

# Whistleblowing Policy and Procedure

## Policy summary

<b>Purpose</b>	<p>The Whistleblowing Policy and Procedure describes the Council's commitment to supporting and protecting whistleblowers; the steps that you should take if you wish to blow the whistle on serious wrong-doing in the workplace (known as making a "protected disclosure"); and how the Council will respond.</p>
<b>Scope</b>	<p>This policy and procedure applies to all council employees and other workers; including freelance staff; temporary and agency staff; trainers; volunteers; consultants; and contractors.</p> <p>It sits alongside the Council's Anti-Fraud, Corruption &amp; Bribery Policy and Strategy and its Anti Money Laundering Policy.</p> <p>It supersedes the Whistleblowing Policy and Procedure dated 6 February 2019</p>

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## **1. Introduction**

- 1.1 Dorset Council is committed to achieving high standards of integrity and accountability and expects the same commitment from all of its employees and others working for and with the council.
- 1.2 We aim to provide an open environment so that employees and those working for the Council can raise issues that they believe to be in the public interest, with the confidence that they will be acted upon appropriately.
- 1.3 The Council is committed to a culture in which individuals with serious concerns can feel confident that in raising those concerns they will be protected from any detrimental treatment, such as victimisation and/or harassment.
- 1.4 The Whistleblowing Policy and Procedure describes the Council's commitment to supporting and protecting whistleblowers; the steps that you should take if you wish to blow the whistle on serious wrong-doing in the workplace (known as making a "protected disclosure"); and how the Council will respond. It is also important for potential whistleblowers to understand that their employment will be protected by the Council on the strict assumption that any disclosures or allegations are not malicious in nature.
- 1.5 This procedure complies with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.
- 1.6 Concerns raised under this policy can include:
  - Failure to observe health and safety regulations, or actions which involve risks to the public or other employees;
  - Financial irregularities - including fraud, corruption or unauthorised use of public funds;
  - Conduct which is unlawful;
  - Action causing major harm to the environment;
  - Employees claiming benefits to which they are not entitled;
  - Sexual, racial, physical or other abuse of service users;
  - Other causes of malpractice, negligent, unprofessional or unethical behaviour;
  - Concealment of any of the above.
- 1.7 The Council will support and protect whistleblowers who raise a concern under this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act.
- 1.8 Allegations should only be made where the whistleblower reasonably believes that the disclosure is in the public interest.

- 1.9 All reported wrong-doings will be treated in absolute confidence, with every effort made by the Council not to reveal a whistleblower's identity if they so wish. However, it may be necessary for a whistleblower to become an identified witness at an appropriate time, particularly if it has not been possible to substantiate the allegations by other means. The implications of this, together with the appropriate support/protection arrangement, will be discussed with the whistleblower.
- 1.10 Whistleblowers are encouraged to put their name to allegations. Anonymous allegations will be investigated but are much less powerful and are more difficult for the Council to act upon.
- 1.11 If the Council finds that allegations have been made maliciously or for personal advantage, action will be taken against an employee making the allegation in accordance with the Council's disciplinary policies.
- 1.12 This policy is not a substitute for the council's other policies and procedures on matters such as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

## **2. *Raising a Concern***

- 2.1 There is an obligation on every one of us to raise serious issues of concern so that they can be addressed. This procedure describes how you should do this if you wish your concerns to be treated as a "protected disclosure".
- 2.2 The Council's Code of Conduct for employees makes it clear that employees who have serious concerns about aspects of work, or practices which affect the integrity of the Council, or safety of its employees or the general public, must come forward and voice these concerns.
- 2.3 When you raise an issue you must do this in writing. You can write anonymously but the Whistleblowing Policy and Procedure is intended to give you the confidence to put your name to your concerns.
- 2.4 It is important to make it clear that the issue is being raised under the Whistleblowing Policy. Concerns such as complaints or safeguarding (children or adults) issues should be raised under those specific policies.
- 2.5 In the first instance you should normally raise issues and concerns with your line manager. There may though be instances where the seriousness of your concerns, or the involvement of your line manager, mean that you need to go straight to your head of service or director. In the most serious cases or where you do not feel able to raise concerns within your own directorate then you can also make a direct disclosure to:
  - The 'Monitoring Officer'
  - The 'Chief Financial Officer'

- The Chief Executive.

Contact details are provided later in this procedure.

- 2.6 Managers who receive whistleblowing complaints or allegations must ensure that they are referred immediately to the Monitoring Officer.
- 2.7 It is important for managers to understand that a complaint or allegation may fall within the scope of this policy and procedure even though the employee might not actually write that they are “whistleblowing” or making a “protected disclosure”. Managers must recognise the nature of the complaint and if it is within the scope of this policy and procedure then it must be referred to the Monitoring Officer.
- 2.8 The Monitoring Officer will then ensure that any appropriate subsequent notifications are made to others. For example, in the case of a financial irregularity (e.g. fraud, corruption or unauthorised use of public funds), the Council’s Section 151 Officer (Chief Financial Officer) must also be informed.
- 2.9 In some situations, you may wish to take advice from and/or involve a colleague or Trade Union representative. The Council welcomes this involvement as it can help to give you the confidence to raise concerns that you might not otherwise feel able to disclose to senior management.

### **3. *Whistleblowing Procedure***

- 3.1 Depending on the nature of the alleged wrong-doing, the Council will arrange for the matter to be:
- Investigated internally by directorate management, or a senior manager from another directorate, or by another independent professional.
  - Referred to the External Auditor to be investigated; and/or
  - Referred to the appropriate external enforcement agency (e.g. Police, Health and Safety Executive, Environmental Agency, or the appropriate Government Department).
- 3.2 The Monitoring Officer will write to you (the whistleblower) within 10 working days of the concern being raised to acknowledge receipt of the issue and to indicate how the Council proposes to deal with the matter.
- 3.3 Investigations will be planned and controlled to ensure a thorough and speedy conclusion. The Monitoring Officer will oversee the process to ensure that this is achieved.
- 3.4 When the issue raised is about another employee’s conduct, following an initial investigation under the Whistleblowing Policy, the matter may then be

dealt with by management as part of an appropriate HR procedure (e.g. Fairness and Dignity at Work, Disciplinary or Capability Procedure etc.)

- 3.5 Employees raising concerns under this policy and managers to whom allegations are disclosed must maintain confidentiality in all areas, including among service users and other employees.
- 3.6 When considering anonymous allegations, the Council will take the following factors into account:
- The seriousness of the matter raised.
  - The credibility of the allegation.
  - The likelihood of obtaining information which could confirm the allegation.
- 3.7 In some situations, urgent action may need to be taken prior to any investigation process (e.g. to protect the safety of individuals, or if immediate action is needed to secure relevant information etc.).
- 3.8 The investigating officer will provide you with initial feedback on the actions being taken and the likely timescales within 20 working days of the complaint being made. Thereafter, feedback will be provided on an agreed regular basis.
- 3.9 Subject to any legal constraints, the Council will inform you of the outcome of the investigation although clearly it will not be possible to do this if the whistleblower is determined to remain anonymous.
- 3.10 If when you are informed of the response to the allegation you have raised you are dissatisfied, you should put your concerns in writing to the Chief Executive within 20 working days of receipt of the correspondence, who will arrange for these to be reviewed.

#### **4. Support**

- 4.1 The Council will identify an individual to provide support and advice to you throughout the investigation process.
- 4.2 Similarly, a contact/liaison officer will be provided to an employee under investigation as part of a whistle-blowing complaint.
- 4.3 If you feel victimised or harassed, or believe that you have suffered any other detriment as a result of raising a concern in accordance with this procedure, then you should advise the person identified in 4.1 and/or the Monitoring Officer. You are actively encouraged to raise concerns directly with these individuals if you feel dissatisfied with the application of this policy.
- 4.4 A free, personal and confidential counselling service is available to all council employees.

**5. External Disclosures**

5.1 If you are dissatisfied with the Council's response through its internal procedures, then you should consider contacting an external organisation. These could include:

- External Auditor
- Health and Safety Executive
- Ofsted
- Care Quality Commission (CQC)
- Environmental Agency
- Her Majesty's Revenue & Customs (HMRC)
- Public Concern at Work

5.2 Advice should be taken before making an external disclosure and, under normal circumstances, the internal procedure should have been followed first.

5.3 The Council has established this policy and procedure as a means of enabling its employees to raise serious concerns in a way that protects them from any detriment. In doing so the clear expectation is that you follow the Whistleblowing Policy and Procedure and must not make disclosures through the media (e.g. the press and/or internet, social media etc.)

5.4 The Public Interest Disclosure Act 1998 provides some employment protection rights to individuals who 'blow the whistle' outside their organisation. However, the types of information and the situations in which concerns are disclosed externally are tightly defined in the legislation. The Act only protects those making disclosures which are considered to be in the public interest.

5.5 As such, the Council reserves the right to take action against any employee where an inappropriate external disclosure is made. This would include, for example, cases when an allegation has made maliciously or for personal advantage or direct to the media without any attempt to address issues through the whistle-blowing policy and procedure.

**6. Other Workers and Suppliers**

6.1 This policy and procedure applies to all council employees and other workers (regardless as to whether they remain employed by the Council at the time that the whistleblow is made); including freelance staff; temporary and agency staff; trainers; volunteers; consultants; and contractors. It will be published to ensure that it is available and easily accessible to all such groups.

6.2 The spirit of this policy and the procedure will also be applied to all employees in organisations who work in partnership with the Council or who supply goods and services to the Council, recognising though that these are not employees of the Council.

6.3 It will also be applied in spirit to elected members of the Council, recognising though that they have separate and distinct roles as the elected

representatives of their communities who operate within a political environment. Elected members to whom the whistle is blown should in the first place contact the Monitoring Officer.

- 6.4 All concerns should be raised with an appropriate officer and/or the council's Monitoring Officer.
- 6.5 Members of the public may also have serious concerns about which they wish to "blow the whistle". As they are not employees, members of the public cannot suffer detriment in their employment as a result of whistleblowing. Again though, it is important the spirit of this policy and procedure is applied so that service users are not discouraged from coming forward and raising serious concerns for fear that they will receive a lower level of service in the future.
- 6.6 For the sake of clarity this policy is not to be used by members of the public to pursue complaints about individual service delivery. Instead these should be referred to and dealt with through the council's complaints procedure

## **7. Key Roles and Responsibilities**

### **7.1 Employees / Councillors –**

- Will ensure that they raise serious concerns about any aspects of work and/or practices which affect the integrity of the council and/or the safety of employees or the public

### **7.2 All Managers –**

- Will ensure that their members of staff (including agency staff, consultants, contractors, volunteers etc) are aware of and follow approved council procedures (e.g. financial regulations; health and safety etc.).
- Will register any whistle-blowing cases brought to their attention immediately with the Monitoring Officer
- Will respond to whistle-blowing submissions positively within the timescales set out within this policy

### **7.3 Monitoring Officer –**

- Will take overall responsibility for overseeing the appropriate application and ensure adherence to the requirements of the Whistle-blowing policy and procedures.
- Will maintain a record of all whistle-blowing allegations
- Will respond to the whistle-blower within 10 working days of receiving an allegation.

- Will provide proactive support and advice to managers as required; including attendance at meetings as necessary.
- Will ensure that this policy is subject to formal review on a regular basis.

## **8. Contact Details**

Monitoring Officer: Jonathan Mair ( [Jonathan.Mair@dorsetcouncil.gov.uk](mailto:Jonathan.Mair@dorsetcouncil.gov.uk) )

Chief Financial Officer: Aidan Dunn ( [aidan.dunn@dorsetcouncil.gov.uk](mailto:aidan.dunn@dorsetcouncil.gov.uk) )

Confidential reporting line: 01305 225009 (24 hours)

Chief Executive: Matt Prosser ( [matt.prosser@dorsetcouncil.gov.uk](mailto:matt.prosser@dorsetcouncil.gov.uk) )

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