



South Staffordshire Council

Whistleblowing Policy

October 2021



www.sstaffs.gov.uk



1. ABOUT THIS POLICY

- 1.1 South Staffordshire Council is committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, 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.
- 1.2 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.
- 1.3 This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.
- 1.4 This policy takes account of the Whistleblowing Guidance for Employers and Code of Practice. It has been agreed following consultation with the Trade Union.

2. PERSONNEL RESPONSIBLE FOR THE POLICY

- 2.1 The Audit and Risk Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 2.2 The Monitoring Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 2.3 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

3. WHAT IS WHISTLEBLOWING?

- 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 in the workplace;*
 - e. *damage to the environment;*
 - f. *bribery under our anti-fraud and corruption policy and procedure*
 - g. *financial fraud or mismanagement;*
 - h. *breach of our internal policies and procedures*
 - i. *conduct likely to damage our reputation or financial wellbeing*
 - j. *unauthorised disclosure of confidential information;*
 - k. *negligence;*
 - l. *the deliberate concealment of any of the above matters.*
- 3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.
- 3.3 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 Grievance Procedure or Grievance and Dignity at Work Policy/Procedure & Guidance as appropriate. Whistleblowing is where an employee has a concern about danger or illegality that has a public interest to it. Where issues involve potential cases of fraud, bribery or corruption, employees should also refer to the Council's anti-fraud and corruption policy and procedure.
- 3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Monitoring Officer, whose contact details are at the end of this policy.

4. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 4.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 4.2 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. All whistleblowers are protected under the Public Interest Disclosure Act 1998. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 4.3 Staff must not threaten or retaliate against whistleblowers in any way. If anyone is involved in such conduct they may be subject to disciplinary action. In some cases the whistleblower could have a right to sue them personally for compensation in an employment tribunal.
- 4.4 Whistleblowing does not mean that, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted because of your whistleblowing.

5. RAISING A WHISTLEBLOWING

- 5.1 The process for making complaints is set out in the flow chart below.
- 5.2 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Whistleblowing Officer. However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

(a) The Whistleblowing Officer, The Monitoring Officer – Lorraine Fowkes

(b) The Audit Manager

Contact details are set out at the end of this policy.

- 5.3 We will then go through the process set out in the flowchart– this will generally involve asking the Assistant Director for the area to carry out the investigation, unless the concerns involve “fraudulent or corrupt acts” in which case the internal fraud team will investigate or they involve that Assistant Director in which case the relevant Corporate Director (or another Assistant Director) will investigate.
- 5.4 The investigator will meet with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 5.5 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.
- 5.6 We also encourage members of the public who have any information of workplace fraud, theft or corruption to report this information to the council. Although this policy focuses on Council employees, public whistleblowers will be treated with the same attention as any other incident. How a member of the public can report information can be found on the Councils Website on the Whistleblowing page.

6. CONFIDENTIALITY

- 6.1 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.
- 6.2 We do not encourage staff to make disclosures anonymously. 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. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or one of the other contact points listed in paragraph 4 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 the end of this policy.

7. INVESTIGATION AND OUTCOME

- 7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information. This will often involve us discussing the matter with the service area concerned – we need to do this to find out what the position is. We will generally write to you within 5 working days of meeting you about your complaint letting you know what steps we are taking and the proposed time line for the investigation.
- 7.2 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.
- 7.3 If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.
- 7.4 We will routinely report all whistleblowing complaints to the Audit and Risk Committee but will of course take steps to ensure that confidentiality is retained.

8. IF YOU ARE NOT SATISFIED

- 8.1 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.
- 8.2 If you are not happy with the way in which your concern has been handled you may refer your concerns in writing to the Chief Executive, the Chief Executive will review progress and inform you of the final decision as soon as possible.
- 8.3 If you remain dissatisfied you can complain to the Council's external auditors, Grant Thornton.

9. EXTERNAL DISCLOSURES

- 9.1 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.
- 9.2 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 at the end of this policy.
- 9.3 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 customer, 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 as set out in paragraph 4.

10. CONTACTS

Whistleblowing Officer

Lorraine Fowkes - Monitoring Officer

01902 696469

E-mail: l.fowkes@sstaffs.gov.uk

Audit Manager

Susan Bluck

01785 276401

E-mail: susan.bluck@staffordshire.gov.uk

Chief Executive

Dave Heywood

01902 696700

E-mail: d.heywood@sstaffs.gov.uk

External auditors

Grant Thornton - lead auditor - Avtar Sohal

Grant Thornton UK LLP

Colmore Plaza | 20 Colmore Circus | BIRMINGHAM | West Midlands | B4 6AT

0121 212 4000

E-mail: Avtar.Sohal@uk.gt.com

Protect (Independent whistleblowing charity)

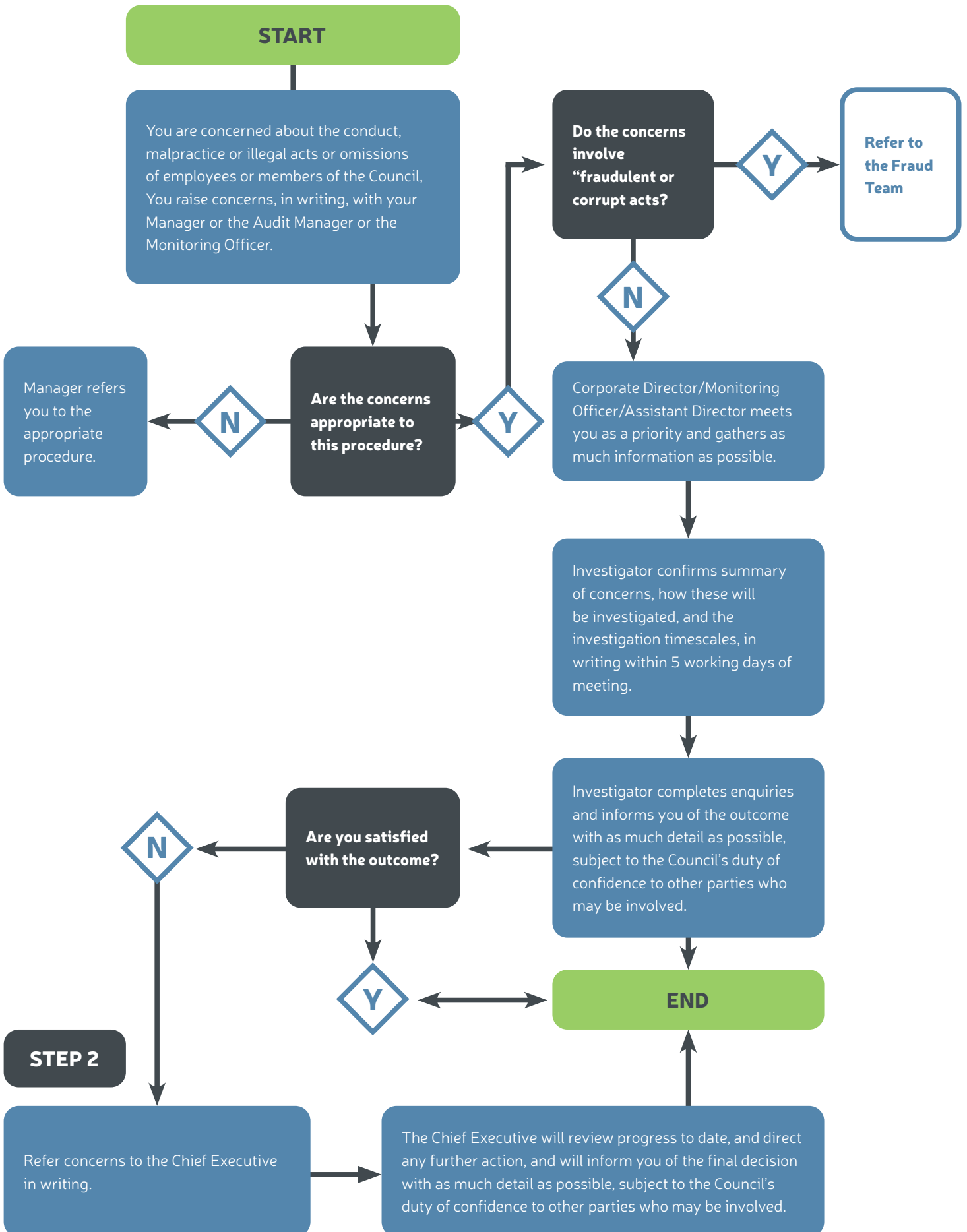
Helpline: **(020) 3117 2520**

E-mail: info@protect-advice.org.uk

Website: www.protect-advice.org.uk

OVERVIEW OF THE PROCESS

STEP 1





South Staffordshire Council

www.sstaffs.gov.uk

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