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WHISTLEBLOWING POLICY

1. Policy and Procedure Statement

- 1.1 Employees are often the first to realise that there may be something seriously wrong 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 bullying, harassment or victimisation. In these circumstances it may be easier for them to ignore the concern rather than report what may be a suspicion of malpractice. This policy is aimed at making sure, as far as reasonably practicable there is a safe environment to have such issues aired.
- 1.2 Blackpool Council is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. This policy is integral to the ethos of the Council and its Core values in particular “We act with integrity and we are trustworthy in all our dealings with people and we are open about the decisions and the services we offer. “

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- 1.3 Anyone who raises a concern is protected by the Public Interest Disclosure Act 1998 which is incorporated into the Employment Rights Act 1996. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. Remember, a whistleblower is a witness, not a complainant.
- 1.4 The Bribery Act (2010) creates an offence of offering or receiving bribes. It is also an offence if an organisation fails to prevent a bribe being paid on the organisation's behalf. However, this new legislation simply reflects existing guidance for Council Officers contained in the existing Code of Conduct document (Section 7.4.6).
- 1.5 The Policy applies to all employees and those contractors working for the Council on its premises, for example, volunteers, agency staff, builders etc. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
- 1.6 This procedure is in addition to the Council's complaints procedures and other reporting procedures applying to some departments. The holding of any data in connection with this procedure will comply with the Data Protection Act 1998.

2. Scope

2.1 This Policy aims to:

- encourage employees¹ to feel confident in raising serious concerns and to question and act upon concerns about practice, including those that are made in the public interest ;
- provide guidelines for employees to raise concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation.

2.2 All employees have a legal and moral responsibility to report improper acts and omissions. In some circumstances, failure to raise such concerns may amount to breach of contract or breaking the law.


2.3 Under the provisions of The Bribery Act 2010 there is a requirement for employers to adopt measures to prevent bribery on its behalf. This Whistleblowing policy is an essential tool in helping to protect the Council and you are therefore encouraged to report any genuine concerns.

2.4 This Whistleblowing Policy and Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law;
- failure to comply with a legal obligation;

¹ This includes employees, elected members and other persons considered as appropriate eg contractors.

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- disclosures related to miscarriages of justice (e.g. failure to provide evidence in a criminal investigation, perjury);
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- offering or receiving bribes as defined in the Bribery Act 2010
- possible fraud and corruption;
- sexual or physical abuse of clients;
- other unethical conduct;
- actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong;
- deliberate covering up of information relating to any of the above.

2.5 Thus, any serious concerns that employees have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under this Policy and Procedure. This may be about something that:

- makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Council subscribes to;
- is against the Council's Constitution and supporting policies;
- falls below established standards of practice; or
- amounts to improper conduct.
- Breaches of the Bribery Act 2010

2.6 It should be emphasised that this Policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or management decisions taken by the Council, nor should it be used to reconsider any matters which have already been, or are currently being, addressed under the bullying, harassment, complaints, grievance, disciplinary or other procedures. This includes blowing the whistle" about breaches of employees own employment contract which should be dealt with using the grievance procedure.

3. Harassment or Victimisation


3.1 The Councils committed to good practice and high standards and wants to be supportive of employees making the decision to report a concern. If an employee believes that what he/she is saying is true, they should have nothing to fear as he / she will be doing their duty to their employer and those for whom they are providing a service.

3.2 The Council will not tolerate any bullying, harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern. Such retaliation could include, but is not limited to:

- frequent and undesirable changes in work assigned;
- unsubstantiated disciplinary action;
- unjust denial of promotion or transfer.

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Employees should refer to the Respecting People at Work Framework/ Employee Complaints (Grievance Procedure) if they have any concerns regarding their treatment within the workplace.

3.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, redundancy or other procedures that already affect employees.

4. Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. At the appropriate time, however, an employee may need to be a witness, for instance if the matter leads to a disciplinary hearing or a criminal prosecution.

4.2 In some cases, confidentiality may not be possible. For instance, if you report abuse or a criminal offence, then the person you tell may have to take some action. If it does become necessary to reveal your identity, you will be consulted before this action is taken. If there is an unauthorised disclosure of your identity, disciplinary action may be taken against that individual.

5. Anonymous Allegations

5.1 This Procedure encourages employees to put their name to an allegation whenever possible. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Chief Executive (contact details in Appendix 1). In exercising this 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.

6. Untrue Allegations


6.1 If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

7. Support for Employees

Employees who raise concerns or who are the subject of an investigation can access confidential counselling through the Occupational Health Service.

The Employee Assistance Programme is an independent organisation that provides completely confidential help and assistance including counselling for employees and their immediate families for any personal or work related issues. It is available 24 hours a day, 7 days a week, 365 days a year. They can be contacted on 0800 030 5182 (or 0044 161 836 9498 to call from outside UK and calls will be charged).

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Counselling Advice - CounsellingAdvice@healthassured.co.uk

To access the service online, please go to online health portal - www.healthassuredeap.co.uk
Using the generic **Username:** Blackpool and **Password:** Council

WHISTLEBLOWING PROCEDURE

8. How to raise a concern

- 8.1 You should raise this in the first instance with your line manager. In most cases, the matter will be dealt with at that stage. The earlier you raise your concern, the easier it will be to take action. REMEMBER, IF IN DOUBT, RAISE IT.
- 8.2 If you feel unable to raise the issue with your line manager, or if your line manager does not take appropriate action to resolve the issue, you should approach your senior manager.
- 8.3 Whether or not it will be considered reasonable for you to be able to discuss the issue with your manager depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For instance, if you have previously attempted, unsuccessfully, to raise the issue with your manager or where, you believe that the malpractice will only be dealt with by reporting it elsewhere, then you should do so.

9. Managers:


- have a responsibility to ensure that concerns are taken seriously;
 - where appropriate, should investigate and make an objective assessment of the concern;
 - should keep the employee advised of progress;
 - have a responsibility to ensure that the action necessary to resolve a concern is taken.
10. There may be an **existing procedure** for you to follow which is specifically intended to address your specific area of concern and unless, in good faith, you feel unable to, you should follow the appropriate procedures – **see Appendix 4** for further details.

Internal Disclosures

11. If you feel that your senior manager has not dealt with the issue appropriately, or if you feel unable to talk to that person (because of circumstances outlined above in Section 11.1), you should contact one of the designated Departmental Contact Persons listed in Appendix 1 and formally inform them of your concern. This person will advise you as to the operation of the procedure, including whether you ought to be raising your concern under an existing procedure, as outlined in Section 13.

If you would rather contact someone outside your own Department, then one of the Corporate Whistleblowing Contacts listed in Appendix 1 will be able to discuss the matter with you.

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- 11.1 If the Contact Person agrees that your concern should be dealt with under the Whistleblowing Procedure, it will be recorded in writing – using the form in **Appendix 3** - and you will be given a copy.
- 11.2 You may wish to consider discussing your concern with a colleague in some circumstances, as it can be easier to raise concerns if there is more than one witness.
- 11.3 You are entitled to be accompanied by a trade union representative or work colleague at any meetings or interviews in connection with concerns you have raised. If your chosen representative is someone who is a witness, or clearly someone who will need to be interviewed in his or her own right, an alternative should be chosen.

How the Council will respond

12. The Council will respond to any concern raised. Where appropriate, the matters raised may:
- be investigated by management, risk services , or through the disciplinary process;
 - be investigated under another procedure, e.g. child / adult protection;
 - be referred to the Police;
 - be referred to the Monitoring Officer;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 12.1 The Whistleblowing Contact will write to you within ten working days (wherever reasonable possible) of a concern being raised to:
- acknowledge that the concern has been received;
 - indicate how the matter will be dealt with;
 - where applicable, give an estimate of how long it will take to provide a final response;
 - inform you about staff support mechanisms.
- 12.2 The Whistleblowing Contact will appoint an Investigating Officer who will investigate your concern. Managers of investigating officers must make reasonable allowances as regards time and workload to enable them to carry out a thorough and swift investigation.
- 12.3 If, during the investigation, you are concerned about what progress is being made, require support or reassurance, or feel you may be being victimised or harassed as a result of making the disclosure, you should contact your Whistleblowing Contact.
- 12.4 In order that you can be assured that your concern has been properly addressed, then - subject to legal constraints and following the investigation - the Whistleblowing Contact will write to you to inform you of the outcome. However, this will not include details of any disciplinary action, which will remain confidential to the individual /s concerned.

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The Responsible Officer

13. The Director of Governance and Partnerships, in his role as ‘Monitoring Officer’ (see Appendix 1) has overall responsibility for the maintenance and operation of this Policy and Procedure. Whistleblowing Contacts will report all concerns reported under this Procedure. The Monitoring Officer will keep a record of all concerns raised and the outcomes. The Director of Governance and Partnerships will report to the Council’s Standards Committee on an annual basis or more often, as appropriate.


How the matter can be taken further

14. Disclosure to Regulatory Bodies

14.1 This procedure is intended to provide you with an avenue within the Council to raise concerns. If you feel that your concern has not been dealt with satisfactorily and that it is right to take the matter outside the Council, then you should seek advice from the internal contact point in the first instance. If you still feel that the matter has not been dealt with satisfactorily then there are a number of possible external contact points, further details of which are given in **Appendix 2**

14.2 A disclosure to a regulatory body will be **protected in line with Part IV of the Employment Rights Act 1996 – the Public Interest Disclosure Act**, ([click here for more information](#)) if you have a reasonable belief that malpractice has occurred, is occurring or is likely to occur and you honestly and reasonably believe that the information and any allegation within it are substantially true. If you do take the matter outside of the Council, you should ensure that you do not disclose confidential information. Please check with your internal or external contact for clarification on these points.

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**APPENDIX 1 – Internal Contacts
Procedural Contacts**

Mark Towers Monitoring Officer, Director of Governance and Partnerships, Number One Bickerstaffe Square (01253) 477007
Tracy Greenhalgh Chief Internal Auditor 4rd Floor, Number One Bickerstaffe Square. (01253) 477264 / 07795640866
Linda Dutton Head of HR and Workforce Development, 2 nd Floor, Number One Bickerstaffe Square. Mob: 07554 606831
Terry Hall Health and Safety Manager, 4 th Floor, Number One Bickerstaffe Square. ☎ (01253) 477264 / 07795640866
Employee Relations Team Human Resources, 2 nd Floor , Number One Bickerstaffe Square ☎ (01253) 477230 Email: employeerelations@blackpool.gov.uk

DEPARTMENTAL CONTACTS

Adult Social Care	Karen Smith, Head of Care and Support, 3 rd Floor, Number One Bickerstaffe Square. ☎ (01253) 477502	Schools	Ann Dixon Principal Governor Services Officer,. Number One Bickerstaffe Square ☎ (01253) 476512
Children /Adult Services	Hilary Wood Head of Business Support, Number One Bickerstaffe Square. ☎ (01253) 476125	Chief Executive	Sally Shaw , Head of the Corporate Delivery Unit, 2rd Floor, Number One Bickerstaffe Square. ☎ 07747648216
Governance and Partnerships	Joceline Greenaway Head of Registration and Bereavement Services ☎ (01253) 477173	Public Health	Judith Mills Consultant in Public Health Number One Bickerstaffe Square. ☎ (01253) 476368
Resources	Louise Jones Head of Benefits and Customer Services Number One Bickerstaffe Square. ☎ (01253) 478885	Community and Environmental Services	Amanda Jones Administration and Quality Manager Number One Bickerstaffe Square. ☎ (01253) 478479
Places	Philip Welsh Head of Visitor Economy Number One Bickerstaffe Square. ☎ (01253) 477312	Suspected Fraud	Tracy Greenhalgh Chief Internal Auditor Number One Bickerstaff Square. Tel: (01253) 478554

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APPENDIX 2 – External Contacts (and the matters they would deal with)


Listed below are the types of external organisations that as an employee you could contact

Public Sector Audit Appointments Ltd (PSAA) <i>(proper conduct of public business, value for money, fraud and corruption in local government and health service bodies)</i>	The Environment Agency <i>(Acts or omissions which have an actual or potential effect on the environment)</i>
Her Majesty’s Chief Inspector of Education, Children’s Services and Skills <i>(Matters relating to the regulation and inspection of establishments and agencies for children’s social care services)</i>	Health and Safety Executive <i>(Health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work)</i>
Certification Officer <i>(fraud and other irregularities, relating to the financial affairs of trade unions and employers’ associations)</i>	The Pensions Regulatory <i>(The protection of members’ benefits under occupational and private pensions schemes)</i>
The Charity Commission for England and Wales <i>(Administration of charities and of funds given or held for charitable purposes)</i>	Local Government Ombudsman <i>(Council maladministration)</i>
Care Quality Commission <i>(The administration of adult social care services)</i>	Children’s Commissioner <i>(matters relating to the rights, welfare and interests of children in England)</i>
Commissioners for Her Majesty’s Revenue and Customs <i>(About the administration of UK taxes; the administration of N.I. and tax credits systems; Custom and border-related functions and criminal investigations)</i>	The Information Commissioner <i>(Compliance with the requirement of legislation relating to data protection and to freedom of information)</i>
The Comptroller and Auditor General <i>(About the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services)</i>	

For full details of the above organisations contact information including email address, telephone numbers and addresses are available at the following hyperlink:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

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APPENDIX 3 - Report Made under the Whistle blowing Procedure

Blackpool Council is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.

<p>Description of the Concern.</p> <p>Where possible include:</p>	<ul style="list-style-type: none"> • Dates of incidents • Who was involved • Why this is a concern • Whether there were any other witnesses • Whether you have tried to raise this with your manager • What the result was
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Continue on separate sheet if necessary

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Chief Executive.


Name:		Department:	
Address:		Contact Telephone No.:	
Date:			

To be completed by Designated Officer on Receipt of Report

Department:		Reference:	
Date of Report:		Designated Officer:	

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APPENDIX 3a – Advice given by The Whistleblowing Departmental Contacts
[To be completed by the above contacts only]

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<p>Description of the Concern.</p> <p>Where possible include:</p>	<ul style="list-style-type: none"> • Dates of incidents • Who was involved • Why this is a concern • Whether there were any other witnesses • Whether you have tried to raise this with your manager • What the result was
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Advice given if no further action was taken

<u>To be completed by Designated Officer on Receipt of Report</u>			
Department:		Reference:	
Date of Report:		Designated Officer:	

Please Note : Whistleblowing Contacts will report all concerns reported under this Procedure to the Monitoring Officer who will keep a record of all concerns raised and the outcomes.

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Appendix 4 – Existing Procedures to raise issues of Concern

There may be an existing procedure for you to follow which is specifically intended to address your specific area of concern and unless, in good faith, you feel unable to, you should follow the appropriate procedures:

A) Employment Related

Type	Policy Document (click on the relevant document to access)
Employment Matters	<u>Employee Complaints (Grievance Procedure).</u> The procedure does not cover the following subjects: <ul style="list-style-type: none"> • disciplinary matters, for which there are separate procedures; • Income Tax and National Insurance; • The Rules of Pension Schemes; • any matter concerning the terms of a collective agreement which you ought to properly take up through the employees' side of the Joint Negotiating Machinery, or • any other matter for which similar appeal / machinery exists.
Bullying or harassment	<u>Respecting People at Work Framework.</u>
Discrimination	<u>Equality Policy Framework (Workforce)</u>
For further information: Employee Relations Team Tel: 01253 477230 or email employeerelations@blackpool.gov.uk).	


If you have a concern about a **Health and Safety issue**, you should contact your Departmental Health and Safety Officer or the Health and Safety Manager

B) Complaints against a services or Council employee from a Member of the public or a service user

Service Area	Policy Document
General Council Services	<u>Customer Feedback Policy</u>
Adult Social Care	<u>Adult Social Care Customer feedback Procedure</u>
Children's Social care	<u>Children Services Customer feedback Procedure</u>
For further information: Customer Relations team (Tel: 01253 477700 or email customerrelations@blackpool.gov.uk)	

However if there is any concern about the welfare of a child or vulnerable adult, please

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ring either: Adult social care: 01253 477592 Children's services: 01253 477299
or email duty.assessment@blackpool.gov.uk

C) Issues about fraud?

Service Area	Policy Document
<u>Corporate Fraud</u> If you suspect a fraud is being committed in relation to a colleague, a contractor or a member of the public (such as Council Tax Reduction)	<u>Corporate Fraud Reporting form.</u>
<u>Benefit Fraud</u> If you suspect benefit fraud is being committed this can be reported three ways : <u>By telephone:</u> Contact the National Benefit Fraud Hotline on 0800 854 440 . Your call is free and confidential you do not have to give your name or address. Lines are open Monday to Friday 8.00am to 6.00pm. If you have speech or hearing problems you can use a text phone service on 0800 328 0512 or Welsh speakers can call on 0800 678 3722. <u>Online at:</u> www.gov.uk/report-benefit-fraud <u>By Post:</u> NBFH, PO Box 224, Preston PR1 1GP	
For further information: Tracy Greenhalgh Tel: 01253 478554 email : corporate.fraud@blackpool.gov.uk	

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