

Whistleblowing

Introduction

It is important to the Council that any fraud, misconduct or wrongdoing is reported and properly dealt with. All employees have a duty to report any malpractice as outlined in the Employee Code of Conduct.

Aims of Policy

The policy has been developed to demonstrate the Council commitment to the non-tolerance and elimination of malpractice.

It provides a clear framework to enable employees to raise concerns within the Council / School without fear of victimisation, discrimination, or disadvantage rather than seeking a resolution to the problem outside the Authority.

Scope

The policy applies to all employees, contractors, suppliers, elected members, agency staff working for the Council-on-Council premises or carrying out duties for the Council. This policy additionally covers job applicants.

School Based Employees

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

To be read in conjunction with

Employee Code of Conduct
Members Code of Conduct
Corporate Complaints Policy
Grievance Procedure
Disciplinary Code
Equal Opportunity Policy
Bullying and Harassment
Data Protection Act
All Wales Child Protection procedures
Anti-fraud and corruption strategy policy statement
Whistleblowing management guidance

Whistleblowing

Principles

WHISTLEBLOWING

Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.

This Policy is also available in Welsh. Should you wish for any process under this Policy to be conducted in Welsh please advise the relevant manager and this can be arranged.

OUTLINE

This policy seeks to:

1. Ensure that serious concerns are properly raised and addressed
2. Deter serious malpractice
3. Promote accountability throughout the Council / School
4. Avoid crisis management and public criticism
5. Support individuals in challenging bad practice without fear of recrimination, victimisation or harassment.

The policy does not cover:

1. An individual employment grievance. This should be referred to the Council's / School's Grievance Policy or other policies such as the Equal Opportunities Policy or the Bullying and Harassment Policy.

Health and Safety Matters: All employees have a legal obligation to report to a manager any work situation which represents a risk or danger to the Health and Safety of Council employees, colleagues or members of the public.

POLICY

WHAT IS A QUALIFYING DISCLOSURE?

The term 'qualifying disclosure' is used to describe information about any wrongdoing that an employee or other person may come across. It may be something that has happened, is happening or could happen in the future.

It could be in relation to: -

1. A criminal offence
2. A breach of legal obligations
3. A miscarriage of justice (criminal or civil not include the Council internal procedures)
4. A danger to the Health and Safety of any person
5. Damage to the environment
6. Deliberate covering up of any information tending to show any of the above matters
7. Financial irregularity and concern
8. Breaches of EU laws of that which are prescribed in the EU Whistleblowing Directive

Examples of serious concerns that fall under this policy could include:

1. Mal administration, as defined by the Public Services Ombudsman for Wales
2. Breach of or failure to implement or comply with any policy determined by the Council / School.
3. Failure to comply with appropriate professional standards.
4. Corruption or Fraud.
5. Actions likely to cause physical danger to any person, or to give rise to a risk of significant damage to property.
6. Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost or loss of income to the Council / School or would otherwise seriously prejudice the Council / School.
7. Abuse of power, or the use of Council's / School's powers for any unauthorised or ulterior purpose.
8. Unfair discrimination in the Council's / School's employment practice or in the delivery of services.
9. Unsafe working practices, which could result in an adverse effect on the health & safety or welfare of a whistleblower, their colleagues, the general public or service users, which have not been dealt with adequately.
10. Physical, sexual, or other abuse or harassment. This may involve an employee, a child or a vulnerable adult.
11. Failure to rectify or take reasonable steps to report a matter likely to give rise to a significant and avoidable cost or loss of outcome to the Council / School
12. Actions that could be considered as serious abuse of Council / School time. This might include serious abuses involving internet usage, email, clocking systems, flexi systems, time sheets, unauthorised meetings, unauthorised work, use of council vehicles etc.

NOTE: This list is intended to illustrate the types of issues which may be raised, it is not comprehensive.

SAFEGUARDS

The Council / School recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the malpractice. Those who make an allegation in the public interest should have nothing to fear as they will be doing their duty to their employer, colleagues and the public. Employees who make disclosures are entitled to receive independent advice and a list of relevant organisations and their contact details are covered in Appendix 1 of this policy.

The Council / School will not tolerate any detriment suffered by a whistleblower, and if this occurs the action may result in disciplinary action being taken against such employees who cause this detriment. Examples of detriment (or disadvantage) may include failure to promote, denial of training, closer monitoring, ostracism, blocking access to resources, unrequested re-assignment or re-location, demotion, suspension, disciplinary sanction, bullying or harassment, victimisation, dismissal, failure to provide an appropriate reference or failing to investigate a subsequent concern.

If an employee who makes a disclosure believes that they are suffering a detriment for having raised a concern, this should be reported to the Head of People Policy and Transformation.

Those who express their concern in the public interest, but their allegation is not confirmed by the investigation should not fear reprisal, as no action will be taken against them. If, however, allegations are made which subsequently prove to have a malicious intent, then the matter will be treated seriously and could result in disciplinary action.

EXPRESSING DISCLOSURES IN CONFIDENCE

Whilst a qualifying disclosure is expected to have substance, it is not expected that the employee raising the disclosure will need to prove it is true. It is the responsibility of the investigating manager/officer.

All disclosures will be treated in confidence and every effort will be made to keep the identity confidential where the individual requests this, unless disclosure is required by law. Any identification of a whistleblower will only be with the consent of the individual.

In some circumstances, it may be necessary for the person to be prepared to come forward as a 'witness'. Should this be necessary then every effort will be made to limit the contacts with the whistleblower to maintain the level of confidentiality.

ANONYMOUS DISCLOSURES

A worker raises a concern anonymously if he or she does not give his or her name at all. If this happens, the Council will assess the anonymous information as best it can to establish whether there is substance to the concern and whether it can be addressed. Clearly if no-one knows who provided the information it is not possible to reassure or protect them. This policy encourages individuals to put their name to the concern whenever possible.

The provisions of the Data Protection Act must be observed during the process, particularly in disclosure, use and processing of personal information.

PROCEDURE

STEP ONE

Disclosures are best raised in writing by completing the [Whistleblowing Report Form](#), otherwise the person can disclose to their immediate line manager. Where the disclosure relates to the line manager it is appropriate to raise the issue with a Head of Service / Headteacher.

If employees feel unable to speak to their line manager or Head of Service regarding their disclosure, they can contact the internal Whistleblowing Helpline on 01633 987594 (please note that this number will be manned by a member of the Human Resources department). Employees can also speak to a member of the Audit department on 01633 201693 regarding their disclosure or to their Trade Union representative.

Individuals may be accompanied by their Trade Union representative or work colleague to any meetings/interviews.

Within 10 days of a disclosure being received, the manager will write to the person raising the issue, acknowledging that the disclosure has been received and indicating how the Council / School proposes to deal with the matter and an estimation of how long it will take to provide a final outcome.

Regular support and contact will continue to be provided and support will be reviewed as and when appropriate.

On conclusion of any investigation, the individual will be told the outcome of the investigation and what action has been done/proposed. If no action is to be taken, the reason for this will be explained. In addition matters raised may:

1. Be referred to the Police
2. Be referred to the External Auditor
3. Form the subject of an independent inquiry
4. Some concerns may be resolved as an agreed action without the need for investigation

Should it be found that the matters raised fall within an alternative policy, e.g., the disciplinary policy the individual will be made aware that the matter is being forwarded to the appropriate person within the Council / School.

In the case of any information which is raised in the course of a disciplinary investigation, the Investigating Officer will investigate this in line with the Council's / School's Disciplinary Code. If the information is disclosed after a decision has been made to hold a disciplinary hearing and is raised by way of defence, the relevant disclosure will form part of the consideration of the Disciplining Officer / Disciplinary panel.

If the disclosure concerns a health and safety issue, then the Investigating Officer may take steps to protect the health, safety and well-being of any person or to protect the property of the Council / School or of any person for whom the Council / School has a statutory duty of care, and to secure that such action is taken.

In schools the Chief Education Officer and Head of People, Policy and Transformation would advise the Chair of Governors of the process to be followed.

STEP TWO

If the individual is unhappy with the response, outcome or the handling of the issue, the matter should be raised with a Corporate Director / Headteacher (or Chair of Governors where the outcome has been provided by the Headteacher), adopting the grievance procedure as the most appropriate mechanism.

STEP THREE

Where the individual believes there is a need to take the matter outside the Council / School, they should ensure they do not disclose confidential information unless that disclosure is privileged and relevant to the concern raised.

Anyone proposing external disclosure should seek independent legal advice or contact the Public Concern at Work organisation. Please see Appendix 1 for further information on external organisations providing advice and support on whistleblowing. In addition, Legislation sets out a number of bodies to which qualifying disclosures (Concerns) can be made:

1. HM Revenue & Customs <https://www.gov.uk/government/organisations/hm-revenue-customs>
2. Financial Services Authority <https://www.fca.org.uk/>
3. Health and Safety Executive <https://www.hse.gov.uk/>
4. Environment Agency <https://www.gov.uk/government/organisations/environment-agency>

EMERGENCY SITUATIONS

If the individual believes that the malpractice must be dealt with immediately either because it concerns a health and safety issue or concerns children or vulnerable adults, immediate contact should be made to a manager on the list below. The risk or the urgency should be explained in sufficient detail and accuracy to ensure that the person receiving the report understands what the harm or risk is and whom or what needs to be protected.

The written disclosure should be completed as quickly as possible following a verbal report being made.

Normal Working Hours

1	Contact Manager	If not appropriate go to 2
2	Contact Senior Manager / Headteacher	If not appropriate go to 3
3	Contact the Whistleblowing Helpline	01633 987594

Contacts for reporting special disclosures relating to:

Disclosure about	Contact	Details
Members	Monitoring Officer (Head of Law & Standards)	01633 656656
Governors or Governing Bodies	Chief Education Officer	01633 656656
Children	Designated Complaints Officer for Social Services	01633 656656 (office hours)
Child in a school	Chief Education Officer	01633 656656
Vulnerable Adults	Principal Officer – POVA	01633 656656

Effective monitoring of the Policy

- This policy will be the responsibility of the Corporate HR Manager to annually review, ensuring legal compliance and best practice.

- The HR service will be responsible for recording and reporting on whistleblowing incidents and numbers of cases will be provided in the annual report.
- The effectiveness of the policy will be reported to the Council's Standards Committee on an annual basis with steps for making improvements identified where appropriate.
- Periodic audits of the effectiveness of whistleblowing arrangements will be undertaken, including
 - a) a record of the number and types of concerns and the outcomes of investigations
 - b) feedback from individuals who have used the arrangements
 - c) any complaints of victimisation
 - d) any complaints of failures to maintain confidentiality
 - e) any relevant litigation
 - f) a review of staff awareness, trust and confidence in the arrangements
- The audits will be reportable to the Council's Standards Committee and the terms of reference outlined in a to f above will be reviewed as appropriate by the Board.

APPENDIX 1: External contacts regarding whistleblowing

More information on whistleblowing can be found on the GOV.UK website: www.gov.uk/whistleblowing

ACAS: Call 0300 123 1100 for free support and advice or to check your workplace policies and practices. The Acas Helpline provides free and impartial advice for employers, employees and representatives on a range of employment relations, employment rights, HR and management issues. The helpline is available Monday - Friday: 8am-8pm and Saturday 9am-1pm

Protect (previously Public Concern at Work), the Whistleblowing Charity, is the leading authority in the field. They aim to protect society by encouraging workplace whistleblowing and can be contacted on their website and via social media sites Facebook and Twitter.

www.protect-advice.org.uk

020 3117 2520

<https://twitter.com/WhistleUK>

The Auditor General for Wales: contact about the proper conduct of public business; value for money, fraud and corruption in public bodies in Wales

PIDA Officer

The Auditor General for Wales

1 Capital Quarter, Tyndall Street

Cardiff CF10 4BZ

Tel: 029 20 320 500

E-mail: whistleblowing@audit.wales

<https://www.audit.wales/cy>

Children's Commissioner for Wales about matters relating to the rights, welfare and interests of children in Wales.

Children's Commissioner for Wales

Llewellyn House

Harbourside Business Park

Harbourside Road

Port Talbot SA13 1SB

Tel: 01792 765600 / 0808 801 1000

Email: post@childcomwales.org.uk

<https://www.childcomwales.org.uk/>

The Information Commissioner about compliance with the requirement of legislation relating to data protection and to freedom of information.

The Office of the Information Commissioner

Wycliffe House

Water Lane

Wilmslow, SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.gsi.gov.uk

<https://ico.org.uk/>

The Health and Safety Executive about health or safety of individuals at work or the health and safety of the public that is work-related, in connection with those industries and work activities for which HSE is the enforcing authority.

Health and Safety Executive

Tel: 0300 003 1647

Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm>

<https://www.hse.gov.uk/>

Public Services Ombudsman for Wales about breaches by a member or co-opted member of a relevant authority's code of conduct in Wales.

Public Services Ombudsman

1 Ffordd yr Hen Gae

Pencoed CF35 5LJ

Tel: 0300 790 0203

Email: ask@ombudsman.wales

<https://www.ombudsman.wales/>

Social Care Wales about matters relating to the registration of social care workers in Wales.

Social Care Wales

South Gate House

Wood Street

Cardiff CF10 1EW

Tel: 0300 303 3444

Email: info@socialcare.wales

<https://socialcare.wales>

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Document Control

Version	Date	Author	Notes/Changes
V1	08/04/2011	Human Resources	Corporate Review and New Template
V1.1	22/01/2013	Human Resources	Service Area to People & Transformation, schools reference included and Template change
V1.2	16/09/2013	Human Resources	Removal of 'good faith' and replaced with 'in the public interest.' Amendment of 'concerns' to 'disclosures'
V2	08/04/2015	Human Resources	Amended to bring into line with best practice
V2.1	03/10/2017	Human Resources	Version control added
V2.2	01/02/2019	Human Resources	Updated for Data Protection Act (2018)
V3	27/04/2020	Human Resources	New policy template and update links
V4	12/12/2021	Human Resources	Updated HR and external contact information
V5	14/07/2022	Human Resources	Updated HR Service Area, PP&T service area and reviewing by the Standards Committee.
V5.1	05/06/2023	Human Resources	Annual Review, applicants within scope and reviewing by the Standards Committee.
V5.2	25/10/2023	Human Resources	Updating of Helpline phone numbers and Social Care Wales details from Care Council for Wales
V5.3	02/05/2024	Human Resources	Annual Review and updating of contact details in Appendix 1.