

Whistleblowing Policy

Legislative Framework

The Public Interest Disclosure Act 1999 – sets out a framework of protection against victimisation or dismissal for workers who blow the whistle on ("disclosure") criminal behaviour and other specified forms of malpractice.

The Act does not provide a general protection for whistleblowers that applies in all circumstances. It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- criminal behaviour
- failure to comply with a legal obligation
- miscarriage of justice
- endangering someone's health and safety
- damage to the environment
- deliberate concealment of information relating to any of the above
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The Act covers internal disclosures to the employer, disclosures to prescribed 'persons' such as regulatory bodies (e.g. for health and safety, the Health and Safety Executive), and wider disclosures, for example to the police and the media.

Policy Statement

The Council expects employees, and others that we deal with, (such as contractors, agency staff and partners), who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. If and when they do, provided they act in good faith and follow the laid down procedures, the Council will do everything it can to ensure that they are not victimised in any way.

The Council will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Council will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

The Council will keep people who make disclosures informed about the progress and (subject to legal constraints) outcome of any investigation carried out.

However frivolous, malicious, or allegations made for personal gain, may result in disciplinary action against the person making them.

Trade Union

There are many trade unions working within Staffordshire County Council who can assist with this process. It is recommended that a trade union representative be contacted at the earliest stage so that appropriate advice, guidance and support can be offered to the employee.

HR Units

Directorate HR units can assist with the interpretation and application of this process. It is recommended that an HR representative be contacted at the earliest stage so that appropriate advice, guidance and support can be offered to both the manager and employee.

Guidance On How To Apply The Policy

Making a Protected Disclosure

To make a 'protected' disclosure the whistleblower has to meet certain conditions.

- Disclosure to the **employer** will be protected if it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- Disclosure to a **regulatory body** will be protected where, in addition, the whistleblower honestly and reasonably believes that the information they provide and any allegation contained in it are substantially true.
- Disclosure to other external bodies will be protected if, in addition, making it is in all respects reasonable. "In all respects reasonable" means, in effect:
 - the disclosure is not made for personal gain
 - the whistleblower reasonably believed that they would be victimised if they raised the matter internally
 - there is no relevant regulatory body
 - they reasonably believed that evidence was likely to be concealed or destroyed
 - the concern has already been raised with the employer and/or relevant regulatory body
 - the concern is of an "exceptionally serious" nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care or corruption.

Having taken advice as appropriate, an employee of the Council, or any other person covered by the Act, who has serious concerns about any aspect of the Council's work, should in the first instance inform one of the Contact Officers whose details are given in Appendix A.

The initial contact can be by telephone or in writing, and if the latter should be in a sealed envelope addressed to the officer concerned and marked: 'PIDA – Strictly Private and Confidential'. E-mail is not a secure medium and must not be used.

The Contact Officer who has received a disclosure will: (a) acknowledge its receipt, in writing, within 5 working days; (b) seek further information if need be, including by personal interview, at which the individual can be accompanied by an official of their trade union or professional association, or by a fellow employee; (c) when the precise nature of the alleged malpractice is established, refer the disclosure to the Monitoring Officer; (d) in liaison with the Monitoring Officer, keep the individual informed regarding the progress and (subject to legal constraints) outcome of any investigation.

On receipt of a disclosure from a Contact Officer the Monitoring Officer will determine what further action, if any, is needed, which may comprise:

- internal investigation

- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

The Monitoring Officer will also ensure that the Contact Officer is advised of progress and outcome.

If at the end of the process an employee of the Council, or any other person covered by the Act, is not satisfied with how a disclosure has been dealt with, they may refer to one of the regulatory bodies/other external agencies whose details are listed in Appendix B. As with the internal disclosure, before referring to one of these bodies the individual should consider: do I honestly and reasonably believe that my concerns are well founded and that any allegations I am about to make are substantially true?

Exceptionally, the Act offers protection in respect of disclosures made to people or bodies not listed in Appendix B but only when, all things considered, it is reasonable to do this and the disclosure is not made for personal gain. In addition, one of the following must apply:

- The matter has been raised already with the employer and/or relevant regulatory body, or
- The person reasonably believed that they would be victimised if they raised the matter internally; or
- There is no relevant regulatory body, and they reasonably believed that evidence was likely to be concealed or destroyed; or
- Their concern is of an "exceptionally serious" nature, which is for them to determine.

Levels of Authority

Throughout this policy document, there are many references to Contact Officer. For the purposes of this policy 'Contact Officer' is the person delegated by the Director to perform the task. The Contact Officer's are listed in Appendix A.

Other considerations

The Council will monitor the application of this policy and, in conjunction with the recognised trade unions, review and revise it as necessary.

Accountabilities

Monitoring Officer – has overall responsibility for the proper application of the policy. The Monitoring Officer is also responsible for deciding, in respect of **ALL** disclosures, whether there will be a formal investigation, what form it will take and who will carry it out.

Contact Officers – Heads of Service designated by Corporate Directors to receive disclosures, obtain further information if need be, refer disclosures to the Monitoring Officer, carry out investigations as required, and keep the whistleblower informed regarding the progress and (subject to legal constraints) outcome of any investigation.

Further Advice and Information

This policy document is for general guidance only. If you need any further advice on how to apply this policy please contact your departmental HR Manager.

Independent advice on 'whistleblowing' can also be obtained from the charity Public Concern at Work and from the Audit Commission. Contact details for these organisations are:

Public Concern at Work
Suite 306
16 Baldwins Gardens

London EC1N 7RJ
Helpline: 020 7404 66E-mail: helpline@pcaw.co.uk

Audit Commission
1 Vincent Square
London SW1P 2PN
Telephon: 020 7828 1212
E-mail: enquiries@audit-commission.gov.uk

Further information and Advice

Further background information on this topic is available on the following Websites:

www.dti.gov.uk
www.acas.org.uk
www.lg-employers.gov.uk
www.audit-commission.gov.uk
www.pcaw.co.uk

See also national conditions of service and local agreements before determining or issuing advice.

Other Contacts

Please note that the County Council takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.

Standard Documents

This information can be made available in a range of formats and languages, including Braille and large print. If this would be useful to you or someone you know, please contact your Directorate HR Manager.

Appendix A

Whistle Blowing Procedure

Contact Officers

CHIEF EXECUTIVE'S AND STRATEGY AND TRANSFORMATION	
Robert Flinter	01785 277090
Sarah Getley	01785 274265
Helen Riley	01785 278580

FINANCE AND RESOURCES	
Andy Burns	01785 276300
Lisa Cartwright	01785 276803
Jon Waller	01785 276380

LAW AND DEMOCRACY	
Ann-Marie Davidson	01785 276131
Jean Evans	01785 276110
Sean Latham	01785 276502
John Tradewell	01785 276102

PEOPLE	
Ian James	01785 274022
Jason Woodruff	01785 278800

PLACE	
Joanne Hulse	01785 276511
Pam Rushton	01785 277210

Appendix B

PUBLIC INTEREST DISCLOSURES

The Council acknowledges that anyone who is not satisfied with its response to a disclosure they have made under this policy is entitled in law to disclose elsewhere. [Appendix B](#) lists the names and addresses of bodies to whom disclosures can be made, including bodies prescribed by the Government.

EXTERNAL/PREScribed BODIES

Health & Safety Exec.
Area Office
Marches House
The Midway
Newcastle under Lyme, ST5 1DT
(Info line tel: 01782 717181)

Environment Agency
(no local address)
Tel: 03708 506506 (enquiries)
0800 807060 (to report incidents)

Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Inland Revenue
Greyfriars House
Greyfriars
Stafford, ST16 2NH
Tel: 0845 3000627

CT Operations (Stoke Group)
Blackburn House
Old Hall Street
Hanley
Stoke on Trent ST1 3BS
Tel: 0845 3667819

Citizens' Advice Bureau
131 North Walls
Stafford
Tel: 01785 258673

or

Citizens Advice Bureau
Wade House
7 Cannock Road
Burntwood, Staffs, WS7 1JS
Tel: 01543 684125

Data Protection Registrar
Head Office
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 1231113 or 01625 545745

Audit Commission
1st Floor
Millbank Tower
Millbank
London
SW1P 4HQ
Tel: 0844 7983131 or 0117 9753131

Staffordshire County Council
District Auditor
Number 1 Staffordshire Place
Stafford
ST16 2LP
Tel: 0300 1118000