

## WHISTLEBLOWING POLICY AND PROCEDURE

### 1. INTRODUCTION

- 1.1 BCC encourages all individuals to raise any concerns that they may have about the conduct of others in the Council or the way in which the Council is run.
- 1.2 Whistleblowing occurs when an employee or worker raises a concern about a dangerous or illegal activity that they are aware of through their work and that may affect others, e.g. customers, members of the public, or their employer. A concern raised, also known as a protected disclosure under the Public Interest Disclosure Act 1998, must be in the public interest to qualify for protection. Concerns that are covered by this policy include:
  - Conduct which is an offence or breach of law
  - Health and Safety risks, including risks to the public as well as employees/workers
  - Damage to the environment
  - Abuse of clients
  - Safeguarding concerns relating to children, young people or vulnerable adults
  - Practice which falls below established standards of practice
  - Possible fraud, corruption or financial irregularity including unauthorised use of Council funds (*please see the BCC Anti Fraud and Corruption Framework*)
  - Unreasonable conduct resulting in unfair pressures on staff
  - Any other unethical conduct
  - Covering up information about anything listed above
- 1.3 This policy applies to all BCC employees, employed under the terms of Bucks Pay Employment Conditions and all workers including agency staff, consultants, self-employed staff, apprentices, trainees, contractors and volunteers. It also applies to organisations working in partnership with the Council.

### 2. PRINCIPLES

- 2.1 This policy and procedure is founded on the following principles:
  - a. Employees/workers have a legal right to report their concerns if they have a reasonable belief that wrongdoing may be occurring, or may have occurred, within the Council.
  - b. The Public Interest Disclosure Act 1998 protects employees/workers from reprisal, victimisation or harassment at work if they raise a concern that they reasonably believe is in the public interest.
  - c. Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
  - d. If a concern is raised in confidence, the employee's or worker's identity will not be disclosed without their consent, unless required by law.
  - e. All parties involved in the whistleblowing process will maintain strict confidentiality throughout by ensuring that only the people who need to know have access to details

of the case (with the exception of any legal obligations requiring action from the Council, e.g. in health and safety matters).

- f. The employee/worker has a right to be accompanied by an accredited trade union representative or work colleague at any meeting during the Whistleblowing process.
- g. Maliciously making a false allegation is a disciplinary offence, which may be dealt with under the Conduct and Discipline Policy and Procedure.
- h. Harassment or victimisation of a whistleblower (including informal pressures) will be treated as a disciplinary offence, which will be dealt with under the Conduct and Discipline Policy and Procedure.
- i. Any person who deters or attempts to deter any individual from genuinely raising concerns under this policy may also be subject to the Council's Conduct and Discipline Policy and Procedure.
- j. Issues raised by an employee about their own employment should be dealt with through the Grievance Policy and Procedure.
- k. The Council's Monitoring Officer (Manager Director, Bucks Law Plus) will keep a central register of all concerns raised relating to Buckinghamshire County Council and Schools.
- l. As part of the ongoing review of the effectiveness of this policy, an annual report will be issued to the Buckinghamshire County Council Standards Committee of all concerns raised under the Whistleblowing policy.
- m. Not to discriminate against any individual in the application of this policy and procedure on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, caste, religion or belief, sex, sexual orientation, or other grounds protected in law (e.g. part-time worker status, trade union membership or HIV positive status).

### **3. SAFEGUARDING**

- 3.1 If an employee/worker has a concern that any person who works with children, young people or vulnerable adults, in connection with their employment or voluntary activity, has:
- a. behaved in a way that has harmed a child, young person or vulnerable adult or may have harmed a child, young person or vulnerable adult
  - b. possibly committed a criminal offence against or related to a child, young person or vulnerable adult
  - c. behaved towards a child, young person or vulnerable adult in a way that indicates they may pose a risk of harm to children, young people or vulnerable adults

The employee/worker should raise the concern via the Whistleblowing Policy as this policy affords the employee/worker protection under the Public Interest Disclosure Act 1998. It is important that a safeguarding concern is raised as a matter of urgency as the safety of others may be dependent upon the concern being dealt with swiftly. The concern may then

have to be dealt with under the procedures for Safeguarding Vulnerable Adults and Managing Allegations against Staff and Volunteers working with Children and Young People.

- 3.2 An employee/worker may raise their concern regarding a person who works with children, young people or vulnerable adults with a Local Authority Designated Officer (LADO).

#### **4. RAISING A CONCERN UNDER THE WHISTLEBLOWING PROCEDURE**

##### **4.1 Stage 1:**

- a. In the first instance, the employee/worker should raise their concern verbally or in writing with their immediate manager, or, if the concern involves the direct line manager, the line manager's manager.
- b. The manager will then either continue to deal with the concern or refer it to another appropriate senior manager. Where concerns raised involve Children, Young People or Vulnerable Adults, the appropriate process should be followed.

##### **Stage 2:**

- c. If the employee/worker is dissatisfied with the outcome at Stage 1, they may opt to take the matter to Stage 2 by writing to the manager of the person who dealt with the concern at Stage 1.
- d. Following a Hearing at Stage 2 if the employee/worker is dissatisfied with the way in which procedures were followed and/or the outcome, prior to taking their concerns outside the council, they should put their concerns in writing to the HR Service Desk in order that concerns may be addressed.

##### **Stage 3:**

- e. If the employee/worker is dissatisfied with the outcome at Stage 2, they may opt raise the concern outside the Council to any of the following:
  - A County Councillor or the local Member of Parliament
  - The District Auditor
  - The Police
  - Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk) or telephone 020 7404 6609)
  - A relevant professional body or inspectorate (e.g. OFSTED OR SSI)
  - A trade union or professional association
  - The Local Government Ombudsman