



# Whistleblowing Policy

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## 1. Executive Summary

- 1.1 This Policy sets out the Council's approach to ensuring that issues of significant concern (such as fraud, malpractice and illegality) can be brought to its attention in the public interest. It also explains in summary terms the legal protections that it will ensure for whistleblowers.
- 1.2 The Council maintains a separate whistleblowing procedure for staff and members which sets out in operational terms how reporting will be managed.

## 2. Introduction

### *What is Whistleblowing?*

- 2.1 Whistleblowing is the raising of a significant concern, and anyone who does so is a "whistleblower" for the purposes of this Policy. The concern does not have to be proved accurate, but the whistleblower must have genuine suspicions.
- 2.2 Significant concerns cover many issues. Examples include (**NB** this is not an exhaustive list):
  - A criminal offence which may have been, or seems likely to be, committed;
  - Breach or disregard for legislation, particularly relating to health & safety;
  - Suspected fraud;
  - Malpractice or ill treatment of a client/customer;
  - Breach of Standing Orders, Policies or Codes of Conduct;
  - Showing undue favour over a contractual matter or to a job applicant;
  - Concealing information on any of the above.
- 2.3 In all cases, whistleblowers should make a report if it would be in the **public interest** for the conduct to be corrected and, if appropriate, sanctions applied.

### *Background to this Policy*

- 2.4 People working for and with the Council, and its elected Members, are often the first to realise that there may be something seriously wrong within the Council or the services that it commissions. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Employees may also fear harassment or victimisation.
- 2.5 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage all employees, Members, and contractors and those we work in partnership with to come forward

and voice concerns about any aspect of the Council's work. We emphasise that employees can do so without fear of reprisals. The earlier concerns are raised, the easier it is to take action and deal with the matter.

- 2.6 This policy supports the Council's Anti-Fraud and Anti-Corruption Policy. It is intended to encourage and enable individuals to raise concerns within the Council directly, rather than overlooking a problem or reporting the matter externally. Similarly, anyone else who has a genuine concern about the conduct of an employee is encouraged to report their concerns.

### **3. Aims, Objectives and Scope of this Policy**

3.1 This Policy:

- Sets out how the Council will address whistleblowing reports;
- Encourages individuals to feel confident in acting as a whistleblower;
- Provides reassurance that anyone who raises an issue will be protected from reprisals or victimisation where they reasonably believe in good faith that they are raising serious concerns.
- Explains how matters can be taken further if the whistleblower is not satisfied with the response;

3.2 The Policy is supported by a Whistleblowing Procedure.

#### Who should use this Policy

3.3 This Policy is for use by Members and employees, (including temporary or agency staff).

3.4 It is also available for use by:

- Contractors;
- Partners;
- Suppliers; and
- Voluntary organisations who the Council has dealings with,

provided that their whistleblowing concern relates to a service that their organisation is providing to the Council. The Council cannot deal with reports that arise out of unrelated aspects of their organisation's operations.

#### Other Channels to address Issues Arising

3.5 This Policy does not replace the Corporate Complaints Policy, the Harassment at Work Procedure, Grievance Procedure or the Disciplinary Procedure, nor is it

concerned with complaints about the conduct of Councillors. Matters that fall within those policies and procedures will be dealt with under them.

- 3.6 Issues relating to safeguarding should be raised in accordance with the Council's Safeguarding Policy.
- 3.7 Suspected fraud relating to Council Tax Support, Council Tax and Business Rates exemptions and discounts can be reported via the following channels:
- Contacting the Council's Customer Information Centre (01553 616200)
  - By email to [benefit.fraud@west-norfolk.gov.uk](mailto:benefit.fraud@west-norfolk.gov.uk)
  - Online via the Borough Council's [website](#)
  - Writing to Internal Audit, Borough Council of King's Lynn & West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1PX
- 3.8 Anyone with a concern about an employee's conduct but is unsure whether a particular practice is unacceptable to the Council is encouraged to report this, either via the Council's website (which allows for anonymous reports) or by email to [whistle@west-norfolk.gov.uk](mailto:whistle@west-norfolk.gov.uk).
- 3.9 A list of external agencies who may also be referred to is below.

## 4. Reporting of Whistleblowing Concerns

- 4.1 The Council has introduced a Procedure in consultation with UNISON, which sets out how staff, Members, and others working with the Council should report whistleblowing concerns, and the related steps they should take.

### *Safeguards for Whistleblowers*

- 4.2 The Council's Procedure:
- ensures that **legal protections** for whistleblowers are maintained;
  - makes clear that it will not tolerate any **harassment or victimization** of staff making whistleblowing disclosures;
  - sets out how the Council will seek to preserve the **confidentiality of the whistleblower** if this is requested;
  - explains how the Council will deal with **confidential information** provided in the course of a whistleblowing report;
  - explains how the Council will deal with **untrue allegations** (made in good faith or otherwise); and
  - explains how whistleblowers may **withdraw allegations**, and how the Council will deal with this.

## **5. How the Council will respond to Whistleblowing**

5.1 The action taken by the Council will depend on the nature of the concern. Reports may be:

- Resolved by agreed action (e.g. training or review) without the need for investigation;
- Referred for handling under another policy;
- Investigated internally;
- Referred to an external investigating agency such as the Police; or
- Referred to the external auditor.

5.2 The Council may determine to submit an allegation or other related matters of concern for investigation, even where the whistleblower withdraws their involvement. (For example, a withdrawn allegation that a client in a residential home has been the victim of theft may suggest wider safeguarding issues which still require investigation.) Such further investigation may be carried out in accordance with any other relevant policy or procedure.

## **6. Responsible Officer for Whistleblowing Policy**

6.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy and will liaise with the Senior Leadership Team and the Senior Internal Auditor as necessary.

## **7. Responsibility for and Monitoring of the Whistleblowing Policy**

7.1 The Monitoring Officer will provide an annual report to the Audit Committee on the handling of whistleblowing reports received in the preceding year, in a form that does not compromise confidentiality.

7.2 Personnel shall be responsible for making staff aware of the Policy's requirements through training and publicising initiatives.

7.3 The Head of Audit shall be responsible for reviewing - in consultation with the Monitoring Officer - the effectiveness of this policy and the whistleblowing procedure on at least a two-yearly basis. Review of the procedure will not require re-endorsement of the policy. The relevant trade unions will be consulted on any material amendments to the procedure.

## **8. The Law**

8.1 This policy has been written to take account of relevant Employment law (the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998). The law provides protection for an employee against any retaliation by their employer as a result of reporting a concern, if the employee has a reasonable belief that it is in the public interest to do so (known as the “public interest test”). This is known as making a “protected disclosure”.

8.2 A “protected disclosure” is one which alleges:

- that a criminal offence has been, is being or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged; or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

8.3 Whistleblowers who are either not employees of the Council or elected Members, are not directly subject to these legal protections (because the Council is not their employer so does not have the same employment duties to them). However, it is good practice for the Council to make available the same reporting routes so that it can be made aware of public interest matters that may affect it.

8.4 Financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 2003 (as amended).

## **9. Training and Promotion of Whistleblowing Awareness**

9.1 The Council shall institute whistleblowing training as part of staff and member induction, and it will make available periodic “top-up” training on an ongoing basis.

9.2 Awareness-raising initiatives will be promoted for external contractors and partners.

## **10. Additional information, guidance, and resources**

### **Protect (formerly Public Concern at Work)**

Protect give confidential, free and independent advice – including legal advice - on how to proceed. <https://protect-advice.org.uk>

### **Local Citizen's Advice Bureau**

For general advice and information on a range of legal fields: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Advisory, Conciliation and Arbitration Service (ACAS)**

For advice on relationship issues in the workplace: [www.acas.org.uk](http://www.acas.org.uk)

### **Trade union representative or the relevant regulator or professional body**

As applicable

## **11. Health implications**

None.

## **12. Environmental implications**

None.

## **13. Equality, Diversity and Inclusion**

This procedure has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment., Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual Orientation and Disability.

We will continue to monitor this procedure to ensure that it allows equal access and does not discriminate against any individual or group of people.

A copy of the EqIA can be found here: [**Link to be inserted**]

## **14. Associated Documents**

- 14.1 Corporate Complaints Policy
- 14.2 Harassment at Work Procedure
- 14.3 Grievance Procedure
- 14.4 Disciplinary Procedure
- 14.5 Councillors' Code of Conduct
- 14.6 Safeguarding Policy