



Whistleblowing Policy
May 2021

CLAUSE

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1. ABOUT THIS POLICY

1.1 The Council is committed to operating with honesty and integrity, and expects all staff to maintain high standards in accordance with the Employees Code of Conduct and all other relevant policies and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

1.2 The aims of this policy are:

- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- (b) To provide staff with guidance as to how to raise those concerns.
- (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

1.3 This policy covers all employees, consultants, contractors, volunteers, casual workers and agency workers.

1.4 This policy does not form part of any employee's contract of employment and the Council may amend it at any time as appropriate.

2. RESPONSIBILITY FOR THE POLICY

2.1 The Governance Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

2.2 The Monitoring Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

2.3 The Monitoring Officer, in conjunction with the Governance Committee should review this policy from a legal and operational perspective at appropriate times and in any event every 3 years.

2.4 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

3. WHAT IS WHISTLEBLOWING?

3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) bribery under our Anti Fraud Corruption and Bribery Policy
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures including our Employee Code of Conduct
- (j) conduct likely to damage our reputation;
- (k) unauthorised disclosure of confidential information;
- (l) the deliberate concealment of any of the above matters.

3.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above and who reasonably believes that the disclosure is in the public interest.. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Policy and Procedure or Harassment at Work Policy as appropriate.

3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Monitoring Officer, whose contact details are at the end of this policy.

4. RAISING A WHISTLEBLOWING CONCERN

- 4.1 The Council hopes that in many cases you will be able to raise any concerns with your line manager or Head of Service. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Monitoring Officer or one of the other contacts listed below.
- 4.2 However, where the matter is more serious, or you feel that your line manager or Head of Service has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- (a) The Monitoring Officer
 - (b) The Chief Financial Officer
 - (c) The HR Manager, or
 - (d) The Chief Executive

Contact details are set out at the end of this policy.

- 4.3 Depending on the nature of your whistleblowing concern, the officer that you contact may need to contact one of the other officers listed. If you would prefer that not to happen, you should explain why as part of raising your concern. The officer will arrange a meeting with you as soon as possible to discuss your concern, ideally within 10 working days. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.4 The officer will take down a written summary of your concern and provide you with a copy within 5 working days after the meeting. The officer will also aim to give you an indication of how it is proposed to deal with the matter.
- 4.5 This policy and the law seek to protect staff who have whistleblowing concerns. However that protection might be limited if you have yourself acted against the law in obtaining evidence or investigating the matter yourself. You should allow the investigation to be carried out by the Council under this policy.

5. CONFIDENTIALITY

- 5.1 The Council hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, the Council will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern, or related to the investigation, to know your identity, the officer will discuss this with you.
- 5.2 The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the relevant officer cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed in paragraph 4 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. INVESTIGATION AND OUTCOME

- 6.1 Once you have raised a concern, the relevant officer will carry out an initial assessment to determine the scope of any investigation. The officer will inform you of the outcome of the assessment. You may be required to attend additional meetings in order to provide further information.
- 6.2 Depending on the nature of your concern, it may be necessary to appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. This could include the Council's Auditors. The investigator(s) may make recommendations for change to enable the Council to minimise the risk of future wrongdoing.
- 6.3 The relevant officer will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the officer giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

7. IF YOU ARE NOT SATISFIED

- 7.1 While the Council cannot always guarantee the outcome you are seeking, the Council will try to deal with your concern fairly and in an appropriate way. By using this policy you can help the Council to achieve this.
- 7.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4. Alternatively you may contact the chairman of the Governance Committee or the Council's external auditors. Contact details are set out at the end of this policy.

8. EXTERNAL DISCLOSURES

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The Council strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, **Protect** operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 8.3 Whistleblowing concerns usually relate to the conduct of the Council's staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or Head of Service or one of the other individuals set out in paragraph 4 for guidance.

9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

- 9.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer or HR Manager immediately. If the matter is not remedied you should raise it formally using the Grievance Policy and Procedure.
- 9.3 Whilst a whistleblower raising genuine concerns in good faith should be protected as set out above, if it is concluded that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.
- 9.4 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

10. CONTACTS

Monitoring Officer

Trevor Blatchford
Tel 01271 388265
Email: trevor.blatchford@northdevon.gov.uk

Chief Financial Officer

Jon Triggs
Tel: 01271 388221
Email: jon.triggs@northdevon.gov.uk

HR Manager

Nikki Gordon
Tel: 01271 318548
Email: nikki.gordon@northdevon.gov.uk

Chief Executive

Ken Miles
Tel: 01271 388266
Email: ken.miles@northdevon.gov.uk

Chair of Governance Committee

Councillor Ian Roome

Email: ian.roome@northdevon.gov.uk

Council's auditors

Internal:

Robert Hutchins, Devon Audit Partnership,
Dart Suite, Larkbeare House, Topsham Road, Exeter. EX2 4NG
Tel: 01392 383000

Email: robert.hutchins@devon.gov.uk

Counter Fraud Team Manager at Devon Audit Partnership

Ken Johnson

(in writing): Counter Fraud Services Manager, Devon Audit
Partnership, Floor 4 Midland House, Notte Street, Plymouth PL1 2EJ

Tel: 01752 304450 or 01752 306710

Email: ken.johnson@devon.gov.uk

Council's auditors

External:

Peter Barber, Grant Thornton,
2 Glass Wharf, Bristol. BS2 0EL.

Email: Peter.A.Barber@uk.gt.com

Protect (*formerly Public Concern at Work*)

(Independent whistleblowing charity)

Tel: Helpline: (020) 3117 2520

www.protect-advice.org.uk