



WHISTLEBLOWING AT WORK POLICY

Date Policy in Force	Department	Review Date
February 2018	Tax & Benefits	

WHISTLEBLOWING AT WORK POLICY

1. POLICY

- 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. 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 Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work. It does not form part of any employee's contract of employment and may be amended at any time.

2. INDIVIDUALS AFFECTED

- 2.1 All employees, contractors, volunteers, casual staff and agency staff of New Forest District Council.

3. DEFINITION

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may 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) breach of internal policies and procedures
 - (i) conduct likely to damage the Council's reputation or financial wellbeing;
 - (j) unauthorised disclosure of confidential information;

- (k) negligence;
- (l) the deliberate concealment of any of the above matters

3.2 To be covered by whistleblowing law, an employee who makes a disclosure, to an appropriate person, of a genuine concern, must reasonably believe two things; 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. The second thing that an employee must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Danger to the health and safety of any individuals
- Criminal Offence
- Damage to the environment
- Unauthorised use of public funds
- Misappropriation of public funds
- Breach of regulatory, administrative or common law
- Failure to follow financial and contractual procedures
- Abuse of those living within our sheltered housing schemes or other Council controlled premises.
- Fraud and Corruption or any criminal offence that has or is likely to take place.
- Breach of contract
- Negligence
- Attempting to conceal any of the above, including omission to document any issues of concern or preventing persons from reporting such concerns.
- Showing undue favour to a contractor or job applicant

4. AIMS AND SCOPE OF THE POLICY

- 4.1 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, properly investigated and dealt with fairly.
- 4.2 The 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.
- 4.3 This policy should not be used for complaints relating to an employee's own personal circumstance, such as miss-treatment at work. In those cases the employee should use the Grievance Policy and Procedure.
- 4.4 This policy is intended to supplement, rather than replace, the existing complaints procedures whereby Council employees, Members & 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.
- 4.5 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.

- 4.6 If a 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 Managers. Alternatively, if an employee is concerned about the conduct of any Member then their Service Manager, Executive Head, the Chief Executive or the Monitoring Officer should be informed. The matter will be taken seriously. Members are under an obligation to comply with a statutory Code of Conduct as well as the Council's policies.

5. EMPLOYEE RESPONSIBILITIES

- 5.1 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.

6. HOW TO RAISE 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
 - Executive Head
 - Service Managers
 - The Council's Monitoring Officer
 - The Council's S151 Officer

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.

- 6.2 Concerns can be raised verbally or in writing. If written, the concern should be addressed to one of the officers as above and sent marked 'Personal, Private and Confidential'. If the concern is of an extremely serious nature, a letter should be hand delivered to the person to whom the matter is being reported.
- 6.3 The Council hopes that 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 your concern to know your identity, this will be discussed with the employee.
- 6.4 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 in Paragraph 6.1 and appropriate measures can then be taken to preserve confidentiality. If in any doubt, the employee can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out at paragraph 6.7 below.

NOTE: If, having taken into account paragraph 6.4 the employee wishes to still remain anonymous, they may use the Council's secure email using

whistleblowing@nfdc.gov.uk or speak to the Corporate Fraud Officer in total confidence.

- 6.5 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, the employee should raise it formally using the Council's Grievance Procedure.
- 6.6 Whistleblowers must not be threatened or retaliated against in any way. Anyone involved in such conduct may be subject to disciplinary action.
- 6.7 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: -
 - Public Concern at Work: Tel: 020 7404 6609 www.pcaw.co.uk
 - Hampshire Police: Tel: 0845 045 4545
 - Ernst & Young (Council's external auditors): Tel: 023 8038 2000 www.ey.com/uk/en/home
 - Health & Safety Executive Tel: 0345 300 9923 www.hse.gov.uk
 - Southern Internal Audit Partnership (Council's internal auditors): Tel 01962 845701

7. INVESTIGATING A CONCERN

- 7.1 For all matters concerning allegations of fraud, corruption and financial malpractice on the part of an employee, the Council's Corporate Fraud Officer will conduct a thorough investigation and refer the matter to the Police if appropriate. 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 there is no prima facie 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 appropriate service professionals. The Council aims to keep any whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the giving of specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation must be treated as confidential.
- 7.3 If the employee feels that the investigation has failed to resolve the matter, they should ask for a confidential meeting with their Service Manager or the Corporate Fraud Officer.
- 7.4 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 anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at paragraph 6.7 above.
- 7.5 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 in Paragraph 6.1. for guidance.

- 7.6 New Forest District Council is proud of its reputation as a Council with the highest standards of probity and will ensure that any complaints 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.
- 7.7 Complaints against Members will be conducted in accordance with the procedures adopted by the Council.

8. LEGISLATION

- 8.1 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.
- 8.2 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.
- 8.3 Health and Safety at Work Etc. Act 1974: An employer has responsibilities to establish and maintain a safe and healthy workplace

9. REVIEW

- 9.1 This policy will be reviewed every 3 years.