

# Somerset County Council

## Whistleblowing Policy guidance

### **1. What is Whistleblowing?**

1.1 The term whistleblowing is generally used only with reference to workers (referred to in Law as making a protected disclosure) and has a specific legal definition under the Public Interest Disclosure Act 1998, i.e., a disclosure of information which, in the reasonable belief of the worker, is made in the public interest and tends to show serious misconduct. In a non-legal context, the term might also be used to describe a similar disclosure of information, by anyone who is not a worker. The Council recognises that as a public body, it might receive a disclosure of information, not just from its workers, but from members of the public as well.

The term 'worker' includes an employee of the Council, agency staff, contractor or consultant doing work for the Council, collectively referred to in this policy as "employees". A member of the public will be anybody not falling within the definition of 'employees', which could include a Governor in a school maintained by the Council, the parent of a child at a school, or any person who uses Council services.

This policy applies to disclosures from employees, but also sets out the Council's commitment to deal with disclosures from members of the public in the same way. To this end, where this policy makes reference to a "whistleblower", it refers to both employees and members of the public who make a disclosure.

1.2 Whistleblowing is a positive act that can make a valuable contribution to the Council's efficiency and success. It is not viewed as disloyal to colleagues or to the Council to speak up in respect of concerns.

1.3 To be considered as whistleblowing, the person making the disclosure must reasonably believe two things;

- a) They are acting in the public interest
- b) That the whistleblowing tends to show past, present or likely future wrongdoing falling into one of the following categories;

- Criminal offences
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment

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- Possible fraud and corruption
- Covering up wrongdoing in any of the above categories

## **2. What is the aim of the policy and this initial quick guide?**

2.1 This quick guide sets out the key elements of the full policy which can be found on the Council's website and staff intranet pages. The intention is that you can raise a concern under 1.3 b) above without fear of victimisation, discrimination, disadvantage or dismissal. The Whistleblowing Policy is a reassurance to individuals that there is a safe alternative to silence.

2.2 If you are concerned about your treatment as an employee, you should raise this under the Council's grievance procedures. These can be found under the HR section of the intranet.

## **3. What protection is there for the whistleblower?**

3.1 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 alleged malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern. 3.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity, if this is your wish. In certain matters you may be asked to come forward as a witness, if you agree to this you will receive support and advice. In certain circumstances, such as serious safeguarding disclosures or criminal matters, it may not be possible to protect your anonymity or avoid you being called as a witness.

## **4. How do I raise a concern?**

4.1 If you are an employee who has a concern, we hope you will feel able to raise it first with your line manager or to a Director in writing. To assist you, the concern should be copied to the whistleblowing generic email address: confidential@swapaudit.co.uk (the confidential phone number is 020 8142 8462).

If you feel unable to raise the matter with your Line Manager or Director, for whatever reason, please raise the matter through the confidential phone number on 020 8142 8462 or email to confidential@swapaudit.co.uk. This line and email are monitored by our Internal Audit provider, South West Audit Partnership (SWAP). SWAP is independent of the County Council.

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If you are a member of the public, please raise your matter directly with SWAP on the contact details above.

4.2 If the above channels have been followed but you continue to have concerns or believe that those listed above are implicated, then you should approach one of the following Council senior officers:

- The Chief Executive.
- The Head of Governance and Democratic Services (who is also the Council's Monitoring Officer).

4.3 You can raise a concern by telephone, in person or in writing. A written record is recommended in order that you can fully reflect the nature of your concern and why you believe it to be true and to give a background and history of the concern with relevant dates if possible.

## **5. How the Council will respond to your concern?**

5.1 The Council (or SWAP) will respond to your concerns as quickly as possible. The overriding principle for the Council is that of the public interest. Initial inquiries will lead to a decision as to whether an investigation is appropriate and if so, what form it should take. The amount of contact between you and the officers considering the issues in the matter will depend on the nature of the issues involved. Within ten working days, the officer with whom you raised the concern will write to you:

- acknowledging that the concern has been received
- indicating how they propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place, and if not, why not.

5.2 The Council will obviously do what it can to minimise any difficulties that you may experience. You can expect that the Council will feedback the results of its inquiries and any subsequent investigation, subject to any legal limitations on disclosing any information or outcome.

## **6. What if I am not satisfied following the above?**

This policy is intended to help you raise concerns you may have. Hopefully, you will be satisfied with any action taken. If you are not, there are other people you can contact and these are:

- the External Auditor;

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- your trade union/professional association;
- relevant professional bodies or regulatory organisations (for example Health and Safety Executive) there is a list of prescribed persons and bodies on the HR Extranet site;
- Public Concern at Work;
- an elected Member of the Council;
- the Police;
- the ombudsman;
- your own solicitor.

If you do take the matter outside the Council, you should ensure that you do not misuse confidential information. The person you contact should be able to advise you on this.