

Thanet
District
Council
**Whistleblowing
(Freedom to speak
up) Policy**

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Introduction

Thanet District Council is committed to the highest possible standards of propriety and accountability in the conduct of its activities for the community. Employees are often the first to become concerned that some wrongdoing has occurred, may be occurring, or may be about to occur within the Council and this policy is intended to help employees with such concerns to raise them.

This policy does not form part of any contract of employment or other contract to provide services and we may amend it at any time.

Scope

This policy applies to the following groups:

- All employees
- Officers and consultants
- Interims and casual/agency workers
- Contractors engaged by the Council

Councillors and volunteers do not fall within the limited scope of the law but they can report any concerns as described in this policy to the relevant Director, Monitoring Officer or the s151 Officer.

Definitions

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing [or dangers at work]. This may include:

- A criminal offence, e.g. fraud, theft or corruption
- Failure to comply with any legal obligation
- Danger to health and safety
- Danger to the environment
- A miscarriage of justice
- Misuse of public funds
- if Council is breaking the law
- The deliberate concealment of any of the above matters

What is a whistleblower?

- A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any such concern affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.
- The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

- As a whistleblower you are protected by the law - you should not be treated unfairly or lose your job because you 'blow the whistle'.
- You can raise your concern at any time about an incident that happened in the past, is happening now or you have reason to believe will happen in the near future.

Complaints that don't count as whistleblowing

This policy should not be used for complaints relating to your own personal circumstances such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or Bullying and Harassment Policy as appropriate.

If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out under the "what is whistleblowing" heading above (for example, a breach of our internal policies), you should discuss with either the Section 151 Officer or the Monitoring Officer, which route is the most appropriate.

If you are uncertain whether something is within the scope of this policy you should seek advice from either the Section 151 Officer or the Monitoring Officer, whose contact details are available on the Council's intranet site.

How to raise a concern

Complaints may be verbal or (preferably) written. They should explain the background and history of the situation and the reason why you are concerned.

As soon as you become reasonably concerned, raise the issue with your line manager (unless they are the potential transgressor) or Your Service Director, the Monitoring Officer, or the Section 151 Officer. If you are not comfortable raising your concern with your line manager or senior management; consider raising it with the HR Manager or East Kent Audit Partnership.

If you don't want to report your concern to the Council, tell a solicitor or a prescribed person or body (e.g. the Information Commissioner's Office, Environment Agency, Health & Safety Executive, Serious Fraud Office etc.). See the link below for the complete list of prescribed persons. If you tell a prescribed person or body, it must be one that deals with the issue you're raising, e.g. a disclosure about wrongdoing in respect of Health and Safety can be made to the Health & Safety Executive (HSE). They will be able to advise on their respective procedures.

Raising your concern anonymously or requests to remain anonymous

The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern of wrongdoing. We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern and request this remain anonymous, we will make every reasonable effort to keep your identity anonymous. If it becomes necessary to disclose your identity for the purposes of dealing with your report, we will discuss this with you.



We do not encourage staff to make disclosures anonymously, although we will make every reasonable effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from the person who has raised the concern. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Section 151 Officer or the Monitoring Officer or one of the other contact points listed above and appropriate measures can then be considered in order to protect your identity. If you are in any doubt, you can seek advice from the independent whistleblowing charity, Protect, who offer a confidential helpline. Their contact details are:

Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 Email: info@protect-advice.org.uk Website: https://protect-advice.org.uk/contact-protect-advice-line/
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Anonymous disclosures can be made by calling 01304 872198 and leaving a message. These messages are confidential and are only accessed by East Kent Audit Partnership who frequently check the voicemail box.

As concerns expressed anonymously are much less powerful, individuals are encouraged to put their names to all concerns raised. Anonymous disclosure makes it unlikely that the individual would qualify for legal protection as a whistleblower because there would be no documentary evidence linking them to the disclosure for the Employment Tribunal to consider. Matters raised anonymously may nevertheless be considered at the discretion of the Council.

In exercising this discretion, the factors to be considered include the seriousness of the concern raised, its credibility and the likelihood of being able to verify the concern using other attributable sources.

How will the Council respond?

If the concern is raised verbally, the person receiving the information should put it in writing as soon as practicable and ensure that it properly reflects the concerns that have been raised. The individual must also indicate if the concern is to be treated in confidence. The limit of that confidence will be checked out by the person receiving the information.

Once you have told us of your concern, we will initially assess what action should be taken and an acknowledgement should be sent to you within two working days. We will tell you who may be handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising what we understand your concern(s) to be and setting out how we propose to handle the matter.



If you have any personal interest in the matter, we do ask that you tell us at the outset. Should your concern fall within another policy or procedure of the Council (for example, the Grievance Procedure), we will tell you.

While the purpose of this Policy is to enable us to investigate possible wrongdoing and take appropriate action to deal with it, we will give you as much feedback as we reasonably can. 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 should this infringe a duty of confidence the Council owes to someone else or where it may impede an investigation or be contrary to law.

Concerns raised may:

- Be investigated by management, internal audit, and/or through the disciplinary process
- Be referred to the Police
- Be referred to the external auditor
- Form the subject of an independent enquiry.

What safeguards are there for whistleblowers?

A disclosure will be protected if the whistleblower makes a disclosure of information which, in their reasonable belief, is made in the public interest. Please note that, as set out above, there are a limited number of types of wrongdoing which are legally defined as whistleblowing.

If, as a result of a disclosure, the whistleblower suffers any detriment or the Council dismisses or victimises the employee or fails to protect them from victimisation from colleagues, the law provides that action can be taken against the Council.

Allegations made vexatiously, maliciously or which are deliberately false will be dealt with under the Council's Disciplinary Procedure.

The Council will not tolerate any detrimental treatment, harassment or victimisation (including informal pressure) of anyone who raises a genuine and lawful whistleblowing concern and will take appropriate action to protect them.

Any investigation into allegations of potential wrongdoing will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning an employee who is a whistleblower.

Every effort will be made to maintain confidentiality as far as is reasonably practical.

Help will be provided to a whistleblower to minimise any difficulties which they may experience and this may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with a whistleblower being accompanied by a work colleague or trade union representative, if they wish.

You must not threaten or retaliate against a whistleblower in any way, or subject them to any detriment, because they have made a whistleblowing disclosure. If you are involved in such conduct you may be subject to disciplinary action which could result in dismissal.

Where can you get further advice?

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

- If applicable, your trade union;
- Other bodies prescribed by the Secretary of State. A complete list of prescribed persons can be found here: [Prescribed people and bodies](#)
- The independent charity Public Concern at Work on 020 3117 2520 or via [their website](#). Their advisers can give you free confidential advice at any stage about how to raise a concern about the particular types of wrongdoing.

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 S151 Officer
- the Council's Monitoring Officer
- Internal Audit and/or the External Auditor
- the employee's trade union
- a lawyer with a specialism in a relevant field
- the Citizens' Advice Bureau and/or law centre/firm
- a government department
- the Local Government and Social Care Ombudsman
- the Information Commissioner
- the Health and Safety Executive

If you believe that you have been unfairly treated because you have made a whistleblowing disclosure, you may decide to take your case to the Employment Tribunals. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (Acas) Early Conciliation service. www.acas.org.uk/conciliation

Disclosure of information

This policy is intended to provide a mechanism to raise concerns about the Council. If an employee takes the matter outside the Council, they should seek advice and ensure that no unlawful disclosure of confidential information takes place as the Public Interest Disclosure Act 1998 (as amended) does not provide blanket protection and could leave individuals vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.



Recording and Monitoring

Following good practice, we will:

- Record the number of whistleblowing disclosures we receive each year and their nature
- Maintain records of the date and content of feedback provided to whistleblowers

Equality Statement

The Council is committed to promoting equality, valuing diversity and combating unfair treatment. The Council will endeavour to ensure equal access to its policies and procedures and will combat discrimination or less favourable treatment on the grounds of any irrelevant consideration, in accordance with the Equality Act 2010.