



# **WHISTLEBLOWING POLICY**

## **March 2025**

**Version 1**

**Published 21 March 2025**

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Changes made</b>
1	Ryan Stevens	March 2025	

## **1. Introduction**

- 1.1 New Forest District Council (the Council) is committed to the highest standards of corporate governance and to full accountability for all of its services and employees. It expects all staff to maintain high standards and is also committed to the prevention, deterrence, detection and investigation of all forms of fraud, corruption, malpractice and unethical conduct.
- 1.2 The Council considers that 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 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 and they will not be subject to any detriment, e.g. dismissed, denied promotion, ostracised or transferred to another department.
- 1.4 This policy takes account of the Government's Whistleblowing – Guidance for Employers and Code of Practice. It does not form part of any employee's contract of employment and may be amended at any time.

## **2. Legislation**

- 2.1 The Public Interest Disclosure Act 1998: The Act protects employees who expose serious wrongdoing in the workplace and prohibits any recrimination by employers or individuals against employees who raise concerns of malpractice, unethical conduct or serious wrongdoing.
- 2.2 The Employment Rights Act 1996: This brings together many of the individual employment rights found amongst a number of different statutes. It repeals in their entirety the Employment Protection (Consolidation) Act 1978 and the Wages Act 1986. It requires

employers to provide employees with information about their rights and entitlements and to treat them fairly.

- 2.3 The Health and Safety at Work Act 1974: An employer has responsibilities to establish and maintain a safe and healthy workplace
- 2.4 The Fraud Act 2006 – The Act gives a statutory definition of the criminal offence of fraud, defining it in three classes, fraud by false representation, fraud by failing to disclose information & fraud by abuse of position.
- 2.5 The Bribery Act 2010 – Bribery is defined as giving someone a financial, or other advantage to encourage that person to perform their functions or activities improperly.

### **3. Definition**

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Whistleblowing is about an employee raising concerns relating to wrongdoing, risk or malpractice that they witness in the workplace which affects others. For Council employees and workers making disclosures, to be covered by whistleblowing law, the disclosure must be a qualified disclosure. Qualifying disclosures are disclosures of information about wrongdoing which 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;
  - (g) financial fraud or mismanagement;
  - (h) the deliberate concealment of any of the above matters
- 3.2 To be covered by whistleblowing, an employee who makes a disclosure, to an appropriate person, of a genuine concern, must reasonably believe two things:
  - a) the first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
  - b) the second is that an employee must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing.

Disclosures relating to the following matters may fall into the categories of qualifying disclosures above:

- Improper conduct, including serious misuse or abuse of authority
- Gross waste or mismanagement of public funds
- Breach of regulatory, administrative or common law
- Failure to follow financial and contractual procedures
- Fraud and Corruption or any criminal offence that has or is likely to take place.
- Breach of contracts, Financial Regulations, The Council Constitution or breach of any other Council policies or procedures
- Negligence
- Attempting to conceal any of the above, including omission to document any issues of concern or preventing persons from reporting such concerns.

#### **4. Roles and responsibilities**

- 4.1 Employees are expected to maintain the highest levels of honesty and integrity as defined by the Council's Employee Code of Conduct as well as any code of conduct related to, or required by, their professional institute or association. All staff are expected to report any incident or concern if they have reasonable belief that wrongful activity is taking or has taken place. The earlier a concern is reported the easier it is to take the appropriate action.
- 4.2 Assistant Directors, Service Managers and Managers are responsible for supporting or undertaking any investigations and reviewing outcomes to implement any recommendations.
- 4.3 Strategic Directors and the Section 151 Officer are responsible for ensuring investigations are investigated and any follow up actions are undertaken.

#### **5. Approach to whistleblowing**

- 5.1 The Council's employees are an important element in its stance against fraud, corruption or any form of malpractice and are positively encouraged to raise any concerns that they may have on these issues where they are associated with the Council's activity. Employees can do this in the knowledge that such concerns will be treated in confidence, where at all possible, properly investigated and dealt with fairly.

- 5.2 Employees are often the first to witness any type of wrongdoing. This policy is aimed at encouraging employees to feel confident in raising serious concerns, on an anonymous basis if necessary, and to have confidence that those concerns will be dealt with appropriately. It will also reassure employees that they will be protected from possible reprisals or victimisation.
- 5.3 This policy should not be used for complaints relating to an employee's own personal circumstance, such as miss-treatment at work or bullying and harassment. In these cases, the employee should use the relevant Grievance or Bullying and Harassment Policy and Procedure.
- 5.4 This policy is intended to supplement, rather than replace, the existing complaints procedures whereby Council employees, elected members and members of the public may already raise complaints or matters of genuine concern with the Council. Members of the public will always be referred in the first instance to the Council's Corporate Complaints Procedures.
- 5.5 This policy gives clear guidance to employees for bringing attention to any wrongdoing, which they feel is harmful to individuals or could affect the reputation of the Council.
- 5.6 If an elected member is concerned about any aspect of an employee's conduct (including conduct which would be covered by this policy), they should follow the procedure set out in the Local Code for Member/Officer Relations i.e. the matter should be reported to the relevant Service Manager. Alternatively, if an employee is concerned about the conduct of any elected member then their Service Manager, Assistant Director, Strategic Director, the Chief Executive or the Monitoring Officer should be informed. The matter will be taken seriously. Elected members are under an obligation to comply with a statutory Code of Conduct as well as the Council's policies.

## **6. Reporting a concern**

- 6.1 Employees are urged to raise concerns, often before problems have a chance of becoming serious, with their line manager or Service Manager. Employees have the right to engage the services of their Trade Union if they so wish. They may in any circumstance raise it directly with any of the following officers:
- Chief Executive
  - Strategic Directors
  - Assistant Directors

- Service Managers
- The Council's Monitoring Officer
- The Council's S151 Officer

6.2 **NOTE:** It is a specific requirement of the Council's Financial Regulations that all matters of fraud, misappropriation or other financial irregularity are referred immediately, by the employee raising a concern or the officer to whom they have initially reported, to the Council's Section 151 Officer.

6.3 Concerns can be raised verbally or in writing, including by email to [whistleblowing@nfdc.gov.uk](mailto:whistleblowing@nfdc.gov.uk), or via an eform on the Council's hub. The following information should be included:

- Provides details of what you have seen, or are personally aware of, and where possible stick to situations or incidents you have seen for yourself rather than what colleagues may have told you
- Describe your concerns in detail but try to be specific and concise. Imagine you are the person receiving the concern, you want to include enough detail so that the person can understand and act on the concern, they can always come back to you for more information if they need it.
- If the concern relates to a particular incident, explain who was involved, and when and where it happened
- Give specific examples of wrongdoing of which you are personally aware. Try to be as clear as possible when explaining why you think this is wrongdoing

6.4 If your concern includes any of the following (whether in the past, present or future) then expressly say this and explain why it is:

- a criminal offence
- a danger to health and safety
- a failure to comply with a legal obligation
- damaging to the environment
- a miscarriage of justice
- the concealment of any of the above

Explain why you think raising the concern is in the public interest, set out the scale of the harm and the potential risks if the concern goes unaddressed.

6.5 Council staff will feel able to voice whistleblowing concerns openly under this policy. However, if an employee does want to raise a concern confidentially, the Council will make every effort to keep the identity of the employee secret. If it is necessary for anyone

investigating a concern to know their identity, this will be discussed with the employee.

- 6.6 The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information. 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 one of the contact points listed above and appropriate measures can then be taken to preserve confidentiality. If in any doubt, the employee can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out in 6.10.
- 6.7 If, having taken into account the above and the employee wishes to still remain anonymous, they may use the Council's secure eform or speak to the Corporate Fraud and Compliance Officer in total confidence.
- 6.8 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern, if an employee believes they have suffered any such treatment, they should inform the Section 151 Officer if the matter is not remedied and the employee should raise it formally using the Council's Grievance Procedure.
- 6.9 Whistleblowers must not be threatened or retaliated against in any way. Anyone involved in such conduct may be subject to disciplinary action.
- 6.10 If employees still have reason to feel unable to report their concern as outlined above, they may report their concern to a prescribed organisation such as:
- Protect (previously Public Concern at Work) – [www.protect-advice.org.uk](http://www.protect-advice.org.uk) Tel: 020 3117 2520
  - SIAP – Southern Internal Audit Partnership (Council's auditors)
  - Health & Safety Executive [www.hse.gov.uk](http://www.hse.gov.uk) Tel: 0300 003 1647

## **7. Investigating a concern**

- 7.1 Where a whistleblowing concern is raised the Council's Corporate Fraud and Compliance Officer will review the concern and consider if this meets the whistleblowing criteria. Where the criteria is met, for example all matters concerning allegations of fraud, corruption and

financial malpractice on the part of an employee, the Council's Corporate Fraud and Compliance Officer will conduct a thorough investigation. The aim is to promptly act upon a concern, and where appropriate to put right whatever wrongdoing is found. Where the allegation is of a criminal nature then a referral may be made to the Police, but this will only be following an assessment of the information provided, in consultation with the Executive Management Team. It is critical that complainants and/or line managers do not instigate their own investigation in these circumstances as this may frustrate the ability to proceed with criminal action.

- 7.2 In all other cases where the whistleblowing criteria is not met and there is no obvious breach of regulation or legislation and/or abuse of persons which could give cause for legal action the relevant line manager will fully investigate the matter, in consultation with the appropriate service. The whistleblower will be informed of this.
- 7.3 The Council aims to keep any whistleblower informed of the progress of the investigation, its likely timescale and the general outcome of the investigation. However, sometimes the need for confidentiality may prevent providing specific details of the investigation or any disciplinary action taken as a result due to data protection legislation. Any detailed information about the investigation must be treated as confidential.
- 7.4 If the whistleblower feels that the investigation has failed to resolve the matter to their satisfaction, they should ask for a confidential meeting with their Service Manager or the Corporate Fraud and Compliance Officer.
- 7.5 The law recognises that in some circumstances it may be appropriate for an employee to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The Council strongly encourages employees to seek advice before reporting a concern to any external organisation, for example with their Service Manager. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.
- 7.6 Whistleblowing concerns usually relate to the conduct of Council staff, but they may sometimes relate to the actions of a third party, such as a customer, partner agency or contractor. In some circumstances the law will protect you if you raise the matter with the third party directly. However, the Council encourages employees to report such concerns internally first. Contact should



be made with the relevant Service Manager or one of the other individuals set out above.

7.7 New Forest District Council is proud of its reputation as a Council with the highest standards of probity and will ensure that any whistleblowing disclosures received are properly investigated. However any false or malicious allegations that are received will be viewed very seriously and the making of such allegations by an employee of the Council will be regarded as a disciplinary issue which will be dealt with under the Council's Disciplinary Policy and Procedure. False or malicious allegations by a Councillor may be dealt with as a potential breach of the Code of Conduct for Members.

7.8 Following the investigation, the outcome is:

- Shared with the worker who raised the concern (subject to legal and confidentiality constraints)
- Referred to the appropriate manager or department to progress any actions that may be required, for example updating procedures or reminding staff of processes. This may include actions not specified in the original whistleblowing concern but arise following the investigation
- Reviewed to ensure that the actions taken have resolved the original concern.
- Referred to HR for any disciplinary proceedings in accordance with our disciplinary procedures, if appropriate.
- To store all records securely and in accordance with our data retention policy.

7.9 Whistleblowing disclosures made against elected members will be conducted in accordance with the procedures adopted by the Council.

## **8. Training and promotion**

8.1 The policy will be promoted and available for all staff on New Forestnet, along with details of the process and how to raise a concern.

8.2 The Council's Learning Management System includes a fraud awareness training module and provides details of the Council's Whistleblowing email address on how to report concerns with links to this policy for further guidance. All staff are expected to complete the training every 2 years.

## **9. Conclusion**

9.1 The Council is committed to a culture of openness and promoting and maintaining high standards of governance and will robustly investigate any allegations of wrongdoing and take action where appropriate.

## **10. Review**

10.1 This policy will be reviewed every 3 years.