

2. Whistleblowing Code

1.0 Preamble

- 1.1 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.
- 1.2 West Lancashire Borough Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage 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. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.3 This code makes it clear that employees can voice their concerns without fear of victimisation or other reprisals. The code is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside. The code gives protection to employees who raise their concerns in this way.

If you choose to voice your concerns in some other way, then you may lose the protection the policy gives.

- 1.4 This code has been discussed with the relevant trade unions and has their support.

It **supplements** and **does not** replace the Council's current Codes and Policies.

2.0 Aims and scope of this Code

- 2.1 This Code aims to:
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for you to raise those concerns and receive feedback on any action taken;
 - allow you to take the matter further if you are dissatisfied with the Council's response;

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised your concerns in good faith.
- 2.2 This code is not for use to raise grievances concerning your personal employment circumstances or as an appeal against management decisions, unless these involve malpractice. Procedures to enable you to pursue grievances etc., relating to your employment, are contained in other Council policy documents.
- 2.3 The code uses the word malpractice. Malpractice includes any kind of improper practice or conduct which falls short of what is reasonably expected, whether it relates to an act or omission and also includes any form of harassment. (refer to code of conduct).

Some examples are :

- failure to comply with a legal duty;
- miscarriage of justice;
- Council's Procedure Rules / Financial Regulations and procedures/ other Council policies have been breached;
- conduct which falls below established standards;
- actions which would put at risk the good reputation of the council;
- a criminal offence occurring;
- actions which could cause damage to the environment;
- danger to the health and safety of any individual.

3.0 Safeguards against harassment or victimisation

- 3.1 The Council is committed to good practice and high standards and is supportive of employees.
- 3.2 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 malpractice.
- 3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- 3.4 This does not mean, however, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

4.0 Confidentiality

4.1 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. If it is possible to establish the truth about allegations from an independent source, the Council will seek to do this.

5.0 Anonymous allegations

5.1 This Code encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful, however, they will be considered at the discretion of the Council.

5.3 In exercising this discretion the factors to be taken into account would include:

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

6.0 Untrue allegations

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

6.2 Malicious or vexatious allegations include those which are trivial and do not have any substance or are made persistently and annoyingly for the wrong reasons, e.g., simply to make trouble, or purely out of self interest or for personal gain.

7.0 How to raise a concern

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, the Executive Manager Financial Services, Internal Audit Section or the Council Secretary and Solicitor.

The earlier you express the concern the easier it is to take action.

- 7.2 Concerns may be raised verbally but are better raised in writing. You should set out details of the background and history of the concern, giving names, dates and locations where possible and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or arrange a meeting with the appropriate officer.
- 7.3 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you believe it to be substantially true.
- 7.5 Initial and / or informal advice and guidance on how your concern may be pursued can be obtained from :
- | | | |
|---------------------------------|---------------|----------|
| Chief Executive | Mr W J Taylor | Ext 5000 |
| Treasurer | Mr. M. Taylor | Ext 5092 |
| Council Secretary and Solicitor | Mrs G L Rowe | Ext 5004 |
| Internal Audit Section | Mr M A Coysh | Ext 5061 |
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have similar experiences or concerns.

8.0 How the Council will respond

- 8.1 The Council will respond to your concerns and the action taken by the Council will depend on the nature of the concern.
- 8.2 The matters raised may
- be investigated internally by management, internal auditor through the disciplinary process
 - be referred to the Police
 - be referred to the External Auditor
 - form the subject of an independent inquiry
 - be referred to the Council's Standards Committee, (where the complaint involves a councillor).

8.3 In order to protect individuals, the Council, and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.

You will **not** be required to carry out any investigation, although you may be expected to assist the investigator.

8.4 Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues), will normally be referred for consideration under those procedures.

8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before or during the investigation.

8.6 Within ten working days of a concern being raised, the Council will write to you:

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

8.7 The amount of contact between the officers considering the issues and you, 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 you.

8.8 When any meeting is arranged, off site if you prefer, you have the right, if you so wish, to be accompanied by a trade union or professional association representative, or a friend who is not involved in the area of work to which the concern relates.

8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, this will include an assessment of any danger or risk which exists or may arise. Also, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the progress and outcome of any investigation.

9.0 How the matter can be taken further

9.1 This code is intended to provide you with an avenue **within** the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the External Auditor;
- your Trade Union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police;
- your Solicitor;

9.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information or that disclosure would be privileged. You are advised to check this with the Council Secretary and Solicitor.

10.0 The responsible officer

10.1 The Council Secretary and Solicitor as Monitoring Officer, has overall responsibility for the maintenance and operation of this code. She maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.