



FLINTSHIRE COUNTY COUNCIL

**(Excluding staff employed by School Governing
Bodies)**

Whistleblowing Policy

Policy owner for review	Internal Audit Manager & Head of Human Resources and Organisational Development
Date implemented	April 2007
Date last reviewed	October 2010
Date of last amendment	April 2014
Date of next review	

Introduction

Flintshire County Council encourages a free and open culture in dealings between its managers, employees and all people with whom it engages in business and legal relations. In particular, FCC recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured.

FCC aim to create an environment where employees feel able to share their concerns internally in confidence. Employees do not suffer any detriment or victimisation as a result of making a protected disclosure.

The Chief Executive and the County Council are committed to this policy and to maintaining high ethical standards. If you raise a genuine concern under this policy your concerns will be taken seriously and you will not be at risk of losing your job or suffering any form of retribution as a result, even if the concern proves to be unfounded.

The Council's Commitment

1. Employees who reasonably believe that the disclosure they are making is true will not face sanctions.
2. Anybody attempting to deter employees from raising concerns or victimising them for doing so may be subject to disciplinary action.
3. At the same time someone who maliciously raises a matter they know is untrue may also be subject to disciplinary action.

Aims of the Policy

This policy sets out how to make a disclosure under the Public Interest Disclosure Act 1998. This policy is designed to provide guidance to all those who work with or within Flintshire County Council who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.

This Policy ensures that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

Scope

This policy applies to all workers within the Council with the exception of teachers and those employed by School Governing Bodies. This policy is commended to schools as good practice.

Workers are defined as; employees, agency workers, people that are training with Flintshire but are not employed and self employed workers.

Definition

Whistleblowing is the raising of concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others. It is primarily for concerns where the interests of others or the organisation itself are at risk.

It does not include grievances about your personal position. If you have a complaint that relates to personal disputes or your own terms and conditions of employment, this should be raised initially with your line manager and if the issue is not resolved by your line manager, the Grievance Policy should be followed.

Independent Advice

If you are unsure whether to use this policy or you want independent advice at any stage you should contact

- The HR Department
- Your Trade Union representative.
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Confidentiality

We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.

This policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. However we

would prefer that you raised serious concerns anonymously than not at all. Anonymous allegations will be considered at the discretion of the Council.

Third Parties/Contractors

The Public Interest Disclosure Act 1998 applies to all workers within the Council, the Council is committed to ensuring that any third party or contractor who raises a concern under this Policy will not be harassed or victimised as a result. Third parties/contractors should follow Step 3 of the procedure set out below.

Internal Procedure

When raising a concern about malpractice at work, you can: -

1. Raise the issue first with your line manager in order for practices to be modified before they reach the point where problems are created or harm is caused. These issues will initially be dealt with informally where possible. This may be done orally or in writing
2. If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with the next immediate line manager whom you trust, or with someone outside line management within the Directorate. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.
3. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact one of the following:
 - the Internal Audit Manager
 - the Monitoring Officer
 - the Head of Human Resources and Organisational Development
 - the Head of Finance
 - a Member of the Council, who will refer to the appropriate officer.

The Council's Response

The Council will assess the concern once it is raised, which may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether further assistance may be needed. If you request it, we will write to you summarising your concern and how we propose to handle it. Some concerns may be resolved by agreed action without the need for investigation.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can within an agreed timescale. The length of time will depend on the nature of the concern. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe upon a duty of confidence owed by us to someone else or being in breach of any statutory requirement.

The Council will ensure that an Officer with knowledge and experience of this procedure will be given the responsibility for obtaining initial information from the referrer. A trained and suitable Officer will also conduct any initial meetings that are required.

At an appropriate stage in any investigation due consideration will need to be given to informing the subject of the concerns raised. It will be necessary to do this to comply with the Council's duties under the Human Rights legislation. However, all efforts will be made to ensure that the source of the concerns remains confidential where possible. The source of the concern will not be disclosed without their consent apart from exceptional cases. For example this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing.

Appeals

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.

Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this.

External Procedure

If all internal channels have been followed or you do not feel you can raise your concerns within the Council you can contact a relevant prescribed body. Examples of prescribed bodies which are relevant to FCC are shown at appendix 2.

You can also raise your concerns with other external persons such as a Minister of the Crown and the Press or Media.

Legal Protection

Providing that you reasonably believe the disclosure you are making is in the public interest and you follow the procedures outlined in this policy then whistleblowing legislation protects you from detriment.

You have a right not to be demoted, suspended, unfairly dismissed or victimised.
You will be protected from suffering a detriment, bullying or harassment.
Disclosures will be protected if the employee or worker discloses;

- in the course of obtaining legal advice;
- to the employer
- to any Member of Parliament (a prescribed person)
- in certain circumstances to a Minister of the Crown
- to a prescribed body (see Appendix 2 for list of prescribed bodies)
- to another non prescribed person or body eg. the press or media

It should be noted that if disclosures are made to a non prescribed external body then a number of detailed conditions need to be met. These include a requirement that you do not make the disclosure for personal gain and that it is reasonable to make the disclosure in the circumstances

Role of the Manager

- To deal with and respond to any complaints raised under this policy if within their area of control
- If necessary to escalate the concern to one of the contacts listed under FCC procedure Para 3.
- To ensure employees are protected from suffering a detriment as a result of raising an issue under this policy.

Role of the Employee

- Employees are expected to raise concerns they become aware of.
- Employees must reasonably believe the disclosure of information is in the public interest.
- Employees must **not** act maliciously or make false allegations.
- Employees must **not** seek any personal gain.

Monitoring and Evaluation

The policy will be reviewed regularly to ensure compliance with changes in employment legislation or recommended best practice. Any future amendments to the policy will be considered by the Audit Committee.

A central log of concerns reported under this Policy will be kept by Internal Audit.

An annual summary of the number and outcomes of whistleblowing cases will also be reported to the Audit Committee, whilst respecting confidentiality.

Training and Development

Training will be provided to ensure that those with management responsibility for employees are clear about the policy and the procedures contained within it.

Appendix 1 – Examples of concerns which could be raised.

This policy will apply in cases where employees reasonably believe that the disclosure they are making is in the public interest. Examples of this are :-

- a criminal offence has been committed, is being committed or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- the unauthorised use of public funds.
- possible fraud and corruption.
- other unethical conduct.

Appendix 2

Relevant Organisations

Relevant organisations (prescribed regulators) you can contact to make a protected disclosure

Auditor General Wales 24 Cathedral Road Cardiff, CF11 9LJ Tel: 01244 525980 whistleblowing@wao.gov.uk	Health & Safety Executive Rose Court 2 Southwark Bridge London SE1 9HS Tel: 0300 0031647 www.hse.gov.uk (online form)
Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545745 mail@ico.gsi.gov.uk	The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 confidential@sfo.gsi.gov.uk
The Environmental Agency Horizon House Deanery Road Bristol BS1 5AH Tel: 03708 506506	Any Member of Parliament

There are many other prescribed regulators who can be contacted to raise a concern, they can be found at:

<http://www.direct.gov.uk/>