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# Whistleblowing Procedure

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INVESTOR IN PEOPLE

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**CONTENTS**

**PAGE(S)**

1.	Introduction	3
2.	Aims and Scope of the Procedure	3
3.	Safeguards	4
4.	Raising a Concern	4
5.	How the Council will Respond	5
6.	Taking Matters Further	6
7.	The Responsible Officer	7
8.	Alternative Procedures	7
	Useful addresses and telephone numbers	8

## **1. INTRODUCTION**

- 1.1 The Council is committed to the highest standards of good governance, openness, probity and accountability. In line with these commitments, we encourage employees and other, specific groups of workers (see paragraph below), with serious concerns about irregularity, wrongdoing, or serious failures of standards of work, to come forward and voice such concerns without fear of any reprisal.

## **2. AIMS AND SCOPE OF THE PROCEDURE**

- 2.1 This procedure has been drafted in accordance with the Public Interest Disclosure Act, and aims to:
- ensure the highest standards of service delivery and good governance;
  - ensure that the Council does not overlook any problems, which it would be in both the Council's and the public's interest to resolve;
  - ensure that concerns can be resolved internally, wherever possible, reducing the need for issues to be raised externally.
- 2.2 It applies to all employees, including all quasi-employees such as trainees, casual, agency and contract workers.
- 2.3 It does not apply to self-employed professionals, such as free lance training consultants, or to voluntary workers. That is not to say that their concerns should not be brought to the Council's attention, since they will be investigated in exactly the same way, but that the provisions relating to protection of employment are not applicable.
- 2.4 The Council has a separate Grievance Procedure to enable employees to raise individual and/or collective grievances relating to their own employment. This Procedure is intended to cover concerns that fall outside the scope of other procedures (see paragraph 8 for further information).
- 2.5 Such concerns may be about:
- a criminal act;
  - a failure to comply with a legal obligation;
  - a miscarriage of justice;
  - danger to health and safety;
  - any damage to the environment;
  - an attempt to cover up any of these.

## **3. SAFEGUARDS**

### **3.1 Harassment or Victimisation**

The Council recognises that the decision to raise a concern can be a difficult one to make because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect employees who raise a concern in good faith.

### **3.2 Confidentiality**

The Council will do its best to ensure confidentiality for the employee, where this is requested. However, it must be appreciated that the investigation process may reveal the source of the information and a signed statement may be required as part of the evidence. Only in those cases of the most serious of allegations, where the Council must take immediate action, should it be necessary to reveal the source of the allegation. In all cases, the employee will be notified that this is the case in advance.

### **3.3 Anonymous Allegations**

This Procedure encourages employees to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will 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 to attributable sources.

### **3.4 Untrue Allegations**

Where an employee makes an allegation in good faith which is not confirmed by the investigation no action will be taken. If, however, an employee makes a malicious or vexatious allegation, disciplinary action will be taken.

## **4. RAISING A CONCERN**

4.1 As a first step, employees should raise concerns with the Council's Monitoring Officer, the Solicitor to the Council and Head of Corporate Governance. The Solicitor to the Council will determine whether to deal with the issue(s) concerned personally, or whether to refer that matter on to another Officer, according to the individual circumstances of each case.

4.2 Concerns are better raised in writing, at the outset. Employees are encouraged to set out the background and history of the concern, giving names, dates and places where possible, and the reason causing particular concern. Employees who feel unable to put their concern in writing can telephone, or arrange to meet, the Solicitor to the Council.

4.3 The Solicitor to the Council can be contacted at:

Corporate Services Directorate  
5<sup>th</sup> Floor, Quattro

Buttermarket Street  
Warrington, WA1 1BN  
Telephone number: (01925) 442150

- 4.4 The earlier a concern is raised, the easier it is for the Council to take appropriate action.
- 4.5 Employees will not be expected to prove the truth of an allegation. However, it must be possible to demonstrate that there are sufficient grounds for concern. Employees may invite their trade union representative, or another colleague who is not involved in the area of work to which the concern relates, to raise a matter on their behalf.
- 4.6 Complaints about the Chief Executive - exceptionally, if the concern is about the most senior person in the organisation, the Monitoring Officer will refer the allegation to the Leader of the Council, advising the Leader as to how the investigation ought to proceed. This may include the need for an external investigation.

## **5. HOW THE COUNCIL WILL RESPOND**

- 5.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally;
  - be referred to the Police;
  - be referred to the District Auditor;
  - form the subject of an independent enquiry.
- 5.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take (for example, where there is already a procedure in place for dealing with a particular concern, the matter will be pursued in accordance with that procedure).
- 5.3 Some concerns may be resolved by agreed action without the need for investigation. The Solicitor to the Council, or the Officer to whom the matter has been referred, will write to the employee within ten working days to:
- acknowledge that the concern has been received;
  - indicate how the Council proposes to respond to the concern raised;
  - give an estimate of how long it will take to provide a formal response;
  - inform the employee whether any initial enquiries have been made;
  - inform the employee whether further investigations will take place, and if not, why not.
- 5.4 The Council undertakes to carry out and conclude any investigations as quickly as the circumstances of the case permit. The degree of contact between the Officer considering the matter and the employee will vary

according to the circumstances of each case, the potential difficulties involved, and the clarity of the information provided. If necessary, additional information will be sought from the individual raising the concern.

- 5.5 Where a meeting is arranged, the employee has the right to be accompanied by their trade union representative, or by a workplace colleague.
- 5.6 The Council will take all possible steps to minimise any difficulties the employee might experience as a result of raising their concern. For example, if the proceedings progress into either disciplinary or criminal proceedings, the Council will give any necessary advice about the procedures involved. This will be arranged by the Officer responsible for dealing with the employee's concern so far.
- 5.7 Subject to legal constraints, the Council will ensure that the employee is provided with information about the outcomes of the investigations.

## **6. TAKING MATTERS FURTHER**

- 6.1 One of the aims of this procedure is to provide employees with an avenue to raise any concerns they might have internally in the first instance.
- 6.2 Employees who believe that the concerns they have raised have not been dealt with satisfactorily, or, who believe that their cause for concern is so great that it ought to be considered externally, their first point of contact should be with:
- the Chief Executive, or
  - the District Auditor.
- 6.3 In exceptionally serious circumstances (for example, suspected sexual abuse of a child, or, whether having already raised the concern internally or with a Council member or the District Auditor), the employee believes that there is serious malpractice, or that a danger or risk exists, contact can then be made with:
- relevant professional bodies or regulatory organisations;
  - the Local Government Ombudsman;
  - the Police;
  - a solicitor.
- 6.4 Employees who are members of a Trade Union may also find it helpful to contact their trade union representative, who will have access to further professional advice from their Branch and Regional Officers.
- 6.5 Employees taking matters outside the Council need to ensure that they do not disclose confidential or privileged information (for example, information which may have been produced in contravention of the Data Protection Act, or the Children's Act).

6.6 The raising of minor issues externally in the first instance (for example, to the local media) could potentially diminish an individual's right to protection from action being taken against them by the Council. In order for employees to be certain, completely independent advice about whether to "blow the whistle" externally first can be obtained from an independent charitable organisation called Public Concern at Work (address and telephone number given at the end of this procedure).

## **7. THE RESPONSIBLE OFFICER**

7.1 As the Council's Monitoring Officer, the Solicitor to the Council is the officer responsible for the maintenance and operation of this procedure. The Solicitor to the Council will retain all records of concerns raised and the outcomes in a form that will not endanger an employee's confidentiality where this has been elected, and will report as necessary to the Council.

## **8. ALTERNATIVE PROCEDURES**

8.1 The Council has a number of formal complaints procedures in operation, which, depending on the circumstances of the issue in question, may be more appropriate. Although primarily designed for external users of Council services, this is not exclusively the case.

8.2 Other complaints procedures are as follows:

- Comments, Compliments and Complaints (*copies are available from all main reception areas*);
- Grievance Procedure (*specific to grievances about aspects of a persons job, contract of employment, or working environment. Copies are available on the intranet or from Human Resources*);
- Social Services have two policy briefing notes which are specific to the protection of people in their care (*copies are available from the Policy & Performance Development & Information Team in Community Services*);
- The Code of Conduct for Teachers, which is specific to the protection of children in their care, includes a section about how to raise concerns of this nature (*copies are available from the Children's Services HR*).

8.3 If in doubt, the Solicitor to the Council can provide advice about the most appropriate procedure to use.

## USEFUL NAMES AND ADDRESSES

1. Public Concern At Work  
Suite 306  
16 Baldwins Gardens  
London  
EC1N 7RJ  
  
Telephone: 020 7404 6609  
Fax: 020 7404 6576  
Enquiries: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)  
Helpline: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)
  
2. District Auditor  
3rd Floor  
Sumner House  
St Thomas's Road  
Chorley  
Lancashire  
PR7 1HP  
  
Telephone: 01257 230303  
Fax: 01257 230441
  
3. The Commission for Local Authorities in England  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
York  
YO30 5FZ  
  
Telephone: 01904 380200  
Fax: 01904 380269  
E-mail: [enquiries@lgo.org.uk](mailto:enquiries@lgo.org.uk)
  
4. Health & Safety Executive  
Grove House  
Skerton Road  
Manchester  
M16 0RB  
  
Infoline: 0845 3450055  
Minicom: 0845 4089577  
Fax: 0845 4089566  
E-mail: [hse.infoline@natbrit.com](mailto:hse.infoline@natbrit.com)