



Whistleblowing Policy

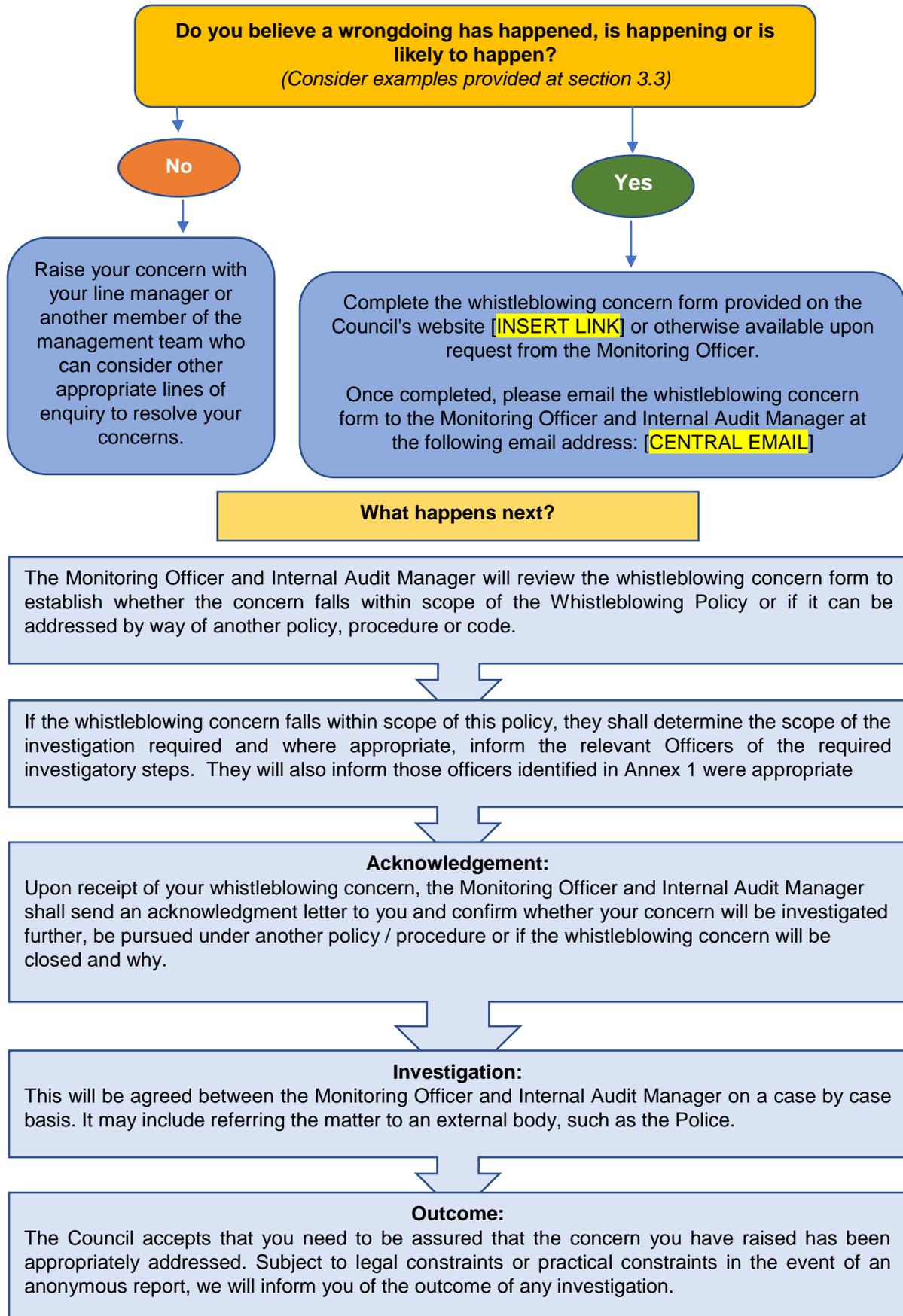
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Whistleblowing Flowchart



1. About this policy – aims, scope and purpose

Why is this policy important?

- 1.1 West Lancashire Borough Council (the "Council") is committed to the highest possible standards of openness, probity and accountability and values its staff as the eyes and ears of the organisation to operate in line with this commitment.
- 1.2 Despite all best intentions, 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.
- 1.3 The Council is committed to creating a culture where staff and others working with the Council, feel safe to speak up knowing that their concerns will be listened to and acted upon without the need to take matters outside of the organisation. Please refer to section 11 for information relating to the protection and support available to an individual who raises a whistleblowing concern.
- 1.4 The policy has been written with regard to the Public Interest Disclosure Act 1998 and follows the Department for Business, Energy and Industrial Strategy – Whistleblowing Guidance for Employers and Code of Practice (March 2015).

Who does this policy apply to?

- 1.5 This policy applies to anybody working for, with or on behalf of the Council. This includes, but is not limited to, employees (including those designated as casual, temporary, authorised volunteers or individuals gaining work experience), elected Members and those contractually working for the Council on its premises. It also covers suppliers and those providing services under a partnership arrangement with the Council. Members of the public are also encouraged to report their concerns via this policy.

When should this policy be used?

- 1.6 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.
 - (d) To encourage staff to feel confident in raising serious concerns and to question and act upon those concerns.
 - (e) To advise and remind staff that the detrimental treatment of colleagues who blow the whistle may be considered a disciplinary matter.
- 1.7 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services.
- 1.8 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 applicable grievance procedure, which is separate to this policy.
- 1.9 If your concern relates to safeguarding, Code of Conduct and/or Standards matters, Complaints Policy, Ombudsman complaints, RIPA or data sharing please refer to those specific policies and / or codes for information regarding the process to follow to raise your concerns.
- 1.10 This policy has been implemented following consultation with the Trade Union.
- 1.11 This policy does not form part of any employee's contract of employment and we may amend it from time to time.

2. Personnel responsible for this policy

- 2.1 The Monitoring Officer has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. In addition, the Monitoring Officer has day-to-day operational responsibility and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 2.2 To ensure the highest level of governance, the Monitoring Officer will consider all whistleblowing concerns raised in conjunction with the Internal Audit Manager. The Monitoring Officer will consult the Internal Audit Manager regarding any potential changes to this policy.
- 2.3 The Monitoring Officer, in conjunction with the Internal Audit Manager, should review this policy from a legal and operational perspective at least once a year. This policy shall also be reported to the Audit and Governance Committee and the Standards Committee at least once a year.

3. What is whistleblowing?

- 3.1 Whistleblowing is a term used when a person raises a genuine concern about a suspected wrongdoing or danger (a **whistleblower**). Examples of whistleblowing activity are provided at paragraph 3.3.
- 3.2 If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a **whistleblowing concern**) and you reasonably believe that by reporting it ***you are acting in the public interest***, you should report it under this policy. Personal grievances and complaints are not covered by whistleblowing law.
- 3.3 Examples of activity that can amount to whistleblowing include:
- (a) Conduct which is an offence or breach of law;
 - (b) Failure to comply with a legal obligation;
 - (c) Disclosures related to miscarriages of justice;
 - (d) Unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age;
 - (e) Health and safety risks, including risks to the public as well as other staff;
 - (f) Damage to the environment;
 - (g) The unauthorised use of public funds;
 - (h) Possible fraud, bribery or corruption including but not limited to theft of property, financial irregularities, misuse of Council property and systems, conflicts of interest or supplier rewards;
 - (i) Sexual or physical abuse of another member of staff or service user;
 - (j) Failure to observe the Council's constitution (including the Council's Contract and Financial Procedure Rules);
 - (k) Breach of the Employee Code of Conduct or Member Code of Conduct;
 - (l) Something which could damage the Council's reputation or image;
 - (m) Policies, procedure or practices not being followed;
 - (n) A culture of inappropriate behaviour, including bullying or intimidation.
- 3.4 If you are uncertain whether your concern amounts to a whistleblowing concern, you should seek advice from the Monitoring Officer on the details below or alternatively, you may seek advice externally from Protect the independent whistleblowing charity, who offer a confidential helpline. Protect's contact details can be found at **Annex 1**.

CONTACT DETAILS:

Monitoring Officer: Kay Lovelady

Email: kay.lovelady@westlancs.gov.uk

Telephone: 01695 585075

4. Safeguards

- 4.1 It is recognised that the decision to report a whistleblowing concern can be an intimidating and difficult decision to make. This policy is intended to encourage serious concerns to be raised within the Council, rather than overlooking a concern or initiating an external whistleblowing. The following safeguards or principles shall be applied in all cases.

Harassment and Victimisation

- 4.2 The Council have a zero-tolerance approach to any harassment or victimisation of a whistleblower that raises a genuine whistleblowing concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower or deters an individual from whistleblowing may be subject to disciplinary action.
- 4.3 Heads of Service and managers should monitor how a whistleblower is subsequently treated after raising a whistleblowing concern. They should ensure that a whistleblower is treated fairly and that any harassment or victimisation is dealt with under disciplinary arrangements.
- 4.4 If you believe that you have been victimised as a result of making a disclosure or blowing the whistle, you should report your concerns to the Human Resources and Organisational Development Manager and the Monitoring Officer.

Protected disclosures

- 4.5 The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013) (hereinafter referred to as "PIDA") applies to this policy. PIDA provides legal protection against detrimental treatment or dismissal for employees who raise concerns in the public interest about a danger, risk, malpractice or wrongdoing. It is often referred to as the whistleblowing law and is designed to encourage and enable employees to "speak out".
- 4.6 The PIDA legislation legally protects employees (including temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a

result of making a protected disclosure in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

- 4.7 The PIDA only covers protected disclosures under six categories, which are:
- (a) A criminal offence;
 - (b) The breach of legal obligation;
 - (c) A miscarriage of justice;
 - (d) A danger to the health and safety of any individual;
 - (e) Damage to the environment;
 - (f) Deliberate attempt to conceal any of the above.
- 4.8 A disclosure of information will not qualify for protection if the person making the disclosure commits an offence by making it.
- 4.9 Whilst protection under the PIDA covers most workers, it does not include contractors, non-executive directors, volunteers or the self-employed. As far as possible, the Council will endeavour to apply the principles outlined within this policy to all whistleblowing concerns received from sources other than employees.
- 4.10 If you believe you are or have suffered a detriment, victimisation or harassment as a result of raising a whistleblowing concern, this should be reported to one of the following:
- (a) Human Resources and Organisational Development Manager;
 - (b) Internal Audit Manager;
 - (c) Monitoring Officer.

Contact details for the above listed Officers can be located at **Annex 1** of this policy.

Confidentiality and anonymous allegations

- 4.11 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 4.12 We do not encourage staff to make disclosures anonymously, however where an individual chooses to report their concerns anonymously, such anonymity shall be respected. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Concerns raised anonymously will be considered at our discretion.

- 4.13 In exercising discretion, factors taken into account include:
- (a) The seriousness of the issue raised;
 - (b) The credibility of the concern; and
 - (c) The likelihood that the allegation can be confirmed from other attributable sources.

- 4.14 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 **Error! Bookmark not defined.**4.10 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at **Annex 1**.

Malicious, vexatious or untrue allegations

- 4.15 If an allegation is made which you believe to be in the public interest but it is not confirmed by the outcome of the investigation, no action will be taken against you. Malicious or vexatious allegations include those which are trivial and do not have any substance and are made persistently with the wrong intentions, for example, to cause trouble or from a place of self-interest or personal gain.

- 4.16 In the event of an allegation which is made maliciously or for personal gain and you are an employee of the Council, disciplinary action may be taken against you. If you are an elected Member, you may be in breach of the Members Code of Conduct and contractors or partners may be in breach of your contractual responsibilities to the Council.

Misuse of policy

- 4.17 This policy is designed to promote and encourage reporting genuine concerns. The policy is not designed to allow:
- (a) Individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
 - (b) Employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
 - (c) An individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

5. How to raise a whistleblowing concern or make a disclosure

- 5.1 The procedure for raising a concern, whether that be an employee of the Council, elected Member, member of the public or third party, is specified within this section 5. A flow diagram has been included at the beginning of this policy as an easy reference point.
- 5.2 In raising a whistleblowing concern, you should be prepared to provide the following information:
- (a) The background and history of the concern (including relevant dates);
 - (b) The reason why you are particularly concerned about the situation; and
 - (c) The name(s) of any individuals who you consider are either directly involved or can help provide further information.
- 5.3 Reporting a whistleblowing concern is not conditional upon you being able to provide evidence. Your whistleblowing concern will still be reviewed in accordance with this policy.
- 5.4 All whistleblowers, whether that be Council staff, Members, members of the public or third parties (such as suppliers and contractors) are asked to complete the Council's whistleblowing form which can be located **[HERE]**. An example of the form is attached at **Annex 2**. The Council ask that the whistleblowing form is completed as this ensures that your concerns are accurately and clearly reported.
- 5.5 In the event you are unable to access the whistleblowing form online, a hardcopy can be obtained directly from the Monitoring Officer or Internal Audit Manager. The whistleblowing form must be completed and sent via email to the central whistleblowing inbox: **[INSERT]**
- 5.6 If you are unable to send the completed whistleblowing form to the central whistleblowing inbox, you can send a hardcopy of the form marked for the attention of the Monitoring Officer to the postal address listed at **Annex 1**.The Council encourages you to submit the whistleblowing form via email to the central whistleblowing inbox rather than posting a hardcopy of the form as this promotes data security and confidentiality.
- 5.7 If you are a member of Council staff, you may inform your manager verbally (if appropriate) of a whistleblowing concern in the first instance should you require support completing the whistleblowing form., However, all whistleblowing concerns raised in accordance with this policy must be reported directly to the dedicated whistleblowing

email address, which is monitored by both the Monitoring Officer and Internal Audit Manager. If it is not appropriate for you to report the whistleblowing concern to this email address, you should contact an alternative Officer listed at **Annex 1** or a third party listed at **Annex 1**.

- 5.8 Officers receiving whistleblowing concerns or assisting and / or supporting a person raising a whistleblowing concern must follow the obligation of confidentiality and reporting procedures in accordance with paragraph 6.9.
- 5.9 If you feel that you cannot report your concerns within the Council, contacts external to the Council are provided under **Annex 1** of this policy.
- 5.10 Additional information about the PIDA can be obtained from the whistleblowing charity Protect, which contributed to the formulation of the PIDA and is a legal advice centre. You can find their details under **Annex 1**.

6. Whistleblowing report form submitted – what happens next?

Acknowledgement:

- 6.1 Once a concern has been reported to the central whistleblowing inbox, the Monitoring Officer and Internal Audit Manager will receive your whistleblowing concern directly. The Monitoring Officer and Internal Audit Manager will review the initial information you have provided and determine whether it is appropriate to address the matter under this policy and delegate, where appropriate, to the relevant Officer(s) to undertake a full investigation if required.
- 6.2 The Monitoring Officer, Internal Audit Manager and / or the appropriate officer handling your disclosure shall complete the whistleblowing case record, provided under **Annex 2**. All completed case records shall be provided to the Monitoring Officer for secure storage and in accordance with document retention and data security requirements.
- 6.3 Some concerns reported may be resolved by way of an agreed action and may not require a full investigation. In the event urgent action is required, this will be acted upon and will not be dependent upon the conclusion of an investigation.
- 6.4 Once you have reported a concern, your involvement with the investigation will depend upon the nature of the concerns raised and the clarity of the information provided as part of your report. If necessary, you may be required to provide further information as part of the investigation. You may invite your trade union, professional association representative or a friend to be present. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

- 6.5 Once the whistleblowing form has been received via the central whistleblowing inbox, the Monitoring Officer shall record receipt of the report and its contents on a central log maintained by the Monitoring Officer.
- 6.6 Upon receipt of a whistleblowing report, the Monitoring Officer, Internal Audit Manager or an appropriate alternative Officer will acknowledge receipt of your concerns within 10 working days of the date the report was received and you will receive a written response:
- (a) Acknowledging that the concern has been received and recorded;
 - (b) Identifying the key officers involved in investigating your concern and your point of contact;
 - (c) Requesting further clarifications relating to the concern reported, if any;
 - (d) Supplying you with information on staff support mechanisms;
 - (e) If no action is planned, why not.
- 6.7 Where appropriate, matters raised may:
- (a) Be investigated by management or internal audit;
 - (b) Be referred to the Police or other statutory agencies;
 - (c) Be referred to an external auditor.
- 6.8 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us 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.
- 6.9 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigation process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.

Investigation:

- 6.10 The specifics of an investigation will be discussed and agreed on a case by case basis by the Monitoring Officer, Internal Audit Manager and other relevant parties where appropriate. Some whistleblowing concerns may be investigated internally, whilst other whistleblowing concerns may be outsourced to another body, such as the Police or external auditors.

Outcome:

- 6.11 The Council accepts that you need to be assured that the concern you have raised has been appropriately addressed. Subject to legal constraints or practical constraints in the event of an anonymous report, we will inform you of the outcome of any investigation.
- 6.12 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

7. If you are not satisfied

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 7.2 If you do not believe your concern was handled in accordance with this policy, you can raise your concerns with the Chief Operating Officer. Alternatively you may contact our external auditors. Contact details are set out at **Annex 1**.
- 7.3 If you are dissatisfied with the outcome of the investigation and do not agree with the conclusion of the investigation, you can raise your concerns with the independent charity Protect, on the following details:

Protect (Independent Charity)

Helpline: 0203 117 2520

Website: <https://protect-advice.org.uk/>

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 but we recognise that in some circumstances you may feel the need to report to an external body, such as a regulator.
- 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. We 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 provided under **Annex 1**.
- 8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a 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 by following the procedures set out at section 5.

9. Monitoring of whistleblowing concerns

- 9.1 The Monitoring Officer will maintain a central record of all whistleblowing concerns made under this policy and both the Monitoring Officer and Internal Audit Manager will monitor the outcome of these cases.
- 9.2 A report on the number of whistleblowing reports received and the reporting process shall be presented to senior management and the Audit and Governance Committee on an annual basis.
- 9.3 The Monitoring Officer and Internal Audit Manager retain responsibility for monitoring the effectiveness of the Council's whistleblowing policy and process.

10. Training and awareness

- 10.1 Chief Officers, Heads of Service and managers are responsible for ensuring that their employees are aware of this policy and process and that any training needs are addressed which may arise from the application of this policy. Raising awareness of this policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.
- 10.2 You have a responsibility to ensure that you are aware of and understand the Council's policy in relation to whistleblowing.

11. Protection and support for whistleblowers

- 11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 11.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a 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 and the Human Resources and Organisational Development Manager immediately. If the matter is not remedied you should raise it formally using the Council's grievance procedure which can be located via the Council's website or by contacting the Human Resources and Organisational Development Manager.
- 11.3 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.

11.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

ANNEX 1 – Key contacts

WLBC's Contact Details	
Whistleblowing Inbox	[INSERT EMAIL] Governed by the Monitoring Officer and the Internal Audit Manager.
Monitoring Officer / Legal and Democratic Services Manager	Kay Lovelady [TELEPHONE] kay.lovelady@westlancs.gov.uk
Deputy Monitoring Officer	Claire Kelly [TELEPHONE] claire.kelly@westlancs.gov.uk
Chief Operating Officer	Jacqui Sinnott-Lacey 01695 585200 jacqui.sinnott-lacey@westlancs.gov.uk
Head of Finance, Procurement and Property	James Pierce [TELEPHONE] james.pierce@westlancs.gov.uk
Internal Audit Manager	Jacqueline Pendleton [TELEPHONE] jacqueline.pendleton@westlancs.gov.uk
Human Resources and Organisational Development Manager	Sharon Lewis 01695 585 027 sharon.lewis@westlancs.gov.uk
External Organisation Contact Details	
External auditors	Grant Thornton UK LLP 0161 952 6900 [E-MAIL]
Confidential counselling hotline <i>(Available to Council staff only)</i>	Further information can be located <u>here</u> .

Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 Website: https://protect-advice.org.uk/
Information Commissioner Office (ICO)	Helpline: 0303 123 1113 Website: https://ico.org.uk/
Local Government and Social Care Ombudsman	Helpline: 0300 061 0614 Website: https://www.lgo.org.uk/

Annex 2 – Whistleblowing forms

1. Whistleblowing form – to be completed by whistleblower

To be completed by individual reporting concern	
Who is the allegation against?	
What is the allegation? <i>Please provide as much detail as possible, including where possible:</i> <ul style="list-style-type: none">• The background and history of the concern (including relevant dates);• The reason why you are particularly concerned about the situation; and• The name(s) of any individuals who you consider are either directly involved or can help provide further information.	
Where is this happening and is it still happening?	
What evidence can you provide to support this?	
Please upload / provide any evidence you may have.	

Have you reported this previously?	
If you have reported this previously, who and when did you report it?	
Any further information?	
Do you wish to remain anonymous?	
If you would like an email receipt of your reported concern, please enter your email address.	

2. Whistleblowing case record – To be completed by officers receiving the whistleblowing concern and investigating

To be completed by Officer receiving concern	
The date the concern / allegation / disclosure was received by the Council.	
Directorate involved:	
How was the report received? <i>(written, verbal, online form)</i>	
Details of who the concerns were raised with? <i>(Name and job role)</i>	
Name and job role of the individual raising a complaint / allegation. <i>(Unless anonymity was requested).</i>	
Was confidentiality requested / explained or promised?	
A summary of the concern / allegation raised:	
Details of any feedback given and any response from the employee.	

Matter reported to the Monitoring Officer (yes / no): Date referred:	
Who else has this concern been reported / flagged to?	
Has formal acknowledgement been provided to the individual in line with the policy?	
Officers handling the investigation:	
Summary outcome of investigation (proved / not proved / action plans and recommendations):	
Date notification of outcome given to individual:	
Papers retained (and the location of the papers), review date of this concern.	