

## Constitution 17.2: Whistleblowing Code

**2. Whistleblowing Code****1.0 What is Whistleblowing?**

- 1.1 Whistleblowing encourages and enables employees to raise serious concerns **within** the Council rather than overlooking a problem, turning a blind eye or voicing concerns outside. It is a Safe Alternative to Silence.
- 1.2 Without a Whistleblowing avenue, there is increased risk that the Council could be defrauded, damaged or sued. It can also lead to a demoralised workforce who feel unable to express concerns.
- 1.3 Whistleblowing supports good governance, accountability and the Council's risk control framework. It is a valuable contribution to the Council's efficiency and long term success.

**2.0 Purpose of the Code**

- 2.1 West Lancashire Borough Council not only accepts, but positively encourages, whistleblowing.
- 2.2 Employees are often the first to realise that there may be something seriously wrong within the Council. They have an important role in helping the Council to promote good practice while providing a service to the Community and protecting its residents.
- 2.3 However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear unfair treatment or discrimination. In those circumstances it may be easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 2.4 This code makes it clear that employees can voice their concerns without fear of reprisal or adverse repercussions.

**3.0 Our Commitment**

- 3.1 West Lancashire Borough Council is committed to the highest possible standards of openness, fairness, probity and accountability. It is against any form of impropriety. 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 with confidence and voice those concerns. All concerns will be taken seriously, will not be ignored or ridiculed, will be investigated and, where applicable, resolved. It is recognised that certain cases will have to proceed on a confidential basis.
- 3.2 The Council is committed to good practice and high standards and is supportive of its employees.

#### 4.0 Who does the Code apply to?

4.1 The Code applies to all employees, irrespective of seniority, rank or status - including casual, temporary, agency, volunteers or work placements, and all contractors and suppliers engaged by the Council.

#### 5.0 Aims and scope of this Code

5.1 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;
- help you to take the matter further if you are dissatisfied with the Council's response;
- reassure you that you will be protected from the possibility of reprisals or victimisation if you have a reasonable belief that you have raised your concerns in good faith, believe the allegation to be substantially true and did not act for personal gain or for malicious purposes.

5.2 This code is not for raising grievances concerning your personal employment circumstances or as an appeal against management decisions, unless these ~~involve malpractice~~ involve malpractice and disclosure is in the public interest. Procedures to enable you to pursue grievances etc., relating to your employment, are contained in the Council's Grievance Policy.

5.3 This Code supports the Council's Anti-Fraud, Bribery and Corruption Policy and supplements but does not replace the Council's other Codes and Policies.

5.4 This code has been discussed with the relevant Trade Unions and has their support.

#### 6.0 What types of concerns are covered?

6.1 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. Failures could be happening now, have occurred in the past or be likely to happen in the future. The overriding concern should be that it would be in the public interest for the malpractice to be corrected. If in doubt, please raise it.

Some examples are (this list is not exhaustive):

- failure to comply with a legal duty obligation;
- miscarriage of justice;
- breach of Council's Procedure Rules / Financial Regulations or other Council policies;
- breach of Codes of Conduct

- conduct which falls below established standards or is unethical;
- actions which would put at risk the good reputation of the council;
- a criminal offence occurring;
- showing undue favour over a contractual matter or to a job applicant;
- actions which could cause damage to the environment;
- danger to the health and safety of any individual
- possible bribery, fraud and corruption
- deliberate covering up of information
- unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age

## 7.0 Protection and Safeguards against Harassment or Victimisation

7.1 This 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. It provides protection to employees that do so. **If you choose to voice your concerns in some other way, then you may lose the protection the Code provides.**

7.2 The Public Interest Disclosure Act 1998 also protects all employees from detrimental treatment or victimisation, if, in the public interest, they blow the whistle provided disclosures are made in accordance with the Act's provisions.

7.3 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. If you honestly believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service. It may help to think of yourself as a witness, rather than a complainant

7.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect and support you when you raise a concern in good faith and in the public interest.

7.5 If you were subject to reprisals, e.g. denial of training, closer monitoring, ostracism, demotion or re-assignment, from those responsible for the malpractice or any other member of staff, they may be disciplined under the Council's procedures. Deterring an employee from raising a concern will be considered a serious misdemeanour.

7.6 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.

7.7 If you believe you are or have suffered a detriment as a result of raising a concern this should be reported to either the Managing Directors, the Borough Solicitor, the Borough Treasurer, the Internal Audit Manager or the HR Advisor

## 8.0 Confidentiality

8.1 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 ~~Where confidentiality is an issue, if~~ it is possible to establish the truth about allegations from an independent source, the Council will seek to do this.

## **9.0 Anonymous allegations**

9.1 This Code encourages you to put your name to your allegation whenever possible as anonymous allegations are much more difficult to pursue. Concerns expressed anonymously are much less powerful, however, they will be considered at the discretion of the Council.

9.2 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.

9.3 Clearly, if it is not known who provided the information it is not possible to reassure or protect them.

## **10.0 Untrue allegations**

10.1 If you make an allegation in good faith and in good faith~~the public interest~~, 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.

10.2 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.

## **11.0 How to raise a concern**

11.1 If you are worried that something wrong or dangerous is happening at work, please don't keep it to yourself. Unless you raise your concerns, the chances are we won't find out until it's too late.

11.2 As a first step, you should normally raise concerns with your immediate Manager or their superior and state that you wish to make the disclosure under the provisions of this Code. 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 Managing Directors the Borough Solicitor, the Borough Treasurer or the Internal Audit Manager.

11.3 You should **not** try to investigate the matter yourself, although you may be expected to assist with any subsequent investigation, and you should not directly approach or accuse individuals you have concerns about.

11.4 The earlier you express the concern, the easier it is to take action. Also, further wrongdoings can be deterred; any damage caused repaired and potential

problems 'nipped in the bud' with corrective action before they become endemic or develop into a crisis.

- 11.5 Concerns may be raised verbally but are better submitted 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 have made notes, you may be asked for copies of these to aid the investigation. If you do not feel able to put your concern in writing, you can telephone or arrange a meeting with the appropriate officer.
- 11.6 When any meeting or interview is arranged in connection with the concern you have raised this may be off site if you prefer. If you wish, you may invite your trade union, professional association representative or a friend to be present.
- 11.7 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.
- 11.8 Initial and / or informal advice and guidance on how your concern may be pursued can be obtained from:

Managing Director (People and Places)  
Mrs G L Rowe  
Tel: 585004  
Email: [gill.rowe@westlancs.gov.uk](mailto:gill.rowe@westlancs.gov.uk)

Managing Director (Transformation)  
Ms. K. Webber  
Tel: 585005  
Email: [kim.webber@westlancs.gov.uk](mailto:kim.webber@westlancs.gov.uk)

Borough Solicitor  
Mr T P Broderick  
Tel: 585001  
Email: [terry.broderick@westlancs.gov.uk](mailto:terry.broderick@westlancs.gov.uk)

Borough Treasurer  
Mr M Taylor  
Tel: 585092  
Email: [marc.taylor@westlancs.gov.uk](mailto:marc.taylor@westlancs.gov.uk)

Internal Audit Manager  
Mr M A Coysh  
Tel: 712603  
Email: [mike.coysh@westlancs.gov.uk](mailto:mike.coysh@westlancs.gov.uk)

Human Resources  
Mrs S Lewis  
Tel: ~~585048~~ [585027](tel:585027)  
Email: [Sharon.lewis@westlancs.gov.uk](mailto:Sharon.lewis@westlancs.gov.uk)

11.9 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.

## **12.0 How the Council will respond**

12.1 The Council will respond expeditiously to your concerns and any action taken will depend on the nature of the concern.

12.2 The matters raised may:

- be investigated internally by management or Internal Audit or 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)

12.3 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.

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

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

12.6 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

12.7 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.

12.8 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.

12.9 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.

### **13.0 How the matter can be taken further**

13.1 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;
- Public Concern at Work (Tel: 02074046609). This is a registered charity whose services are free and strictly confidential. The charity can also provide advice on the specific provisions and protections detailed in the Public Interest Disclosure Act 1998.

13.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information as you may lose protection rights. You are advised to check this with the Borough Solicitor.

### **14.0 The Responsible Officer**

14.1 The Managing Director (People and Places) 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. How procedures are working in practice will be continually reviewed to ensure lessons are learned and appropriate action is taken for each concern raised. along with any complaints of victimisations or failures to maintain confidentiality.

### **15.0 Conclusion**

15.1 Existing good practice within the Council, in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the Council operates, ensures that serious cases of suspected impropriety rarely occur.

15.2 This Whistleblowing Code is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary, outside the management structure of the Council. This document is a public commitment that concerns are taken seriously and is a means of strengthening the organisation's corporate governance arrangements.