# Gravesham Borough Council

# Whistleblowing Policy & Procedures

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| Responsible Department | Human Resources |
| Review Date | 3 years or as per ACAS Code of Practice/Legislative change |
| Consultation | UNISON |

**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. |
| September 2026 | January 2024 | Updated concerns, including Sexual Harassment (ERA 2025), revision of raising concerns process, update to contact points, sources of support added to appendices |

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All policies are accessible by the intranet. Alternatively, please contact HR directly.

## 1 Introduction

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.

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 detriment, 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.

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:

- is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice;
- 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.

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.

This policy is intended to encourage and enable individuals to raise serious concerns internally about any aspect of the operation of the council, without fear of reprisals, rather than overlooking a problem. While the Council encourages concerns to be raised internally in the first instance, individuals may also raise concerns with a prescribed regulator or other appropriate external body where permitted by whistleblowing legislation and is not dependent on the concerns having been reported internally. This policy also recognises that individuals must be able to take matters further if they are dissatisfied with the council’s response.

This document should be read in conjunction with the Corruption and Anti-Fraud Strategy, Anti Money Laundering Policy and Safeguarding Policy.

This policy and procedure have been consulted with relevant Trade Union Representatives.

## 2 Equalities Statement

The Council is committed to promoting equality, diversity and inclusion and ensuring that all employees are treated with dignity, fairness and respect. No employee will be disadvantaged, victimised or subjected to discrimination for raising a genuine concern under this Whistleblowing Policy and Procedure. Concerns will be considered fairly and objectively, regardless of an individual's age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex, sexual orientation or any other protected characteristic. The Council will make reasonable adjustments where required to enable employees to raise concerns and participate fully in the whistleblowing process.

## 3 Core Values and Council Objectives

This Whistleblowing Policy and Procedure supports the Council's commitment to its core values and objectives by promoting openness, integrity, accountability and ethical conduct across the

organisation. The Council encourages employees to speak up where they have concerns about wrongdoing, malpractice or risks to the public interest and is committed to ensuring that concerns are raised, investigated and addressed appropriately. By providing a safe and confidential mechanism for reporting concerns, the policy helps maintain high standards of governance, protects public trust and contributes to a positive working environment where employees feel valued, respected and supported to do the right thing.

## 4 Scope

This policy applies to disclosures made in relation to or by:

- any employee of the council;
- any Councillor of the Council;
- any contractors, their agent, subcontractors and suppliers working with or on behalf of the council;
- consultants and agency staff working with or for the council;
- any organisation working in partnership with the council.

## 5 Roles and Responsibilities

### 5.1 Managers

Managers are responsible for creating an environment where employees feel able to raise concerns without fear of retaliation. Managers must take all concerns seriously, respond appropriately, maintain confidentiality where possible, and promptly refer concerns through the appropriate channels in accordance with this policy. Managers must also support employees involved in the whistleblowing process and ensure that no detriment or victimisation occurs as a result of a concern being raised.

### 5.2 Human Resources

Human Resources are responsible for providing advice and guidance on the application of this policy, supporting managers and employees throughout the whistleblowing process, and ensuring concerns are handled fairly, consistently and in accordance with relevant legislation and Council procedures. Human Resources will also monitor the operation of the policy and identify any trends or areas for improvement.

### 5.3 Designated Whistleblowing Officers

The designated officer(s) is responsible for receiving and assessing whistleblowing concerns, determining the appropriate course of action, ensuring that investigations are conducted where appropriate, and maintaining oversight of whistleblowing cases. They are also responsible for ensuring concerns are treated confidentially and that outcomes and learning points are addressed appropriately.

## 6 Aims of this Policy and Procedure

The Whistleblowing Policy and Procedure 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.

The Whistleblowing Policy and Procedure is intended to cover concerns that fall outside the scope of the council's Grievance Policy & Procedure and the Dignity & Respect at Work Policy & Procedure. The Grievance Procedure enables employees to raise concerns relating to their own employment or personal circumstances at work, such as complaints about pay, terms and conditions, workload, working arrangements, management decisions, career progression, or working relationships with colleagues and managers. The Dignity& Respect at Work Policy and Procedure includes arrangements for addressing concerns relating to bullying, harassment and discrimination. Concerns of this nature should normally be raised under the appropriate policy rather than through the Whistleblowing Policy.

This procedure 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. Concerns raised under this policy and procedure may include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and *S*afety 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 service users
- Other unethical or unprofessional conduct
- Sexual harassment that has occurred, is occurring or is likely to occur
- Attempts to suppress or conceal information relating to the above

The above does not represent an exhaustive list or areas covered by this policy.

## 7 Definition of Whistleblowing

'Whistleblowing' means the disclosure of malpractice or wrongdoing within an organisation

## 8 Supporting the individual to raise a concern

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.

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.

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.

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.

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.

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.

A template Whistleblowing Report form can be found in appendix 1.

## 9 What to consider when raising a concern

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?

Further advice can be obtained from the HR Department, Trade Union or Protect.

## 10 How to raise a concern

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.

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:

| Name | Designation | Contact Number | Email Address |
|---|---|---|---|
| Vicky Nutley | Head of Legal Services | 01634 332298 | vicky.nutley@medway.gov.uk |
| Laura Lowrey | Human Resources Manager | 01474 337720 | laura.lowrey@gravesham.gov.uk |

| | | | |
|---|---|---|---|
| Sarah Parfitt | Director – Corporate Services | 01474 337313 | sarah.parfitt@gravesham.gov.uk |
| James Larkin | Head of Audit & Counter Fraud | 01634 332322 | james.larkin@medway.gov.uk |

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.

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

Concerns may be raised verbally or in writing. A template Whistleblowing Report form can be found in appendix 2 for individuals who wish to put this in writing.

Employees may wish to discuss their concern in confidence with their trade union representative or work colleague and/or invite them to be present at any meetings in connection with the concerns raised.

## 11 How the council will respond

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

The appropriate officer is responsible for making initial enquiries, taking advice from Human Resources, and/or Internal Audit & Counter Fraud to help decide if an investigation is appropriate and if so, what form it should take.

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 & Respect at Work Policy & Procedure.

The officer will decide how to progress the concern and will write to the employee, explaining how the matter will be addressed and who will be responsible. Preliminary enquiries may be made to determine the appropriate course of action, which may include further discussion with the employee.

In some circumstances, a formal internal investigation may be needed, and the individual will be given an estimate of how long the investigation is expected to take. This does not indicate whether the concern is true or untrue; it is intended to assess the seriousness of the complaint and establish the facts.

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 & Counter Fraud and Human Resources;
- be referred to the Police;
- be referred to the External Auditor;
- form the subject of an independent enquiry.

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.

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.

The individual receiving the complaint must report this confidentially to a member of the HR team. HR is responsible for keeping a record of all complaints under this policy. All records will be gathered, processed, held, and shared in accordance with the requirements of the GDPR Act (2018) and Data Protection Act (2008). In certain limited circumstances information may be shared for the purpose of managing the disclosure.

Although the individual raising the concern is not expected to prove the validity of their allegation(s), they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

The individual will be kept updated on progress and, where possible, receive a final response on the outcome of their concern. The council recognises that they will want assurance that the matter has been fully addressed; however, it may not always be appropriate or permissible to share information, for example where legal, disciplinary or regulatory action is pending, or where disclosure may breach a duty owed to a third party.

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. In instances where an investigation is prolonged or a referral to an external agency takes place, arrangement will be made to provide situational updates as far as practicable.

The council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the council will arrange for advice and support to be provided.

## 12 How the matter can be taken further

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, should the internal process be exhausted and 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
- Protect (formerly Public Concern at Work) 0207 404 6609, 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 (such as the Health & Safety Executive, Food Standards Agency, Environment Agency, Information Commissioner)
- Unison’s Whistleblower’s hotline 0800 597 9750
- The Police
- A solicitor
- The Local Government Ombudsman www.lgo.org.uk
- National Child Abuse Whistleblowing Advice Line 0800 028 0285 help@nspcc.org.uk

If individuals do feel it is its right to take the matter outside the council, they will need to take all

reasonable steps to ensure that confidential or privileged information is not disclosed. Advice and guidance on this issue may be sought from the contacts listed at paragraph 7.2 of this policy.

## 13 Support

The raising of a concern can be difficult for all those involved, be that the whistleblower, witnesses, or those supporting the investigations. Employees are encouraged to access support where needed. Confidential support is available through the Council's Employee Assistance Programme (EAP). Employees may also wish to seek advice and representation from their trade union representative if they are a member.

Other sources of support are provided in Appendix One.

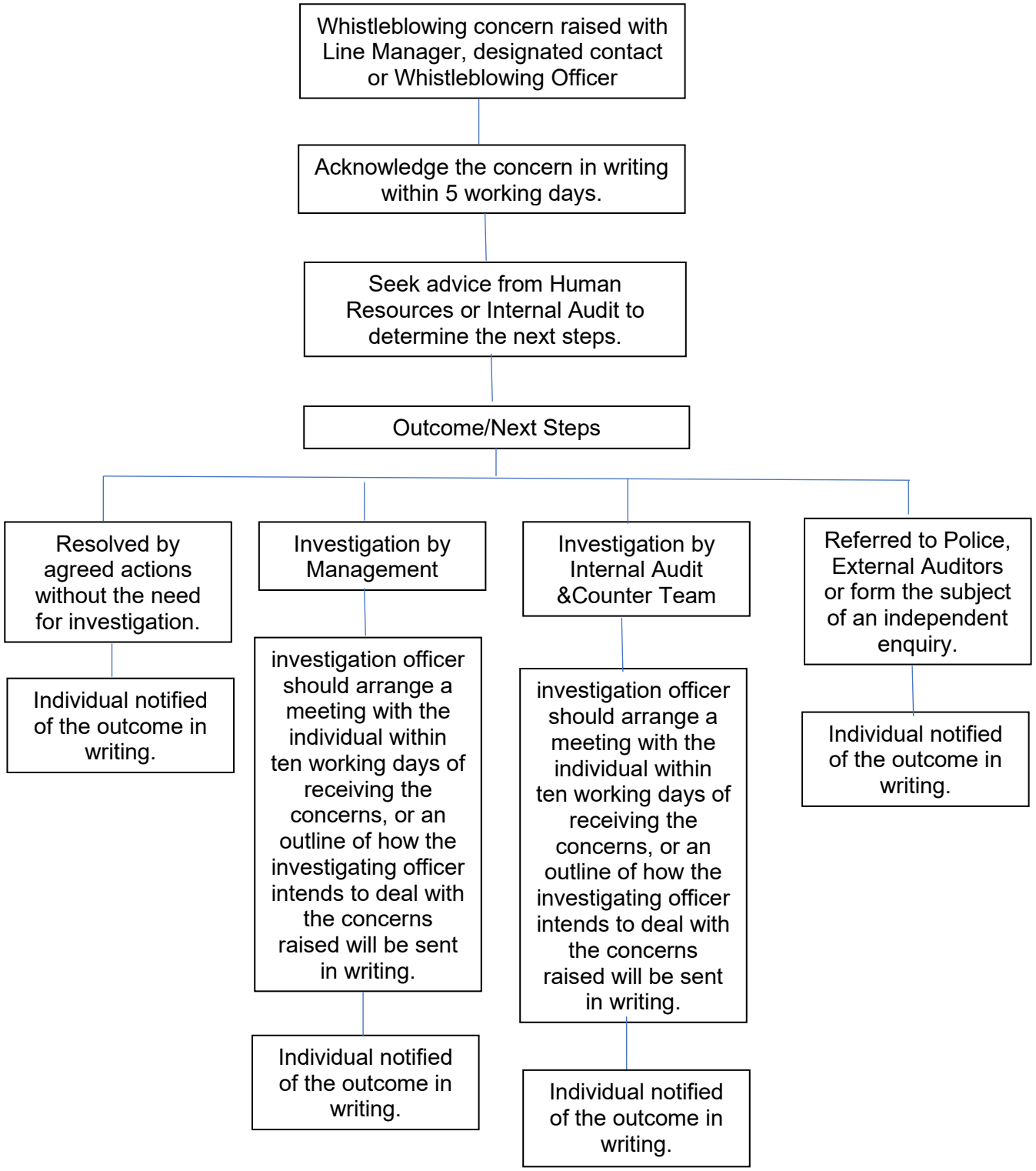
## 14 Monitoring and Review

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

The Human Resources Team 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.

The Whistleblowing Policy & Procedure will be reviewed every 2 years or in accordance with legislation changes.

## 15 Whistleblowing Process Flow Chart



## 16 Appendix One – Support for Employees

- The Council's Employee Assistance Programme, Optima Health, 24/7 Access to Wellbeing Support. Tel - 0800 174319, or online – Optima Health EAP
  username: gravesham
  password: employee

- Referral via your manager or HR to the Occupational Health service for further advice, where appropriate.

- Mental Health and Wellbeing Guidance for colleagues and managers accessible on the Intranet and Access Learning.

- Mental Health First Aiders

- Trade union or professional association

- Able Futures, who offer free mental health advice to all employees via their mental health specialists. Call 0800 3213137 or visit their website www.able-futures.co.uk

- MIND- MINDs Home Page

## 17 Appendix Two Whistleblowing Report Form

### Whistleblowing Report Form

| | |
|---|---|
| Full Name | |
| Contact Number | |
| Email Address | |
| Date | |

**Disclosure:**
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.

**Supporting Evidence**
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.

**Declaration**
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: