North East Lincolnshire Council

Whistleblowing Policy

Introduction and Context

North East Lincolnshire Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, volunteers, and anyone associated with the Council who have serious concerns about any aspect of practices encountered within the Council to come forward and voice those concerns without fear of reprisals. This Policy is to support staff wanting to raise such issues. It is recognised that certain cases will have to proceed on a confidential basis.

This policy takes into account the provisions of the Public Interest Disclosure Act 1998, which also provides legal recourse for the person raising the concern should they feel they have been treated unfairly as a result of "whistleblowing". A purpose of the policy is to give all members of staff the confidence to come forward and raise issues of concern. The issues covered by the policy include things that may be:

- unlawful
- involve fraud or dishonesty
- contrary to Standing Orders (the Constitution)
- is against Corporate and/or Directorate Policies and procedures
- is seen as improper conduct
- endangers the health and safety of staff, customers or users

This policy is written in line with the Corporate Equalities Strategy, the Anti Fraud and Corruption Strategy and Section 17 of the Crime and Disorder Act 1998.

Aims

This aim of this policy is to provide safe and confidential avenues for all staff, volunteers and those associated with the Council to raise concerns and receive feedback over malpractice including those of child protection, social care, corruption and financial irregularities occurring within North East Lincolnshire Council. It will create a broader understanding of issues facing the Council and raise awareness amongst all staff groups of the opportunity to raise issues of concern. It will result in:

- staff and Members being aware of how to express concerns in regards to suspicion of bad practice
- a recognition that systems are in place to prevent victimisation and / or intimidation of staff who raise concerns in good faith
- an atmosphere that enables and encourages staff to raise serious concerns
- a clear and understandable process regarding taking issues of concern further if they are not satisfied with the response and provide feedback at all stages regarding progress being made

Safeguards

Harassment and Victimisation
The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Council will not tolerate harassment or victimisation and will take action to protect the person raising the concern when they raise a concern in good faith. This does not mean that if the person raising the

concern is already the subject of disciplinary or other Council procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality

It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent..It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

Anonymous Allegations

This policy encourages the person raising the concern to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issued raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an allegation is made but subsequently, following an investigation, not up held then no action will be taken against the instigator providing they:

- have acted in *good faith*;
- believe that the information disclosed, and any allegation contained in it, is **substantially true**; and
- **havenot** *acted for personal gain*.

It should be note that if a malicious or false allegation is made, disciplinary action may be considered.

Guidelines

Raising a concern

Minor issues of concern should in the first instance be raised with immediate line managers or in the case of Carers with the section managers however issues felt to be of a more serious or sensitive nature should be raised directly with the Deputy Director. Contact details for the Deputy Directors can be obtained directly from the main Council switchboard on 01472 313131or alternatively from the North East Lincolnshire Council website www.nelincs.gov.uk .

If you feel unable to raise the matter with your Deputy Director, for whatever reason, then the matter should be raised with either of the following:-

	Personnel Related Concerns:
All non financial or personnel related claims:	
Deputy Director of Law & Democratic Services	
	Deputy Director of Human Resources
Municipal Offices	
	Municipal Offices,
Grimsby	
	Grimsby.
Tel. No. 324000	
	Tel: No. 324050

Financial Concerns

Head of Internal Audit	Deputy Director of Finance,
Civic Offices,	Municipal Offices,
Cleethorpes	Grimsby.
Tel. No. 323906	Tel. No. 323901

Whoever you raise your concern with will immediately notify the Responsible Officer (Deputy Director Law and Democratic Services) who has overall responsibility for this policy.
Whenever possible, concerns should be raised in writing and should set out the background and history of the concern, giving names, dates and places if known, as well as the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can telephone or meet the appropriate officer.
The earlier the concern is expressed, the easier it is to take action.
Although those raising a concern will not be expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.
Advice and guidance on how matters of concern may be pursued can be obtained from the Deputy Directors.
Individuals may seek advice and support, and also invite their Trade Union or professional association to raise a matter on their behalf. This would be welcomed and encouraged by the Council.

How the allegation will be dealt with
The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally. Any investigation will be undertaken paying due regard to confidentiality.
- be referred to the Police.
- be referred to the external Auditor.
- form the subject of an independent inquiry by the Ombudsman.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of other existing procedures (e.g. child protection or discrimination issues), will normally be referred for consideration under those procedures.
Some concerns may be resolved by agreed action without the need for investigation.
The Council will write to the complainant within a maximum of 10 working days of a concern being received;

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

N.B. In certain high-risk situations, i.e. child protection concerns, interim action may already have been taken.
The amount of contact between the body considering the issues and the complainant 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 from the individual.
When any meeting is arranged, the person raising the concern has the right, if they so wish, to be accompanied by a Trade Union representative, workplace representative or a work colleague or a personal supporter who is not involved in the area of work to which the concern relates.
The Council will take steps to minimise any difficulties, which the person raising the concern may experience as a result of raising a concern. For instance, if the person raising the concern is required to give evidence in criminal or disciplinary proceedings, the Council will advise and support them through the procedure.

The Council accepts that the person raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigations.

Alternative methods of taking forward a complaint
This policy is intended to provide the person raising a concern with appropriate avenues to raise those concerns internally with the Council whenever possible however, if an individual feels it is right to take the matter outside this process, the following are possible contact points:

- individuals' solicitors.
- your local Councillor - if you live within the North East Lincolnshire Council boundary, your local Councillor can be contacted. If you are unsure how to contact them, call the Council on 01472 324119 for advice.
- the Audit Commission - which is the organisation appointed to scrutinise the Council's finances and performance. By law, they must be completely independent from the Council.
- your Trade Union or professional association - employees may invite their Trade Union or professional association to raise a matter on their behalf.
- the Police - suspicions of fraud or corruption may be reported directly to the Police.
- Public Concern at Work - this is a charity, which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 0207 404 6609 or can be e-mailed at whistle@pcaw.demons.co.uk
- The Health and Safety Executive.
- Any other relevant Inspectorate or regulatory body
- National Care Standards Commission, Tel 01724 749040

If the person raising the concern does take the matter outside the Council, they need to ensure that any disclosure is made in a reasonable and responsible way. A disclosure will be protected, even if it is proven to be unfounded, as long as it was made in good faith. This can be checked with the Ombudsman who will also advise on ways to proceed.

The Responsible Officer
The Deputy Director Law and Democratic Services (Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality), will liaise as necessary with the Audit Manager and will report as necessary to the Standards Committee.

Related Documents

- Public Interest Disclosure Act 1998
- NELC Anti Fraud and Corruption Strategy
- NELC Corporate Equalities Strategy
- Corporate Confidentiality Policy