



# WHISTLEBLOWING POLICY

## Revision History

Date	Previous Version Date	Description of Revision
January 2024		Revision schedule. Additional contact details. Updated process, section 7.0. Reporting template and flow chart added.

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# **GRAVESHAM BOROUGH COUNCIL**

## **WHISTLEBLOWING POLICY**

### **1 Introduction**

- 1.1 Gravesham Borough Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures.
- 1.2 The council recognises that 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 harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:
  - a) is designed to give statutory protection to employees who “blow the whistle” on their employers malpractice;
  - b) although not requiring the council to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping the council comply with the law.
- 1.4 The council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and support 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.
- 1.5 This policy is intended to encourage and enable individuals to raise concerns within the council, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with the council's response.
- 1.6 This policy has been discussed and agreed with the staff representative group and relevant Trade Union Representatives.

### **2 Definition of Whistleblowing**

- 2.1 ‘Whistleblowing’ means the disclosure of malpractice or wrongdoing within an organisation.

### **3 Aims and Scope of this Policy**

#### **3.1 The Whistleblowing Policy aims to:**

- encourage and enable individuals to feel confident in raising concerns and to question and act upon any concerns;
- provide avenues for individuals to raise concerns and receive feedback on any action taken;
- ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied; and
- reassure individuals that they will be protected from reprisals or victimisation for raising concerns in good faith.

#### **3.2 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the council's Grievance Procedure which enables employees to lodge a grievance relating to their employment, and the Dignity at Work Policy which includes a procedure for dealing with claims of harassment and bullying.**

#### **3.3 This policy is also intended to cover concerns that fall outside the scope of the council's corporate complaints procedures and other statutory reporting procedures applying to some departments and support the disclosure of concerns and suspicions which cannot be raised through the channels set out in the council's Anti-Fraud & Corruption Strategy. These may include:**

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and Safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of council funds
- Action that is contrary to the council's financial procedures or contract regulations
- Possible fraud, corruption or financial irregularity
- Practice which falls below established standards or practice
- Sexual or physical abuse of clients
- Other unethical conduct

### **4 Who does this Policy cover**

#### **4.1 This policy applies to disclosures made in relation to or by:**

- a) any employee of the council;
- b) any Councillor of the Council;
- c) any contractors, their agent, subcontractors and suppliers working with or on behalf of the council;

- d) consultants and agency staff working with or for the council;
- e) any organisation working in partnership with the council.

## **5 Supporting the individual to raise a concern**

- 5.1 The council is committed to good practice and high standards. The council also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistleblowers and will take action to protect individuals who raise concerns in good faith.
- 5.2 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance or redundancy procedure that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary, grievance or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.
- 5.3 Individuals are encouraged to put their name to any allegation; concerns expressed anonymously are much less powerful but will be considered at the discretion of the council, taking into account:
  - the seriousness of the issues raised;
  - the credibility of the concern, and
  - the likelihood of confirming the allegation from attributable sources.
- 5.4 All concerns will be treated in confidence and the council will do its best to protect the individual's identity when they do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence.
- 5.5 If the situation arises where the council is not able to resolve the concern without revealing the individual's identity, this will be discussed with the individual to identify how the matter can be progressed.
- 5.6 Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them. If, however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.
- 5.7 A template Whistleblowing Report form can be found in appendix 1.

## **6.0 What to consider when raising a concern**

- 6.1 When an individual wishes to raise a concern, they will need to identify the concerns carefully. An individual must be clear about the standards against which they are judging practice. The following should be considered:
  - Is it illegal?
  - Does it contravene professional codes of practice?
  - Is it against government guidelines?
  - Is it against the Council's guidelines?
  - Is it about one individual's behaviour or is it about general working practices?

- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident?
- Did anyone else witness the incident at the same time?

6.2 Further advice can be obtained from the HR Department, Trade Union or Public Concern at Work.

## **7.0 How to raise a concern and the process**

7.1 Employees should raise concerns in the first instance with their immediate Line Manager or Service Manager, if possible. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the council, usually the person to whom they directly report.

7.2 In some cases, the nature, seriousness or sensitivity of the concern or the individuals involved in the activities causing concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate management/contact, they are able to go directly to:

<b>Name</b>	<b>Designation</b>	<b>Contact Number</b>	<b>Email Address</b>
Vicky Nutley	Head of Legal Services	01634 332298	<a href="mailto:vicky.nutley@medway.gov.uk">vicky.nutley@medway.gov.uk</a>
Laura Lowrey	Human Resources Manager	01474 337720	<a href="mailto:laura.lowrey@gravesham.gov.uk">laura.lowrey@gravesham.gov.uk</a>
Sarah Parfitt	Director – Corporate Services	01474 337313	<a href="mailto:sarah.parfitt@gravesham.gov.uk">sarah.parfitt@gravesham.gov.uk</a>
James Larkin	Head of Audit & Counter Fraud	01634 332322	<a href="mailto:james.larkin@medway.gov.uk">james.larkin@medway.gov.uk</a>

7.3 Individuals may also contact these officers for advice/guidance on how to pursue matters of concern or if, having raised the concern with the immediate manager/contact, they feel there has not been an appropriate response.

7.4 In the event of a concern being of an extreme and potentially serious nature, individuals may raise the matter directly with the Chief Executive, Stuart Bobby on 01474 337431 or via email - [stuart.bobby@gravesham.gov.uk](mailto:stuart.bobby@gravesham.gov.uk)

7.5 Concerns may be raised verbally or in writing. A template Whistleblowing Report form can be found in appendix 1 for individuals who wish to put this in writing.

7.6 Once a concern is raised the appropriate officer is responsible for making initial enquiries, taking advice from Human Resources, Internal Audit and/or the Investigations Team to help decide if an investigation is appropriate and if so, what form it should take.

7.7 In determining the action to be taken, the council will take into consideration public interest and whether the concerns or allegations fall within the scope of and may be dealt with under other specific procedures such as the council's Grievance Procedure or Dignity at Work Policy.

7.8 An acknowledgement will be received by the individual raising concerns within five working days of notifying the officer to whom the concern was expressed.

7.9 The officer will then decide how to progress your concern. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

7.11 Concerns raised may:

- be resolved by agreed action without the need for investigation;
- be investigated by management;
- be investigated by the council's Investigation team, consisting of representatives from Internal Audit, the Investigations Team and Human Resources;
- be referred to the Police;
- be referred to the External Auditor;
- form the subject of an independent enquiry.

7.12 If an investigation is necessary the appointed investigation officer should arrange a meeting with the individual within ten working days of receiving the concerns, or an outline of how the investigating officer intends to deal with the concerns raised will be sent in writing.

7.13 Any meetings that are required can be held "off-site" if preferred and the right to be accompanied by a workplace colleague or Trade Union Representative will be permitted.

7.14 The individual receiving the complaint must report this confidentially to a member of the HR team. HR are responsible for keeping a record of all complaints under this policy.

7.15 Although the individual raising the concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

7.16 The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

7.17 The amount of contact between the persons considering the issues and the individuals raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

7.18 The council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the council will arrange for you to receive advice and support in doing this.

## 8.0 How the matter can be taken further

8.1 This policy is intended to provide individuals with an avenue to raise concerns within the council. The council hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied, or feel it is right to take the matter outside the council, the following are possible contact points:

- An Elected Member
- The council's External Auditor, currently Grant Thornton UK LLP
- Public Concern at Work (Tel: 0207 404 6609, [www.pcaw.co.uk](http://www.pcaw.co.uk)) who are a registered charity whose services are free and confidential
- The local Citizens Advice Bureau
- Relevant professional bodies, Trade Unions or regulatory organisations
- Unison's Whistleblower's hotline 0800 597 9750

- The Police
- A solicitor
- The Local Government Ombudsman

8.2 If individuals do feel it is its right to take the matter outside the council, they will need to ensure that confidential information is not disclosed. Advice and guidance on this issue may be sought from the contacts listed at paragraph 7.2 of this policy.

## **9.0 Review and approval of this Policy**

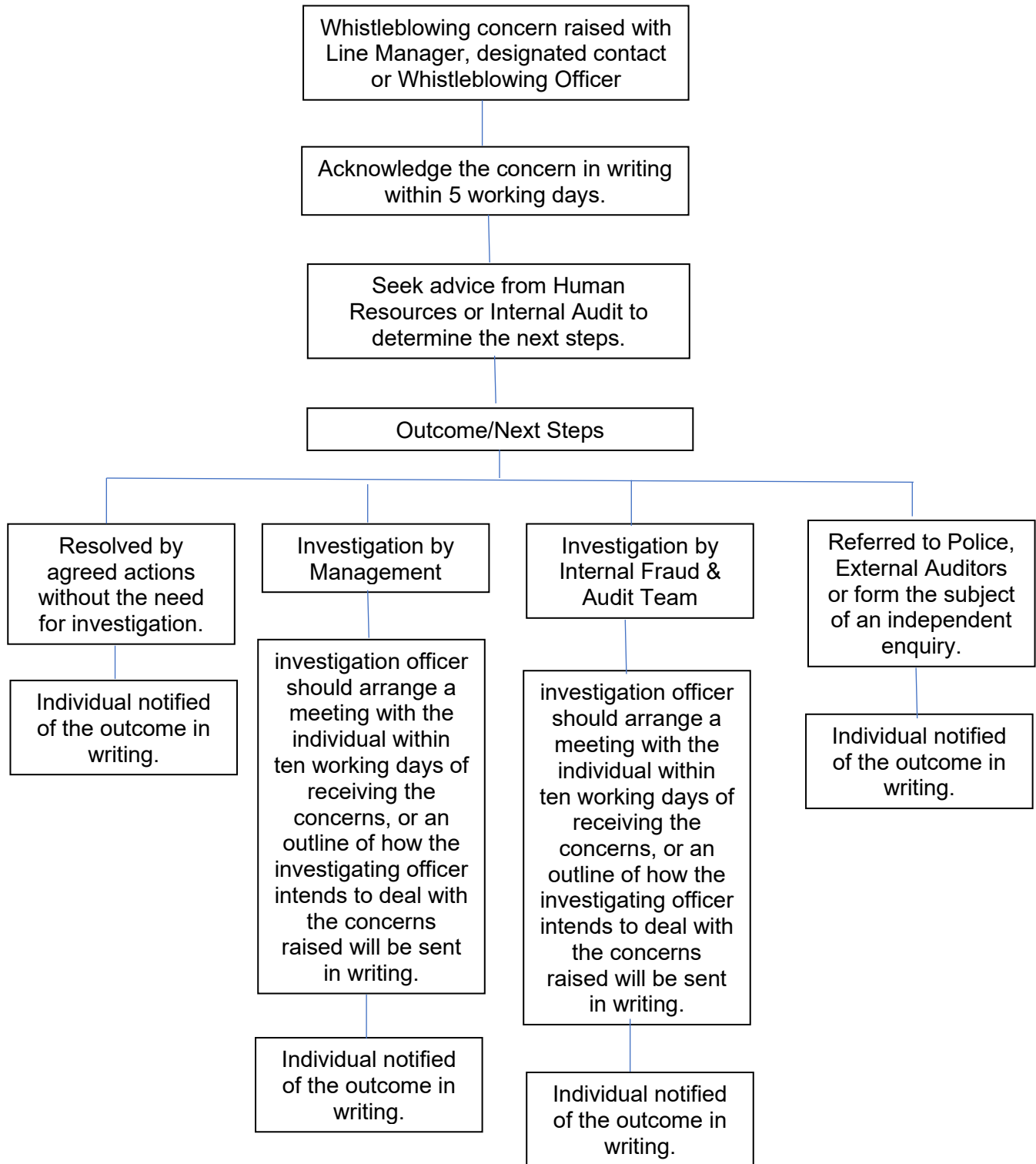
9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy and for ensuring it is regularly reviewed.

9.2 The Human Resources Manager will have responsibility for keeping a record of all concerns raised, outcomes (in a form which respects the individual's confidentiality) and general oversight of Whistleblowing matters.

9.3 The Whistleblowing Policy will be reviewed annually.



## Process Flow Chart



## Appendix 1

### Whistleblowing Report Form

<b>Contact Details</b>  Full Name:  Contact Number:  Email Address:  Date:	
<b>Disclosure</b>  Please include details of individuals involved, nature of the allegation, dates and details of when and where the alleged malpractice took place. Use additional sheets as necessary.	
<b>Supporting Evidence</b>  Please provide details of any documents, witnesses or evidence to substantiate your disclosure, or attached them when submitting the form. Use additional sheets as necessary.	
<b>Declaration</b>  I declare that all the information provided has been made voluntary and is true to the best of my knowledge. I will ensure that my participation in this matter will remain confidential. I understand that Gravesham Borough Council will try and protect my identify, but that this may not be possible as per point 5.4 and 5.5 of the Whistleblowing Policy.  Full Name:  Signature:  Date:	