



# **The Whistleblowing Policy for Employees**

**Produced by Human Resources**

**Gateshead Council**  
**The Whistleblowing Policy for Employees**

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## **“The Whistleblowing Policy for Employees”**

### **1. Introduction - What is ‘Whistleblowing’?**

The official name for whistleblowing is ‘making a disclosure in the public interest’; however it is much more commonly called ‘blowing the whistle’ or ‘whistleblowing’. It means that if you believe there is a wrongdoing in your workplace (e.g. your employer or work colleague maybe committing a criminal offence) you can report this by following the correct processes, and your employment rights are protected.

Whistleblowing occurs when an employee informs the Council of illegal, dishonest or inappropriate activity or practices that have come to their attention during the course of their work, or which they have reason to believe may occur. Some examples of whistleblowing matters include:

- criminal offences
- exposing fraud
- any form of abuse to children or the elderly in care
- health and safety issues concerning the workplace that puts the safety of workers or visitors at risk
- health and safety issues concerning Council transport that puts the safety of passengers at risk
- failure to investigate allegations of sexual assault by one employee against another
- failure to comply with legal obligations (e.g. the Data Protection Act)
- corruption (e.g. payments in exchange for awarding contracts)
- risks to the environment
- any other work related criminal activity of fellow employees

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances employees may feel that it is easier to ignore the concern rather than report it.

This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act’s provisions. The Act is incorporated into the Employment Rights Act 1996, which also protects employees who take action over, or raise concerns about, Health & Safety at work.

### **2. Who may use the policy?**

The Council is committed to the highest possible standards of openness, honesty, integrity and accountability. In line with that commitment, any employee of the Council may use the Whistleblowing Policy, including permanent and temporary employees, agency workers, home workers, those contracted to carry out work on behalf of the Council, Council employees seconded to a third party, volunteers and school-based employees, including teachers if the policy has been adopted by the governing body. Therefore, to ensure clarity and for the avoidance of doubt, although the term ‘employee’ is used throughout this policy, it is intended to refer to all those listed above.

### **3. What are the aims of the policy?**

This policy aims to help the employee:

- feel confident about raising their concerns and questions, and acting upon illegal or dishonest practice;
- by reassuring them that their concerns will be treated with sensitivity and in confidence;
- by providing them with feedback on action taken; and
- feel reassured that they will be protected from possible reprisals or victimisation.

It is not intended that this policy and its associated procedures be used to raise concerns which fall within the scope of other Council policies where more appropriate procedures are available, for example:

- Grievances (see Employee Handbook/HR portal on the intranet)
- Bullying & Harassment (see Employee Handbook/HR portal on the intranet)

Some employees may also have separate statutory or professional duties to report concerns to appropriate bodies. This policy does not replace those duties.

#### **4. Who is responsible for this policy?**

The Strategic Director, Legal & Corporate Services has overall responsibility for the maintenance and operation of this policy and maintains a record of the concerns raised and the outcomes (but in a form which would not endanger confidentiality). If it is considered appropriate, specific concerns raised which relate to the conduct of Members may be reported to the Council's Standards Committee.

#### **5. How will the employee be protected?**

##### **Harassment or Victimisation**

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 failure or malpractice. The Council will not tolerate harassment or victimisation and will take action to protect the employee when they raise a concern in good faith. If an employee raises a genuine concern under this policy, they will not suffer any detriment in connection with their employment. Provided that they are acting in good faith, an employee will not face retribution if their allegation proves to be unfounded.

##### **Confidentiality**

The Council recognises an employee may want to raise a concern in confidence. If confidentiality is requested, all reasonable efforts will be made to avoid revealing the employee's identity. However, to carry out a proper investigation, it may not be possible to keep the employee's identity confidential and they may need to come forward as a witness at an appropriate time. If it becomes necessary to reveal the employee's identity the Council will discuss this with the employee prior to any revelation. The employee will at this point have the option to continue or not.

##### **Anonymous Allegations**

This policy strongly encourages employees to put their name to the allegation. Concerns expressed anonymously are much less powerful and less likely to be effective, but they may be considered at the discretion of the Council. 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 named sources.

### **Untrue or Malicious Allegations**

If an employee makes malicious or vexatious allegations, disciplinary action including gross misconduct may be taken. Similarly if an agency worker, external secondee or volunteer etc. makes malicious or vexatious allegations, the Council will consider dispensing with their services.

## **6. How can an employee raise a concern?**

As a first step, the employee should raise their concerns with their immediate line manager or their manager. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

Concerns can be made either verbally or in writing, although the Council would encourage employees to raise their concerns in writing wherever possible. A report form is attached at the back of this policy to record the employee's concern. The form requests the background and history of the concern(s) are detailed, giving names, dates and places where possible, and the reason why the employee is particularly concerned about the situation. If the employee does not feel able to put their concern in writing, they can telephone or meet the appropriate person.

The earlier a concern is raised, the easier it is to take action. Although the employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern. The employee's trade union representative or a colleague may accompany them when they meet the appropriate person. A colleague will be permitted a reasonable amount of time off for this purpose. The employee may also invite their trade union or professional association to raise the matter on their behalf.

## **7. How will the Council respond?**

The action taken by the Council will depend on the nature of the concern. Initial enquiries will be made to decide what level of investigation is appropriate. Concerns which come within the scope of existing procedures (e.g. child protection issues) will normally be considered under those procedures. Some concerns may be resolved by agreed action without the need for an investigation.

Within 10 working days of a concern being received the Council will, in writing

- Acknowledge receipt of the concern;
- Indicate how it proposes to deal with it;
- Give an estimate of how long it will take to provide a final response;
- State whether any further investigations will take place, and if not, why not.

If necessary, further information will be sought from the employee raising the concern. If a meeting is arranged between the person responsible for dealing with the concern under this procedure and the employee raising it, then the employee has the right to be accompanied by a trade union representative or a colleague, who is not involved in the area of work to which the concern relates.

The Council will confirm in writing to those raising concerns that they have been properly dealt with. Information about outcomes of investigations will be given unless this is not possible for legal reasons. Employees must observe the guidelines set out in the Council's Code of Conduct for Employees, which deal with the use of confidential information.

## 8. Can an employee seek independent advice?

If the employee is unsure whether to use this policy or would like independent advice at any stage, they may contact:

- if applicable, their trade union, or
- the independent charity Public Concern at Work on 020 7404 6609, whose lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

## 9. What if the employee is unhappy with the Council's response?

This policy is intended to provide employees with an opportunity to raise concerns within the Council and to give you them the reassurance needed to raise such matters internally. If they are not and they feel it is right to take matters outside the Council the following are possible contact points.

If the employee decides to blow the whistle to a prescribed person rather than their employer, they must make sure they select the correct person or body. Below is a sample list of the prescribed people and bodies who the employee can make a disclosure to.

<b>'Prescribed People'</b>	<b>For issues relating to</b>
The Standards Board for England	<ul style="list-style-type: none"> <li>• Breaches to local authority's code of conduct</li> </ul>
The Audit Commission of England & Wales	<ul style="list-style-type: none"> <li>• The conduct of public business</li> <li>• Value for money</li> <li>• Fraud and corruption in local government and health service bodies</li> </ul>
The Secretary of State for Business Enterprise and Regulatory Reform	<ul style="list-style-type: none"> <li>• Insider dealing</li> <li>• Fraud and other misconduct in relation to companies</li> <li>• Investment business</li> <li>• Insurance business</li> </ul>
The Director of the Serious Fraud Office	<ul style="list-style-type: none"> <li>• Serious or complex fraud in England and Wales</li> </ul>
The Commissioners for Her Majesty's Revenue and Customs (HMRC)	<ul style="list-style-type: none"> <li>• Tax, excise duties, import and export of restricted goods, stamp duties, national insurance contributions, statutory maternity pay, tax credits, collection of student loans, enforcement of the national minimum wage.</li> </ul>
The Children's Commissioner	<ul style="list-style-type: none"> <li>• The rights and interests of children</li> </ul>
The Office of Fair Trading	<ul style="list-style-type: none"> <li>• The Sale of goods or the supply of services.</li> </ul>
The Information Commissioner	<ul style="list-style-type: none"> <li>• Data protection, Freedom of Information rights and duties</li> </ul>

The Environment Agency	<ul style="list-style-type: none"> <li>• Environmental issues including</li> <li>• Pollution</li> <li>• Flooding</li> <li>• Abstraction of water</li> <li>• Flow of rivers</li> <li>• Inland fisheries and migratory salmon or trout</li> </ul>
The Food Standards Agency	<ul style="list-style-type: none"> <li>• The protection of consumers in relation to food</li> </ul>
Care Quality Commission	<ul style="list-style-type: none"> <li>• Social care services in England</li> </ul>
The Health & Safety Executive	<ul style="list-style-type: none"> <li>• Health or safety at work or the health and safety of the public in connection to workplace activities</li> </ul>

The Council would rather an employee raised a matter with the appropriate regulator or outside body as above, rather than not at all. Employees may raise a concern with any of the above provided that:

- they make the disclosure in good faith
- they reasonably believe that the information disclosed, and any allegation contained in it is substantially true;
- they do not make the disclosure for personal gain

Employees should seek appropriate advice (e.g. from their trade union or professional association) prior to raising a matter externally. Should an employee decide to take the matter outside the Council, they must ensure that they do not disclose confidential information unnecessarily, as this would be a breach of the Council's Code of Conduct for Employees.

## 10. Equality and Diversity Statement

Gateshead Council is committed to promoting equality and valuing diversity, including service delivery and employment. Further details can be obtained by referring to the Equal Opportunities Policy, available from the HR Portal on the intranet or Gateshead's Equality Strategy which can be obtained from the Council's website [www.gateshead.gov.uk/Council and democracy/policies/equalities](http://www.gateshead.gov.uk/Council%20and%20democracy/policies/equalities).

## 11. See other Council related policies:

- Code of Conduct
- The Employee Handbook
- Fraud and Corruption Policy
- Discipline & Grievance
- Information and Communication Technology – Security Policy
- Corporate Health & Safety Policy
- Equal Opportunities Policy
- Bullying and Harassment Policy

## Whistleblowing Report Form

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that in most cases an employee raising concerns will wish them to be dealt with on a confidential basis, and all reasonable efforts will therefore be made to avoid revealing the employee's identity. If you wish to make a written report please use this report form.

<p><b>Your Name/ Contact Telephone number</b></p> <p>You are encouraged to provide your name with this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible. – The recipient of the form will preserve confidentiality</p>	<p><b>Name:</b> -----</p> <p><b>Address:</b> -----</p> <p>-----</p> <p>-----</p> <p><b>Service:</b>-----</p> <p><b>Contact Tel No:</b>-----</p> <p><b>Date:</b> -----</p>
<p><b>The names of those involved (if known)</b></p>	
<p><b>Background Details:</b></p> <p>Please provide full details of the background to the concern; names, dates and places and the reason why you are concerned – (continue on separate sheet if necessary)</p>	
<p>Please state the reasons why you are particularly concerned about the situation.</p>	

*Is this service delivered to all target groups equally?*

<b>Group:</b> Legal & Corporate Services	<b>Service:</b> Human Resources	<b>Section:</b>	<b>Lead officer:</b> P Thompson
<b>Support officers:</b> K Simpson		<b>Completion date:</b> 12 November 2009	
		<b>Review date:</b> 12 November 2010	
<b>General information</b>			
<b>(1) Name of Policy / Function:</b>	The Whistleblowing Policy for Employees		
Briefly describe the aims, objectives and purpose of the policy	This policy was initially referred to as The Confidential Reporting Code but is to be known in future as The Whistleblowing Policy for Employees, as this term is more widely known. This policy provides guidance to employees who believe there is a wrongdoing or malpractice in the workplace and directs them to how they can report their concerns without fear of reprisals. Providing an employee reports their concerns in good faith, they will not face retribution if their allegation proves to be unfounded.		
<b>(2) Is this new or existing?</b>	Existing but revised		
<b>(3) Who are the main customer groups affected by this Policy / Function</b>	All Council employees excluding teachers.		

**(4) Use the table overleaf to consider the impact of the Policy / Function on specific groups.**

<b>Equality Strand</b>	<b>Assessment of Potential Impact of policy/service (delete as appropriate)</b>		<b>Reason for this Assessment</b>	<b>Are there any mitigating circumstances?</b>
<b>Gender</b>	Neutral	Low	The revisions to this policy have an impact for all employees regardless of gender	
<b>Race</b>	Neutral	Low	The revisions to this policy have an impact for all employees regardless of race	
<b>Disability</b>	Neutral	Low	The revisions to this policy have an impact for all employees regardless of disability	
<b>Sexual Orientation</b>	Neutral	Low	The revisions to this policy have an impact for all employees regardless of sexual orientation	
<b>Religion/Belief</b>	Neutral	Low	The revisions to this policy have an impact for all employees regardless of religion/belief	
<b>Age</b>	Neutral	Low	The revisions to this policy have an impact for all employees regardless of age	

**Please note: if you have identified any negative impacts, a full Equality Impact Assessment should be completed unless the negative impact can be removed.**

Other area	Assessment of Potential Impact of policy/service (delete as appropriate)		Reason for this Assessment	Are there any mitigating circumstances?
<b>Community Cohesion</b>	Neutral	Low	The policy is an internal document intended for Council employees	
<b>Health Inequality</b>	Neutral	Low	The policy is an internal document intended for Council employees	

<b>(4) Should this policy / function proceed to a Stage Two EINA?</b>	<b>Yes / No</b>  If yes is this because: <ol style="list-style-type: none"> <li>1. Negative impact identified</li> <li>2. Need better monitoring data</li> <li>3. Need other information</li> <li>4. Possibility to promote equal opportunities and good inter-group relations.</li> </ol>	Date Stage Two EINA to commence:
		Target date for completion of Stage Two EINA:

**SIGNED:**  
**Completing Officer Karen Simpson**

**SIGNED:**  
**Head of Service Paul Thompson**

**SIGNED:**  
**Group Director Mike Barker**

