE

- 4.1 This Procedure has been developed to ensure that an internal mechanism exists for dealing with concerns raised by members of staff that are considered 'protected disclosures' under the Public Interest Disclosure Act 1998 and Enterprise & Regulatory Reform Act 2013, and provide a systematic process to be followed when making and / or investigating such a disclosure.
- 4.2 Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, members of staff must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others, and to prevent themselves potentially being implicated.

- 4.3 This Procedure is intended to enable those who become aware of wrongdoing in the County Council affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.
- 4.4 It aims to ensure individuals are:
- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provided with avenues to raise concerns and receive feedback on any action taken;
 - given a response to their concerns and are aware of how to pursue them if not satisfied; and
 - reassured that they will be protected from reprisals or victimisation if they have raised legitimate concerns that they believe are in the public interest.
- 4.5 The earlier a member of staff expresses a concern, the easier and sooner it is possible for the Council to take action.
- 4.6 We want members of staff to feel able to raise concerns **within** the Council without fear of reprisals, rather than overlooking a problem or discussing it with outsiders.
- 4.7 Concerns about any aspect of service provision or the conduct of officers or Suffolk County Council Members or others acting on behalf of Suffolk County Council, can be reported under the Whistleblowing Procedure.
- 4.8 This may be where you think something:
- is unlawful;
 - is against Suffolk County Council's Standing Orders or policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.

5. CONFIDENTIALITY

- 5.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness. In addition, it is possible that the law would allow access to information to a person the subject of a complaint in order for him / her to respond to that complaint.

6. ANONYMOUS ALLEGATIONS

- 6.1 Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at Suffolk County Council's discretion.
- 6.2 In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

7. UNTRUE ALLEGATIONS

- 7.1 No action will be taken against an informant if a concern is raised in the proper way, which the informant reasonably believes to be in the public interest. However, if allegations are not raised in the proper way, and / or the informant cannot show that they reasonably believe it to be in the public interest, disciplinary sanctions may occur. This is particularly likely if it is believed that the disclosure was also malicious, vexatious, or made for personal gain.

8. HOW TO RAISE A CONCERN

- 8.1 The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 8.2 Consideration should be given to raising your concern with your immediate manager, or with his / her superior, if your concern is about your immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. To meet this, the following additional outlets have been set down to assist you in ensuring that a legitimate concern can be raised with to your satisfaction:-

<u>Allegation Concerning</u>	<u>Report To</u>
A worker below Directorate level	Your Director
A Director	Chief Executive
The Chief Executive	Monitoring Officer

Any Councillor

Monitoring Officer

- 8.3 If you are uncomfortable with the reporting lines described, then your concern can be raised directly with the **Monitoring Officer**.
- 8.4 In addition, for cases of suspected financial impropriety, the County Council's Anti-Fraud & Corruption Strategy (part 4.2 of the Constitution) requires that the Head of Audit Services must also be contacted.
- 8.5 If an Officer or Councillor is informed of a concern which they deem to be whistleblowing and which hasn't followed the appropriate reporting channels as described in paragraph 8.2, then they should encourage the Whistleblower to report the matter themselves, or they should pass the details on to the **Monitoring Officer**.
- 8.6 Concerns are better raised in writing. You should set out the background and history of the concern, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the Monitoring Officer who, you will appreciate, will need to compile a written note of your complaint.
- 8.7 Advice and guidance on how matters of concern may be pursued can be obtained from:
- Your Director
 - The Chief Executive
 - Assistant Director (Scrutiny and Monitoring) (Monitoring Officer)
 - The Head of Legal Services (Deputy Monitoring Officer)
 - Head of Audit Services

9. HOW TO RAISE A CONCERN (NON-WORKERS)

- 9.1 Concerns should be raised with the Monitoring Officer at the address below. Concerns can also be raised by contractors and employees of contractors working for the County Council particularly on County Council premises (e.g.: agency employees, builders, drivers, care staff etc) or by any member of the general public.

10. HOW THE COUNTY COUNCIL WILL RESPOND

10.1 The action taken by the County Council will depend on the nature of the concern. The matters raised may be:

- investigated internally by an appropriate officer;
- referred to the Police;
- referred to the County Council's external or internal auditors;
- the subject of an independent inquiry.

or a combination of these.

10.2 In order to protect workers, others and the County Council, initial enquiries will be made to decide whether a full investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination and harassment issues) will normally be referred for consideration under those procedures.

10.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

10.4 You will be written to within ten working days:

- acknowledging that the concern has been received;
- indicating how Suffolk County Council proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- informing you if any initial enquiries have been made; and
- whether further investigations will take place and, if not, why not.

10.5 The amount of contact between the officer(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

10.6 When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

10.7 The County Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

11. SUPPORT

- 11.1 The County Council will take all reasonable steps to minimise any difficulties you may experience as the result of raising a genuine concern. If you are required to give evidence in criminal or disciplinary proceedings, the County Council will advise you on the procedural aspects of the matter. Normally, the Head of Legal Services will be best placed to give such assistance. Other forms of support could include special leave, counselling etc.
- 11.2 The County Council will not tolerate bullying, harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern. Whistleblowing law includes personal liability for whistleblowing detriments and corresponding vicarious liability of employers for the actions of their staff. This brings the protection in line with discrimination protection under the Equality Act 2010.

12. MONITORING

- 12.1 The County Council will maintain confidential records of reported cases and, so far as reasonably practicable, guarantees confidentiality to complainants.

13. HOW THE MATTER CAN BE TAKEN FURTHER

- 13.1 This procedure is intended to provide individuals with an avenue to raise concerns within Suffolk County Council. If you are not satisfied, and feel it is right to take the matter further, the following link provides a list of prescribed persons and bodies:

[List of Prescribed Persons & Bodies](#)

- 13.2 If a matter is taken outside Suffolk County Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed (i.e. confidential information, in whatever format, must not be handed over to a third party). If clarification is required on this, the advice of the Head of Legal Services should be taken.

14. PUBLIC INTEREST DISCLOSURE

14.1 The Public Interest Disclosure Act 1998 and Enterprise & Regulatory Reform Act 2013 provide safeguards to workers in respect of disclosures of information:-

- A worker is entitled not be subjected to any detriment by virtue of having made a protected disclosure of information that, in their reasonable belief, is made in the public interest.
- The dismissal of any worker directly due to the individual having made such a disclosure will automatically be unfair.

15. ALTERNATIVE FORMATS

15.1 We will on request produce this document, or particular parts of it, in other languages and formats, in order that everyone can use and comment upon its content. Click on this [link](#) for further information.

16. ADVICE

16.1 For further advice on this policy, please contact:

SCC Contact

Monitoring Officer - Assistant Director (Scrutiny & Monitoring)
Scrutiny & Monitoring
Resource Management
Suffolk County Council
Constantine House, 5 Constantine Road, IP1 2DH
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tim.ryder@suffolk.gov.uk

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