



### Officer Decision Record

This form records an officer decision and is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

|                         |                               |
|-------------------------|-------------------------------|
| <b>Decision Maker</b>   | Janet Waggott Chief Executive |
| <b>Date of Decision</b> | 12 October 2017               |
| <b>Signature</b>        |                               |
| <b>Ward(s) affected</b> | all                           |

|  |                                     |
|--|-------------------------------------|
| <b>Decision Status (tick as appropriate)</b>   |                                     |
| <b>Key Decision</b>  | <input type="checkbox"/>            |
| <b>None key decision discharging (or connected to the discharge of) an Executive Function</b>                      | <input checked="" type="checkbox"/> |
| <b>Specific delegation from Council or Committee</b>   | <input type="checkbox"/>            |
| <b>Grant of Permission/licence</b>   | <input type="checkbox"/>            |
| <b>Affecting the rights of an individual</b>   | <input type="checkbox"/>            |
| <b>Awarding a contract or incurring expenditure which materially affects the financial position of the Council</b> | <input type="checkbox"/>            |
| <b>Subject to Call in – no</b>   |                                     |
| <b>Decision</b>  |                                     |
| To approve the attached whistleblowing policy  |                                     |
| <b>Reason for Decision</b>   |                                     |
| To ensure the policy is up to date   |                                     |

**Alternative Options considered and rejected**

**not to update the policy – inappropriate in the light of legislative changes and in the interests of openness and transparency**

**Background papers**

**None**

**Contact Details for further information**

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SELBY DISTRICT COUNCIL

**PUBLIC INTEREST DISCLOSURE ACT 1998  
WHISTLEBLOWING POLICY**

**1. Introduction**

- 1.1 Selby District Council is committed to the highest possible standards of openness, propriety and accountability. Those with serious concerns about malpractices in the form of any irregularity, wrongdoing or a serious failing in standards at work are encouraged to come forward and to voice those concerns.

The Public Interest Disclosure Act 1998 protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. This policy is intended to provide a framework to encourage and enable employees to raise serious concerns over any wrongdoing within the Council relating to unlawful conduct, malpractice or dangers to members of staff, the public or the environment. The overriding consideration is that it would be in the public interest for any such malpractices to be corrected and for any necessary sanctions to be applied.

**2. Aims and Scope of the Policy**

- 2.1 The policy aims to:-

- encourage employees to feel confident in raising serious concerns and to question and act upon their concerns;
- provide ways for employees to raise those concerns and get feedback on any action taken as a result;
- ensure that employees get a response to their concerns and that they are aware of how to pursue them if they know what to do if they are not satisfied with any actions; and
- reassure employees that if they raise any concerns in the public interest, action will be taken to protect them from possible reprisals or victimisation.

- 2.2 It is not intended to use this policy, where other more appropriate procedures are available, for example - grievances relating to employment. Whistleblowing reports must affect others, e.g. the general public or multiple members of staff, rather than just the person raising the concern. Where a concern relates to oneself the grievance procedure should be considered.

- 2.3 Specific examples where this policy has application could include:-

- (a) a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- (b) a miscarriage of justice has been/is likely to occur;

- (c) the health or safety of any individual has been/is likely to be endangered;
- (d) the environment has been/is likely to be damaged;
- (e) public funds are being used in an unauthorised manner;
- (f) the Council's Constitution (including its financial regulations etc.) have or are not being observed or are being breached by an Elected Member and/or employee;
- (g) sexual or physical abuse of any member of staff or any recipient of a service is taking place;
- (h) discrimination is occurring to any member of staff or any recipient of any service on grounds of sex, race or disability;
- (i) misuse or damage of Council assets;
- (j) any other form of improper action or conduct is taking place; and/or
- (k) information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

2.4 This policy has general application to all employees of the Council. This includes both permanent and temporary staff and also covers agency personnel and staff seconded to a third party. Contractors working for the Council may also use the provisions of this policy to make the Council aware of any concerns that the contractor's staff may have with regard to any contractual or other arrangement with the Council. The private concerns of the contractor relating to any non-Council business should be raised with the relevant contractor and/or other suitable agency including the Police, if deemed appropriate.

### **3. Safeguards**

3.1 If you do raise a concern under this policy, you will not be at risk of losing your employment or suffering any form of retribution as a result, provided that:-

- the disclosure is made in the public interest;
- you reasonably believe that information and any allegations contained in it, are true; and
- you are not acting for personal gain.

3.2 The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that an individual may nonetheless want to raise a concern in confidence under this policy. If you specifically ask to protect your anonymity, your identity will not be disclosed, without your consent. If the situation arises where a concern cannot be resolved without revealing your identity (for instance, because your evidence is needed in Court), this will be discussed with you and whether and how matters can proceed.

3.3 The policy encourages employees to put their names to allegations. Concerns expressed anonymously will still be considered by the Council, however complaints of this type are much less powerful and harder to substantiate and therefore will be treated with caution.

- 3.4 To obtain the protection of the Public Interest Disclosure Act 1998, an employee must first disclose the information to the employer or to a body prescribed by the Secretary of State for the purposes of receiving such information. A list of the prescribed bodies, and further information regarding the Act, are available from the Council's Monitoring Officer (the Solicitor to the Council).

If an allegation is made in the public interest, but is not confirmed by the investigation, no action will be taken against the employee concerned. However, if malicious or vexatious allegations are made (for example, out of spite or in order to pursue a private vendetta), disciplinary action may be taken.

#### **4. How to Raise a Concern**

- 4.1 Employees should normally raise concerns with their immediate line manager. However, if it is believed that your line manager is involved in the malpractice being reported or has failed to take appropriate action when the matter has been raised previously, then an approach should be made to either the Monitoring Officer, Head of Service, or a Director. In addition Veritau, the council's internal audit provider, maintain a confidential whistleblowing hotline number (0800) 9179247 which is available 24 hours a day.
- 4.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report should explain the background and history of the concern (giving relevant dates) and the reason why they are particularly concerned about the situation. If employees do not feel able to put these concerns in writing, they can telephone or arrange to meet the appropriate officer. This meeting can, if necessary, take place away from the workplace.

#### **5. How the Council will respond**

- 5.1 If the concern is raised verbally, the person receiving the information should put it in writing as soon as practicable to ensure that it properly reflects the concerns that have been raised. That person should also ensure that the Council's Monitoring Officer receives adequate details of the employees concerns for the purpose of corporate recording and monitoring purposes.
- 5.2 Once a concern has been raised, it will be assessed initially as to what action should be taken. This may involve an internal inquiry or a more formal investigation. The person making the disclosure will be told who is handling the matter, how they can contact them and whether any further assistance may be needed. If the employee so requests, the individual dealing with the disclosure will write to the employee summarising your concern(s) and setting out how it is proposed to deal with the enquiry.
- 5.3 When they raise a concern, employees may be asked how they think the concern(s) might best be resolved. If they do have any personal interest in the matter, it is requested that they inform their line manager, or other appropriate personnel, at the outset. Should the concern fall within another policy or procedure of the Council (for

example, the Grievance Procedure), the employee will be informed directly.

5.4 Whilst the purpose of this policy is to enable the Council to investigate possible malpractice and take appropriate steps, employees who make whistleblowing reports will be given feedback; however this may be limited by duties of confidence. If requested, confirmation of the Council's response will be provided in writing. However, it should be noted, that the Council may be unable to inform the employee about the precise action to be taken if this would infringe a duty of confidence owed by the Council to someone else.

5.5 Where appropriate, the matters raised may:

- be investigated by management, Internal Audit, the Monitoring Officer or through the disciplinary process;
- be referred to the Police;
- be referred to the External Auditor; and/or
- form the subject of an independent inquiry.

5.6 Usually, within 4 weeks of a concern being raised, the person investigating the concern, will write to the employee:

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

5.7 Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

## **6. Safeguards for the Employee**

6.1 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect those who raise a concern in the public interest.

6.2 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.

6.3 No action will be taken against anyone who makes an allegation, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.

6.4 Every effort will be made to ensure confidentiality as far as this is reasonably

practicable.

## **7. Taking a Concern Further**

7.1 If you are unsure whether to use this policy or want independent advice at any stage, you may contact;

- if applicable, your relevant trade union representative (which may include the provision of legal representation);
- other bodies prescribed by the Secretary of State (the Council's Monitoring Officer can advise thereon); or
- the independent charity Public Concern at Work on 0207 4046609, website – [www.pcaw.co.uk](http://www.pcaw.co.uk), email address – [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk). Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

7.2 This policy is intended to provide an avenue within the Council to raise concerns. If an employee takes the matter outside the Council, they should ensure that no disclosure of confidential information takes place and should check with their line manager or Head of Service if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees vulnerable to disciplinary or other action if they disclose confidential information in circumstances not covered by the Act.

7.3 An employee who is not satisfied with the action taken by the Council, and feels it right to question the matter further, may consider the following possible contact points:-

- the Council's Monitoring Officer;
- Internal Audit and/or the External Auditor;
- the employee's trade union;
- the Citizens' Advice Bureau and/or a law firm/law centre;
- the relevant professional bodies or regulatory organisations;
- the Local Government Ombudsman;
- the Information Commissioner;
- a relevant voluntary organisation; or
- the Police and/or the Health and Safety Executive.

## **8. Corporate Recording and Monitoring**

8.1 Service areas will ensure that they have sufficient internal arrangements to address the requirements of this policy and that staff are sufficiently trained and developed to implement this code.

8.2 The Monitoring Officer will maintain a corporate register containing all the concerns

that are brought to their attention. It is a requirement that all concerns must be brought to the attention of the Monitoring Officer who should be provided with sufficient details of the concerns for compilation upon a Corporate Register.

- 8.3 The Monitoring Officer will review the register and produce an annual report for the Chief Executive and any other relevant Elected Member/employee forum (e.g. Audit Committee). The report will not mention any employees, only the concerns raised, the number of such concerns, from which service area they relate to, the post against which the concerns were related to (if not confidential) with recommendations of any lessons arising from the same so as to ensure:
- that the Council and/or the relevant service area do not repeat any concerns found against the same; and
  - a consistency of treatment is achieved across all Council departments.
- 8.4 For the avoidance of doubt, the corporate register – along with any annual reports referred to above – will be available for inspection by Internal and External Audit, after removing any items which have been requested by the employees to remain confidential.
- 8.5 This policy will be reviewed, prior to the commencement of each municipal year by the Monitoring Officer so as to ensure the continuing effectiveness of the same.