



Wirral Council Whistleblowing Policy

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1. Policy Statement

- 1.1 Wirral Council is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment the Council wants its employees, and others that it deals with, who have concerns about any aspect of how the Council operates or the work it does, to feel confident in coming forward and voicing those concerns.
- 1.2 The purpose of this Whistleblowing Policy is to make it clear to all employees that it is safe and acceptable to raise any concerns they may have at an early stage over any perceived wrong-doing by the Council, its employees or those with whom it has dealings without fear of victimisation, reprisal, discrimination or disadvantage.
- 1.3 The Council recognises that its employees may from time to time be concerned about an issue at work. Usually such issues can and are easily resolved. The Council does however also recognise that employees may be the first to realise serious wrong-doing within the Council and may be reluctant to speak up because of loyalty to colleagues or to the Council itself. It can be difficult to know what to do. Employees may also fear bullying, harassment or victimisation if they did raise their concerns and may therefore choose not to do so.
- 1.4 Any employee who raises concerns over possible wrong-doing by the Council, its employees or those with whom the Council has dealings ("a whistleblower") is also afforded protection under the Public Interest Disclosure Act 1998. This Act gives protection to a whistleblower who raises concerns about serious fraud or malpractice at their place of work against victimisation or dismissal, provided they have acted in a responsible way in dealing with their concerns.
- 1.5 This Whistleblowing Policy is intended to encourage and enable employees to raise concerns over any perceived wrong-doing by the Council, its employees or those with whom it has dealings with confidence knowing that their concerns will be dealt with appropriately and in confidence. A whistleblower is therefore considered a witness not a complainant.
- 1.6 This Whistleblowing Policy can be used and relied upon by all employees and contractors working for the Council on its premises (for example, volunteers, agency workers), and those contractors providing services using their own premises to the Council under a contract for services (for example care homes).
- 1.7 If employees wish to make a complaint about their employment or the way they have been treated at work, they should raise their complaint using the Council's Grievance or Bullying/Harassment Policy (please see paragraph 3 below for further guidance).

1.8 This Whistleblowing Policy is in addition to the Council's complaints policy and procedures. The holding of any data in connection with this Whistleblowing Policy will be consistent with the provisions of the Data Protection Act 1998.

2. Scope of this Whistleblowing Policy

2.1 This Whistleblowing Policy aims to:

- encourage employees to feel confident in raising concerns and to question and act upon concerns over perceived wrong-doing by the Council, its employees or others with whom the Council has dealings;
- provide guidelines for employees to raise concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure employees that if they raise a concern in good faith reasonably believing that the information, and any allegations contained in it, are substantially true, they will be protected against any possible reprisals, harassment or victimisation; and will not be discriminated against or suffer any disadvantage.

2.2 This Whistleblowing Policy is intended to cover those concerns that fall outside the scope of other Council policies and procedures. However, if anyone is in doubt as to whether this Whistleblowing Policy applies, they should seek advice from the Council's Human Resources Section or the Director of Law, HR and Asset Management (or his authorised representative), their trade union, or any relevant external advisor (such as those listed in Appendix 1 and 2 to this Whistleblowing Policy).

2.3 To assist employees to decide which is the right policy to use, they should consider,

- 1) If they have witnessed or are aware of something of concern and want to raise it, if so they should do so under the Whistleblowing policy, or
- 2) If they have a complaint about something happening to them and want a particular response or outcome to address that complaint, they should raise this under the grievance or bullying and harassment policy.

2.4 While it is not possible to provide a complete list of all the issues which might be properly raised under this Whistleblowing Policy, any concern

about improper, unethical, illegal or negligent practice(s) in the workplace, including the conduct of officers or members of the Council or others acting on behalf of the Council, can be raised. A concern about perceived wrong-doing could include:

- a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- financial impropriety, maladministration or the unauthorised use of public funds;
- a miscarriage of justice has been/is likely to occur;
- the health or safety of any individual has been/is likely to be endangered;
- the environment has been/is likely to be damaged;
- the Council's Constitution (including Standing Orders, Financial Regulations etc) have or are not being observed or are being breached by member and/or officers;
- sexual or physical or verbal abuse of any employee or service recipient is taking place;
- discrimination is occurring to any employee or service recipient on grounds of sex, race or disability;
- any other form of improper action or conduct is taking place;
- information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

2.5 This Whistleblowing Policy is intended to assist employees raise concerns they may have over any perceived wrong-doing by the Council, its employees or those with whom it has dealings so that they can be examined and/or investigated. It is not intended to be used as a mechanism to question or challenge financial or management decisions taken by the Council where there is no suggestion or allegation of wrong-doing.

3. Grievances

3.1 Where employees have concerns about their employment position or treatment the Council's Grievance or Bullying/Harassment Policy should be followed.

3.2 The Council's Grievance Policy should be used relation to matters concerning:

- Terms and conditions of employment (excluding grading);
- Working conditions or health and safety matters;
- New Working Conditions or organisational changes; and/or
- Disagreements or breakdown in relationship with colleagues or managers.

3.3 Where an employee raises a concern(s) under both this Whistleblowing Policy and a grievance under the Council's Grievance Policy, the Council will ensure that a clear distinction is maintained between both matters and ensure that they are effectively progressed and determined.

3.4 Any proposed resolution of a grievance will not undermine or otherwise prevent any investigation being carried out in relation to any concern(s) raised under this Whistleblowing Policy. Similarly, dealing with a concern raised under whistleblowing should not be linked to resolution of a grievance.

3.5 Where employees are in any doubt as to whether the concern(s) raised falls within this Whistleblowing Policy or the Council's Grievance Policy, they should seek advice from the Council's Human Resources Section or Trade Union Representative.

4. Commitment to Employees

4.1 The Council is committed to good practice and high standards and wants to be supportive of employees making the decision to report any concern(s) they have under this Whistleblowing Policy. If employees raise a concern in good faith (ie. honestly), they are fulfilling their role as public servants and their duties to the Council. In these circumstances, employees will not be at risk of losing their job or suffering any form of reprisal or retribution as a result of raising a concern(s).

4.2 The Council will not tolerate any bullying, harassment, victimisation (including informal pressures), discrimination or unfair treatment of employees who raise a legitimate concern(s) under this Whistleblowing Policy. Such retaliation could include, but is not limited to:

- frequent and undesirable changes in work assigned;
- unsubstantiated disciplinary action;
- Isolation or exclusion
- unjust denial of promotion or transfer

The Council will take appropriate action promptly to protect such employees.

4.3 Employees should refer to the Bullying and Harassment (Dignity at Work) Policy if they have any concerns regarding their treatment within the workplace.

5. Confidentiality

- 5.1 It is the Council's intention for this Whistleblowing Policy to help employees feel confident to raise any concern they may have without fear of victimisation, the Council recognises that it can be difficult at times to speak up openly. For this reason, when employees raise a concern(s) under this Whistleblowing Policy, the Council will not reveal their identity without their consent first being obtained or unless required by law (please see 4.2 below).
- 5.2 There are specific circumstances where confidentiality cannot be guaranteed. It may be impossible to take action to resolve a concern(s) without revealing the identity of the person who raised it, for example, where their personal evidence is essential. In such cases the Council will discuss with the employee who raised the concern whether and how best to proceed. Employees should remember that the Council owes a duty of fairness to all its employees, including those suspected of wrong-doing.
- 5.3 If there is an unauthorised disclosure of the identity of an employee or any other person who raised a genuine concern in confidence under this Whistleblowing Policy, disciplinary action may be taken against that employee.

6. Anonymous Allegations

- 6.1 An anonymous concern(s) is where no one knows the identity of the person who raised it. While this Whistleblowing Policy is designed to reassure employees that it is safe and acceptable for them to speak up, they may still have concerns about their own position. While the Council can offer confidentiality (see above), employees should remember that if they fail to reveal their identity to the Council, it will be more difficult for the Council to look into the concern(s) raised. The Council will not be able to protect their position or provide them with details of any outcome or feedback. The Director of Law, HR and Asset Management (Monitoring Officer) (or his authorised representative) will consider every anonymous concern(s) raised under this Whistleblowing Policy, however any decision to investigate will be at his/her sole discretion.
- 6.2 In exercising discretion referred to in 6.1 above, Director of Law, HR and Asset Management (or his authorised representative) shall have regard to following factors:
- the seriousness of the concern(s) raised;
 - the credibility of the concern(s);
 - the likelihood of confirming any allegation(s) made from attributable sources; and
 - any other material or relevant factor.

7. Untrue or unfounded allegations

- 7.1 No action will be taken against employees that raise a genuine concern(s) even if they are mistaken and no malpractice or serious risk is found.
- 7.2 However, if an employee makes an allegation under this Whistleblowing Policy which transpires to have not been raised in good faith, are malicious or for personal gain, disciplinary action may be taken against that employee.

8. How to raise a Concern

- 8.1 Employees are encouraged to first raise their concern(s) with their line manager or senior manager (where possible) using form Confidential Reporting Form 1 (CRF1) (which is available on the Council's Intranet) or alternatively the line manager or senior manager should record details of the concern(s) raised using form CRFI if the employee only wishes to raise his/her concerns verbally.
- 8.2 Whether or not an employee is able to discuss his/her concern(s) with his/her line manager or senior manager may depend upon the seriousness and sensitivity of the issues involved and the person(s) against whom the concern(s) have been raised. If, for example, an employee has previously attempted to raise his/her concern(s) with their line manager/senior manager with little success or his/her concern(s) involves his/her line manager/senior manager, then he/she should raise his/her concern(s) directly with one of the Designated Officers below:

- **Director of Finance**
- **Director of Regeneration, Housing and Planning**
- **Director of Children's Services**
- **Director of Adult Social Services**
- **Director of Technical Services**
- **Head of Human Resources and Organisational Development**
- **Head of Legal and Member Services**
- **Strategic Service Manager – Safeguarding***

This list of Designated Officers will be reviewed on a regular basis

- 8.3 In the event that an employee is unable to raise his/her concern(s) with any of the Designated Officers mentioned above, then the employee should raise his/her concern(s) (using form CRF1) directly with the Director of Law, HR and Asset Management (the Monitoring Officer).
- 8.4 If an employee's concern(s) relates to the Director of Law, HR and Asset Management (the Monitoring Officer), then in such

circumstances the employee should raise his/her concern(s) (using form CRF1) directly with the Chief Executive. The Chief Executive may consult with the Chairperson of the Audit and Risk Management Committee if he/she considers it appropriate.

9 How will the Council respond?

- 9.1 Where an employee has raised a concern in accordance with paragraph 7.1 and 7.2 above, the line manager or senior manager or Designated Officer (as applicable) will, no **later than 5 working days** from the date the CRF1 form is received, acknowledge receipt of the form CRF1 and provide a copy of it to the Director of Law, HR and Asset Management (Monitoring Officer) (or his/her authorised representative).
- 9.2 Upon receipt of the CRF1 form by the Director of Law, HR and Asset Management (Monitoring Officer) (or his/her authorised representative) he/she shall either undertake a preliminary assessment of the concern(s) raised or appoint a Designated Officer to do so.
- 9.3 Where the Director of Law, HR and Asset Management (Monitoring Officer) considers it appropriate, he/she may also refer any concern(s) raised to the Council's Internal Audit, Legal Section, Human Resources Sections and/or External Audit or the Police (or any other appropriate person or body) for consideration and/or specific action.
- 9.4 Within **ten working days** (or as soon as practicable possible) of the CRF1 form being received by the Director of Law, HR and Asset Management (the Monitoring Officer), he/she will write to the employee who has raised the concern(s) to confirm:
- details of the appointed Designated Officer with responsibility for progressing further the concern(s) raised;
 - the person or body who will undertake the investigation into the concern(s) raised (Investigating Officer/Body”);
 - details of how the concern(s) raised will be dealt with; and
 - where applicable, an estimate of how long it will take to conclude and provide details of the outcome of the investigation; and
 - details of any support facilities and mechanisms available to the employee.
- 9.5 The Designated Officer should maintain regular contact with the employee who has raised the concern to advise of progress and if there is any changes to indicative timescales or the investigation process.
- 9.6 In order to assure an employee that a concern they raised under this Whistleblowing Policy has been properly addressed, the appointed Designated Officer will write to the employee informing him/her of the outcome of the investigation (“Outcome Letter”), subject only to any

limitation or restrictions imposed by law or other Council policies/procedures and any duties owed to others by the Council.

There are a range of responses which could include one of the following;

- If there are changes to improve organisational processes, procedures or practices arising from the concern, this information should be provided.
- In some cases, the outcome letter may state that the concern raised is already the subject of legal proceedings, or has been referred to the police or another body. The employee should be informed of this.
- The concern raised is already, has been or should be the subject of proceedings under one of the Council's other relating to its employees. The employee should be informed of this.

9.7 It may be recommended that no further action be taken, for example, no malpractice has been found, or there is insufficient evidence to take the concern(s) raised any further;

9.8 Any document, report or recommendation prepared in relation to the concern(s) raised will not reveal the identity of the employee who raised the concern(s) unless:

- it is necessary for the Council to obtain legal advice;
- the employee who raised the concern(s) has consented to the disclosure in writing; and/or
- the Council is under a legal obligation or duty to do so.

10. What employees need to know when raising a concern

10.1 The Council is committed to handling concern(s) raised under this Whistleblowing Policy properly and promptly; and to ensuring appropriate impartial oversight of the operation of the Whistleblowing Policy and all concern(s) raised under it.

10.2 In all instances, employees can raise a concern(s) verbally, by telephone or in a face to face in a meeting. The Council acknowledges that raising a concern(s) about wrong-doing can be difficult, and as such, a trade union representative or work colleague may raise a concern(s) on the employee's behalf (where that employee is the Whistleblower), accompany the employee to speak with the line manager/senior manager or a Designated Officer to raise the concern(s), or to any other meeting where the concern(s) is to be more fully discussed.

10.3 The earlier a concern is expressed and the more information an employee can provide, the easier it is for the concern(s) to be investigated and for appropriate action to be taken. It is not advisable

for an employee to take it upon him/herself to investigate any concern(s) they may have, nor should any employee wait until he/she has 'proof' supporting a concern they may have. However, the Council does expect the employee to explain (as comprehensively as possible) the circumstances giving rise to the concern being raised.

- 10.4 When employees raise a concern, they are encouraged to confirm their identity and provide details of how the Council can contact them (please see Anonymous Allegations above). By doing so, it becomes easier for the Council to properly examine the concern(s) raised, seek further information and provide an Outcome Letter (see above). If employees have any personal interest in the concern(s) or any worries about their own position, they should make that clear from the outset.
- 10.5 If, during the investigation, an employee is concerned about the progress being made, require support or reassurance, or feel he/she may be being victimised or harassed or otherwise disadvantaged as a result of making the disclosure, he/she should contact the appointed Designated Officer immediately.

11. External Disclosures and Independent Advice

- 11.1 It is the aim of this Whistleblowing Policy to give employees the reassurance and information they need to raise their concern(s) internally, the Council recognises that there may be circumstances where employees can properly report a concern(s) to an outside body.
- 11.2 Should an employee wish to raise a concern with an external body, they may wish to seek advice from their Trade Union or from Public Concern at Work. The Council's ultimate aim is that the concern is raised and heard.
- 11.3 The Council has subscribed to Public Concern at Work which is an independent charity which provides confidential advice to anyone concerned about wrong-doing at work. Public Concern can be contacted on 020 3117 2520 and more information about what they do can be found by visiting www.pcaw.org.uk.

12. Additional support for employees

- 12.1 Anyone who raises a concern(s) or is the subject of an investigation under this Whistleblowing Policy can access confidential counselling through Occupational Health Service.
- 12.2 The Employee Assistance Programme is an independent organisation that provides confidential help an assistance including counselling for employees and their families for any person or work-related issue. It is available 24 hours a day, 7 days a week, 365 days a year. They can be contacted on 0800 015 4299 or via the website www.ppconline.info (User Name – Wirral, Password – Council).

13. Roles and Responsibilities

- 13.1 The Director of Law, HR and Asset Management, (Monitoring Officer) has overall responsibility for the maintenance and operation of this Whistleblowing Policy.
- 13.2 The Director of Law, HR and Asset Management, (Monitoring Officer) has responsibility to ensure all issues raised under this Whistleblowing Policy are investigated thoroughly and in a timely manner.
- 13.3 On behalf of the Director of Law, HR and Asset Management, (Monitoring Officer), the Head of Human Resources and Organisational Development will ensure that a confidential corporate casework system is maintained containing all concerns and that the progress and outcomes of those concerns are fully documented within that system.
- 13.4 The Head of Human Resources and Organisational will appoint a Senior Human Resources Officer to co-ordinate and monitor the progress of investigations to ensure that they are carried out comprehensively and in a timely manner. The Senior Human Resources Officer will liaise with the appointed Designated Officer and/or Investigating Officer (and if necessary the Director of Law, HR and Asset Management, (Monitoring Officer)) to discuss the progress of investigations and identify and address any issues that arise that hinders or otherwise prevent the timely investigation of the concern(s) raised.
- 13.5 The Director of Law, HR and Asset Management, (Monitoring Officer) will review the system referred to in 13.3 above and produce and present a twice yearly report detailing any relevant matters and issues arising in connection with this Whistleblowing Policy to the Council's Executive Management Team and to the Audit and Risk Management Committee.
- 13.6 The reports prepared under 13.5 above will not disclose details of any employees (or other confidential information), but will summarise (so far as is possible without undermining or exposing the Council to unacceptable risk or challenge) the number and nature of the concerns raised under this Whistleblowing Policy, the Department(s) to which the concerns relate and the outcomes.
- 13.7 This Whistleblowing Policy will be reviewed within 2 months of the first anniversary of the date of its implementation and thereafter periodically by the Director of Law, HR and Asset Management, (Monitoring Officer).