

WHISTLEBLOWING POLICY (HRP61)

What is Whistleblowing?

Whistleblowing is the term used when a person passes on information concerning wrongdoing.

In order to be covered by whistleblowing law ([Public Interest Disclosure Act 1998](#) and [Employment Rights Act 1996](#)), a person who makes a disclosure must reasonably believe two things:

- 1) That they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
- 2) That they reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone's health and safety
 - damage to the environment
 - covering up wrongdoing in the above categories

Any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council relating to these categories can be reported under this Whistleblowing Policy. This Policy is intended to enable those who become aware of wrongdoing in the Council, to report their concerns at the earliest opportunity so that they can be properly investigated.

If the nature of your concern is outside of these categories, other Council policies may be more appropriate for raising the issue e.g.:

- [Safeguarding](#)
- [Employee Grievance Policy](#)
- [Procedure for Considering a Complaint under the Code of Conduct for Councillor](#)

Principles of this Policy

- To enable the Council to take action against any potential wrongdoing to achieve the highest possible standards of service, including honesty, openness and accountability.
- To provide a framework to encourage individuals to feel confident in raising concerns and provide avenues in which to raise them.
- To ensure that all disclosures raised are dealt with appropriately, consistently, fairly and professionally, without fear of reprisal or victimisation for reporting in [good faith](#) [the public interest](#).

- To ensure that the Public Interest Disclosure Act 1998 and Employment Rights Act 1996 ~~is~~are applied in all cases.

This policy applies to:

- All permanent, temporary and casual employees of Uttlesford District Council (*NB Any clauses in settlement agreements do not prevent employees from making disclosures in the public interest*)
- Uttlesford District Council Councillors
- Agency workers
- ~~Members of the public~~¹
- Contractors working for UDC on Council premises, for services under a contract or in partnership with the Council in their own premises

Informal procedure

Some employee concerns of wrongdoing can quickly be resolved informally in discussion with your line manager, Service Manager, Assistant Director and/or Director.

In the event an employee feels unable to approach their manager, a representative from the Trade Union could be an appropriate contact for a employee to approach instead.

We encourage you to raise concerns as early as practicably possible and seek resolution in this way.

Formal procedure

If it is not possible or appropriate to resolve your concerns internally, or if you consider the matter is too serious to be handled informally, you can follow the formal procedure.

Anyone internal or external to the Council can report concerns of wrongdoing using the Council's Report Fraud Form. The form will be emailed to the Council's Audit Manager (Elizabeth Brooks). Alternatively, your concerns can be emailed directly to the Whistleblowing team as follows:

- Audit Manager ([Wendy Lancaster, wlancaster@uttlesford.gov.uk](mailto:wlancaster@uttlesford.gov.uk) ~~Elizabeth Brooks~~) if the concern relates to suspicion of fraud or bribery
- HR Manager (Nicola Roberts, nroberts@uttlesford.gov.uk) if the concern relates to employee behaviour
- Monitoring Officer (Jane Reynolds, jreynolds@uttlesford.gov.uk) if the concern relates to Councillor behaviour.

A member of the Whistleblowing team will contact you within 5 working days where possible to acknowledge receipt of your concerns and give guidance on next steps.

Alternatively, if this route is not appropriate due to the officers involved, then please contact:

- the Section 151 Officer, Adrian Webb on 01799 510421 awebb@uttlesford.gov.uk; or

¹ [Members of the public are not the subject of the legislation](#)

- the Chief Executive, Peter Holt on 01799 510400 pholt@uttlesford.gov.uk

To help ensure your concerns are addressed as soon as possible please provide as much information as possible. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation and advising when and where you can be contacted.

The Council's **Audit Manager**~~INSERT JOB TITLE~~ is responsible for the maintenance and operation of this policy.

The action taken by the Council will then depend on the nature of the concerns but where appropriate, the matters raised may:

- be investigated internally; or
- be referred to the Police/External Auditor/other relevant independent body. Where it necessary to refer to an external party, we reserve the right to make such a referral without an individual's consent.

Protection in disclosure

Where a concern is raised in confidence, UDC will protect the identity of the whistleblower wherever possible. However there may be circumstances where this is not possible, for example where the whistleblower is an essential witness, we may be unable to investigate a situation further without revealing the whistleblower's identity. Should such a situation arise, we will discuss this directly with the whistleblower.

Any concerns raised anonymously will be considered, but may prove more difficult or impossible to investigate due to the anonymous status.

When making a protected disclosure, the whistleblower has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the Council in line with the Public Interest Disclosure Act 1998 and Employment Rights Act 1996. In the event that a person believes they are being subjected to a detriment by any other person within the Council as a result of their decision to disclose, they must inform their line manager or contact the Whistleblowing Team, and appropriate action will be taken to protect them from any reprisals.

A central record of all Whistleblowing concerns raised and the outcomes (in a form which does not endanger your confidentiality) is held by the Whistleblowing Team.

Raising the concern outside of UDC

Ideally you will feel able to make a disclosure to the Council, however, it is recognised that In exceptional circumstances you may consider the matter too serious or sensitive to raise internally.

There are therefore other ways that a whistleblower can make a disclosure without losing their rights under whistleblowing law. One option for external disclosures of this type is using a **prescribed person**. Such a disclosure will be protected under the whistleblowing laws if the whistleblower reasonably believes 1) that the relevant failure falls within any description of matters in respect of which that person is so prescribed, and 2) that the information disclosed, and any allegation contained in it, are substantially true. Prescribed persons are mainly regulators and professional bodies and will have individual policies and procedures for handling concerns and complaints. Generally these will be accessible on their websites.

External Auditors – the Council's external auditors are BDO LLP and are completely independent from the Council. The BDO named contact for Whistleblowing concerns relating to this Council is:

Aphrodite Lefevre, BDO LLP: Tel: 01603 615914; email: aphrodite.lefevre@bdo.co.uk

The Local Government Ombudsman – this is an independent body set up by the Government to deal with complaints against Councils in the United Kingdom. Advice–They may provide advice and can be contacted on 0300 061 0614. <https://www.lgo.org.uk/>

In addition, you can also blow the whistle to your legal adviser or to your MP. However, it should be noted that reporting your concern to the media may lead, in most cases, to losing whistleblowing law rights.

Suspensions of fraud or corruption can also be reported directly to the Police through Action Fraud the UK's national fraud and cyber crime reporting centre on 0300 123 2040. <https://www.actionfraud.police.uk/reporting-fraud-and-cyber-crime>

Support for Whistleblowers

It is recognised that raising concerns can be difficult and stressful. Advice, Counselling and Support is available via an employee's line manager, Human Resources or Trade Union representative. It should also be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.

You may invite your trade union or professional association to raise a matter on your behalf. You may also invite your trade union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns you have raised.

As an employee you can also discuss your concerns with Protect (formally Public Concern at Work), which is a charity that provides free and strictly confidential legal help. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk More information is on their website at www.protect-advice.org.uk www.pcaw.org.uk

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, meetings may, if necessary, be arranged off-site with you and your representation, and if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and mentoring about the procedure.

Training, Review and Oversight

The Council will take the following steps to ensure effective implementation of whistleblowing arrangements:

1. Training staff members at all levels.
2. Conducting periodic audits of the effectiveness of whistleblowing arrangements which will include:
 - a. A record of the number and type of concerns raised, and outcomes of investigations.

b. Feedback received from individuals who have used the arrangements.

c. Any complaints of victimisation.

d. Any complaints of failures to maintain confidentiality.

e. A review of other existing reporting mechanisms, such as fraud, incident reporting or health and safety reports.

f. A review of other adverse incidents that could have been identified by staff (e.g. consumer complaints, publicity or wrongdoing identified by third parties).

g. A review of any relevant litigation.

h. A review of staff awareness, trust and confidence in the arrangements.

3. Independently overseeing and reviewing the whistleblowing arrangements by the Governance, Audit and Performance Committee. This body should set the terms of reference for the periodic audits and should review the reports.