

# Whistleblowing Policy and Procedure

**DARTFORD BOROUGH COUNCIL**

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## **1. Background**

- 1.1. Whistleblowing is defined by the Whistleblowing Commission's Code of Practice as "the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrong-doing which affects others."
- 1.2. The [Public Interest Disclosure Act 1998](#) gives statutory protection to employees who "blow the whistle" on their employer's malpractice.
- 1.3. The Act makes clear the important role that a whistleblowing mechanism can play in helping organisations and employers to comply with the law. To this effect, the Council has developed a whistleblowing policy and procedure. This has been designed to align with the Whistleblowing Commission's Code of Practice 2013, which sets out a best practice whistleblowing framework for the Public Sector.
- 1.4. This policy underpins the Counter Fraud and Corruption Strategy and is complementary to the Officer and Member Codes of Conduct.

## **2. Policy statement and objectives**

- 2.1. Dartford Borough Council takes seriously its responsibilities for safeguarding public funds and assets and for operating in an ethical manner that ensures the well-being of its employees, suppliers, service providers and customers.
- 2.2. To this end, the Council is committed to having effective whistleblowing arrangements in place in order to support, encourage and protect individuals who have genuine cause for raising concerns and to promote good governance and safeguard the public interest.
- 2.3. The Council will take all reports of improper activity seriously and will investigate all concerns raised fairly and consistently.
- 2.4. The Council will protect the person raising the concerns against victimisation, harassment and / or recrimination and recognises they may wish to raise concerns on a confidential basis.
- 2.5. The overarching objective of the Whistleblowing policy is to outline a framework which encourages potential whistleblowers to communicate their concerns within a safe environment without fear of recrimination. Specifically, it aims to:
  - encourage employees to feel confident in raising serious concerns and to question and act upon concerns in practice
  - provide avenues for employees to raise those concerns and receive feedback on any action taken

- reassure employees that they will be protected from possible reprisals or victimisation, if they have a reasonable belief that they have made any disclosures in good faith

### 3. Responsibility

- 3.1. **Management Team** are responsible for approving and endorsing the Policy and for embedding an open and supportive culture where employees feel empowered to whistleblow without fear of reprisals. They are also responsible for assuring themselves that the policy is operating effectively and that concerns are investigated properly and fairly.
- 3.2. **Audit Board** are responsible through their Terms of Reference for reviewing and monitoring the Policy.
- 3.3. The **Audit Manager** has overall responsibility for the maintenance and operation of this Policy and for keeping a record of all allegations received, their outcomes and the feedback provided.
- 3.4. **All staff** are responsible for raising relevant concerns they may have under this policy.
- 3.5. **All managers** are responsible for ensuring that concerns raised with them are taken seriously, treated appropriately and investigated fairly.
- 3.6. The **Monitoring Officer's** Annual Report to Members will incorporate a summary of whistleblowing events and their outcomes.
- 3.7. The **External Auditor** will also be advised at least annually, of all proven whistle-blowing events and their outcomes.

### 4. SCOPE

- 4.1. This Policy applies to all employees (including temporary and agency staff), Councillors, co-optees, volunteers, contractors, their agents and/or subcontractors, consultants, suppliers and service providers in the course of their work for the Council.
- 4.2. Disclosures may be made under the Whistleblowing policy relating to the following concerns:
  - Conduct of a criminal nature or a breach of the law
  - Miscarriage of justice
  - Bullying, harassment or victimisation of a third party
  - Disclosures related to miscarriages of justice
  - Health and safety risks, including risks to the public as well as other employees
  - Damage to the environment
  - Covering up or concealing any of the above

- The unauthorised use of public funds
- Possible fraud and corruption including offences falling under the Bribery Act 2010
- Sexual or physical abuse of customers
- Breach of Council procedures; or
- Other unethical conduct or malpractice.

4.3. Any serious concerns that employees have about any aspect of service provision or the conduct of officers, councillors, co-optees, partners or others acting on behalf of the Council, can be reported under this Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- relates for example to a breach of the Council's Standing Orders, Financial Regulations, policies, practices and procedures; or
- falls below established standards of practice; or
- amounts to improper conduct.

4.4. The Whistleblowing policy does not replace the Corporate Complaints and Grievance procedures. Concerns relating to individual complaints or personal grievances, including employment matters, are likely to fall under complaints and grievance policies. Employees must not use this Policy to deal with day to day problems, such as mistakes, errors, or general differences of view that arise in the workplace. Operational matters should be raised with management first.

## **5. Safeguards and Support**

5.1. The Council expects employees and others that they deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. Employees are often the first to realise that there may be something seriously wrong within the Council.

5.2. Nonetheless, the Council recognises that the decision to report a concern can be a difficult one to make. Employees 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, victimisation or recrimination from the Council.

5.3. Provided they believe they are acting in the public interest and are making disclosures in good faith, employees raising a disclosure are protected by both employment law and this policy. 'Confidentiality' or other clauses in settlement agreements do not prevent employees from making disclosures in the public interest.

5.4. The Council has a strong commitment to good practice and high standards in protecting its employees from harassment, victimisation and recrimination when raising a whistleblowing disclosure. It will not tolerate any harassment,

victimisation or recrimination when a concern is raised in good faith or in order to deter someone from making a disclosure. Any such instances amount to serious misconduct and will be dealt with under the Disciplinary policy.

- 5.5. The above provisions apply regardless of the outcome of the investigation including where the concern is unfounded or unsubstantiated.
- 5.6. The Council is also committed to providing support for whistleblowers. The person with whom you are raising your concern will discuss with you options available for support, which could include, for example, mentoring or a referral to Employee Assistance.
- 5.7. If you believe you have suffered or are under threat of suffering victimisation or harassment as a result of raising concerns, you may also report this concern as set out under section 9 below.

## **6. Confidentiality**

- 6.1. Where requested, the Council will use its best endeavours to treat in confidence all concerns raised and will do its utmost not to reveal your identity without your agreement. However, the Council cannot guarantee that any investigation process will not reveal the source of the information, particularly in matters of criminal or civil law. If it is necessary to disclose your identity, the Council will make every effort to discuss this with you first, including arrangements that can be put in place to support you.

## **7. Anonymous Allegations**

- 7.1. Whilst you are encouraged to put your name to your allegation whenever possible, it is recognised that in some instances, individuals may have genuine concerns about their safety, security or well-being which may prevent them from revealing their identity. Under such circumstances, the policy allows for anonymous disclosures and these are always preferable to remaining silent.
- 7.2. Before you choose to remain anonymous however, you should carefully consider the following:
  - Anonymity may limit the actions that the Council is able to take as, for example, it may not be able to contact you for any follow-up information
  - You are unlikely to be able to receive feedback on your concern
  - Invoking legal protections for whistleblowers may be more difficult as there will not be any documentary evidence to link you to the concern raised.

## **8. False Allegations**

- 8.1. If you make an allegation in good faith but the investigation finds this to be unsubstantiated or unfounded, no action will be taken against you. If, however,

you make a false or malicious allegation for an ulterior motive, disciplinary action may be taken against you. It is therefore important that any allegation is made in good faith.

# Whistleblowing Procedure

## How to raise a concern

### 9. Who to contact

- 9.1. Depending on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, you are encouraged in the first instance to raise concerns with your immediate manager or your supervisor.
- 9.2. If you believe that your line manager may be involved, if you do not feel comfortable discussing the issue with your line manager or if you are not satisfied with the response that you receive, you may raise your concern with any of the individuals or contacts below. Key contact details are provided at **Appendix A**.
  - Service Manager
  - Strategic Director
  - The Audit Manager (or member of the Audit Team)
  - The Council's whistleblowing reporting line / email address
- 9.3. If you are not an employee, you may raise your concern using any of the contacts given in **Appendix A**.
- 9.4. Anyone who receives a report of a concern must notify the Audit Manager (unless the concern relates to Internal Audit). This ensures that all concerns are recorded, that they are treated fairly and consistently and that any patterns of behaviour are identified.
- 9.5. If your concerns are about Internal Audit, you must contact the Strategic Director (Internal Services) in the first instance.
- 9.6. For all concerns, you may also contact the Chairman of the Audit Board, as a last resort, if you believe that your concerns have not been appropriately dealt with.

### 10. How to report a disclosure

- 10.1 Concerns may be raised verbally (in person or on the telephone), in writing or by email.
- 10.2. A dedicated Freephone telephone number has been set up to allow you to speak in confidence to the Internal Audit Team (0800-496-3245). Alternatively you can email [whistleblowing@dartford.gov.uk](mailto:whistleblowing@dartford.gov.uk).
- 10.3. Please provide the following information when making a whistleblowing disclosure:



- The background and history of the concern (giving relevant dates and evidence where available)
  - The reason why you are particularly concerned about the situation.
- 10.4. The earlier you express the concern, the easier it is to take action, as delays may make it more difficult to obtain the relevant evidence.
- 10.5. You are not expected to provide evidence or to prove the truth of an allegation, however you should ensure that there are reasonable grounds for your concern.
- 10.6. Where concerns are raised in person, you may invite your trade union representative, or a work place colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## **11. What we will do**

- 11.1 The Council will take every whistleblowing concern seriously and will investigate appropriately.
- 11.2. Where appropriate, the matters raised may:
- be investigated by senior management and / or the Internal Audit Team
  - be referred to the police;
  - be referred to the external auditor; or
  - form the subject of an independent inquiry.
- 11.3. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 11.4. The overriding principle which the Council has in mind, is the public interest.
- 11.5. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.
- 11.6. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 11.7. Within ten working days of a concern being raised, provided you have supplied your contact details, the investigating officer will write to you:
- Acknowledging that the concern has been received
  - Indicating how we propose to deal with the matter and who will investigate
  - Giving an estimate of how long it will take to provide a final response

- Advising you how and to whom you should report if you feel you are being treated unfairly as a result of the disclosure
- Supplying you with information on staff support mechanisms
- Advising you that you are entitled to independent advice.

11.8. The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern.

11.9. The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will be informed of the outcomes of any investigation.

## **12. If you are not satisfied**

12.1. If you are not satisfied with how a whistle-blowing disclosure has been managed, please speak to the Audit Manager or the Strategic Director (Internal Services).

## **13. External Disclosures**

### **‘Prescribed’ Disclosures**

13.1. If you feel that the Council has not responded to your concern satisfactorily, or if you feel unable to raise the matter internally, the law allows for disclosures to be made externally to ‘prescribed people or bodies’ whilst maintaining whistleblower protections for the individual. The relevant ‘prescribed person’ depends on the subject matter of the concern and a full list can be found here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

13.2. The most likely relevant bodies for the Council’s business are set out in **Appendix B**.

13.3. You may also contact the police or seek advice from a legal professional.

### **‘Non prescribed’ Disclosures**

13.4. These are disclosures made to other people or bodies, such as the media. Whistleblower protections would only apply to these disclosures in exceptional circumstances and therefore you are encouraged to seek independent, specialist advice prior to making any such disclosure.

## **14. External Advice**

14.1. If you wish to seek advice outside the organisation you can also contact:

- Protect (formerly Public Concern at Work) on 0203 117 2520  
whistle@protect-advice.org.uk
- The Council's External Auditor (Grant Thornton) on 0207 383 5100
- Relevant professional bodies or regulatory organisations
- Your trade union representative

## **15. Policy review**

15.1. The Whistleblowing policy will be reviewed and updated every 2 years, or as and when amendments are needed.

## **16. Training**

16.1. As part of the Council's Counter-Fraud and Corruption Strategy, appropriate training will be offered to officers on key aspects of the whistle-blowing policy and how it should be implemented. The policy will be available on the Council's website for easy access by staff. Guidance will be provided to managers on how to respond to concerns raised.

## Appendix A – Key Contacts

Name	Job Title	Contact details
Sarah Martin	Strategic Director (Internal Services)	<a href="mailto:sarah.martin@darford.gov.uk">sarah.martin@darford.gov.uk</a> 01322 343632
Sheri Green	Strategic Director (External Services)	<a href="mailto:sheri.green@dartford.gov.uk">sheri.green@dartford.gov.uk</a> 01322 343125
Francesca Chivers	Audit Manager	<a href="mailto:fran.chivers@dartford.gov.uk">fran.chivers@dartford.gov.uk</a> 01322 343004 or 01732 227053
Whistleblowing hotline		<a href="mailto:whistleblowing@dartford.gov.uk">whistleblowing@dartford.gov.uk</a> 0800 496 3245

## Appendix B – External Contacts

Prescribed body	Scope of disclosures	Contact details
<b>The Comptroller and Auditor General</b>	Contact them about the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.	<p>The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP</p> <p>Tel: 020 7798 7999 Website: <a href="http://www.nao.org.uk/contact-us/whistleblowing-disclosures/">www.nao.org.uk/contact-us/whistleblowing-disclosures/</a></p>
<b>The Information Commissioner</b>	Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information.	<p>The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF</p> <p>Tel: 0303 123 1113 Email: <a href="mailto:casework@ico.org.uk">casework@ico.org.uk</a> <a href="http://www.ico.org.uk">www.ico.org.uk</a></p>
<b>Grant Thornton (the Council's External Auditors)</b>	Disclosures relating to local authorities.	0207 383 5100
<b>The Health and Safety Executive</b>	The industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing	<p>Tel: 0300 003 1647 Online form: <a href="http://www.hse.gov.uk/contact/concerns.htm">www.hse.gov.uk/contact/concerns.htm</a></p>

	<p>Authority) Regulations 1998</p> <p>The health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.</p>	
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