

## Broadland Whistle Blowing Policy

### Document Control:

<b>Document Name</b>	Broadland Whistle Blowing Policy
<b>Document Originator</b>	Emma Hodds
<b>Document Type</b>	Review of previous policy
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<b>Principal Legislation or guidance referenced</b>	Employment Rights Act 1996 Public Interest Disclosure Act (PIDA) 1998
<b>Equality Impact Assessment</b>	Upon consideration of the information gathered within the equality impact assessment, the author agrees that the policy should be adopted by the Council.
<b>For use by</b>	This policy applies to all employees of Broadland and South Norfolk Councils who operate under the power of a S113 agreement which enables staff to be employed across functions of both Councils and work in fully integrated teams.

<b>Issue Date</b>	11 <sup>th</sup> December 2024
<b>Review Date</b>	Annually
<b>HR &amp; OD Lead Sign Off</b>	Monitoring Officer
<b>UNISON Sign Off</b>	
<b>Staff Consultation Sign Off</b>	01.08.2024

# **BROADLAND COUNCIL**

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EFFECTIVE DATE – *11<sup>th</sup> December 2024*

This policy will be subject to regular review with any significant variations leading to re-presentation of the Policy.

## THE WHISTLEBLOWING POLICY

**THIS POLICY SHOULD BE READ IN CONJUNCTION WITH THE COUNCIL'S DISCIPLINARY POLICY AND PROCEDURES, STAFF AND MEMBER CODES OF CONDUCT.**

### INTRODUCTION TO THE POLICY

#### 1. What is Whistleblowing?

- 1.1 Whistleblowing is the raising of a significant concern. Concerns may cover issues of fraud, misconduct, or illegality and this policy is designed to ensure that people know how to raise a genuine concern and can do so in the knowledge that they will not face reprisal for their action.
- 1.2 Protect (a charity which provides independent advice and information on whistleblowing) draws the following distinction between whistleblowing and pursuing a complaint:

*“When someone blows the whistle they are raising a concern about danger or illegality that affects others (e.g. customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.”*

#### 2. What is the purpose of the Whistleblowing Policy

- 2.1 Employees, Councillors and others who deal with the Council may be the first to spot things that may be wrong or inappropriate within the Council. However, they might not say anything because they think this would be disloyal, or they might be concerned that their suspicions are unjustified or might turn out to be so after enquiry. They may also be worried that they or someone else might be victimized or are unclear with whom to raise their concern. However, if the Council has the chance to deal with a potentially serious problem at the earliest opportunity this can minimize the risks before serious damage can be caused to persons, property, or reputation. Allegations made under the whistleblowing policy should relate to a matter within the public interest and not in relation to a personal or employment matter.
- 2.2 Members of the public may also have concerns but be unsure how and when to express them.
- 2.3 Broadland Council has produced this Whistleblowing Policy to help:
- Councillors
  - Employees (including temporary and agency staff)
  - Others with whom the Council has dealings (e.g. contractors, partners, suppliers and voluntary organisations), and
  - Members of the public understand how and when to contact the Council with their concerns.

- 2.4 It is also expected that contractors will be required to have their own whistleblowing policies and arrangements established in accordance with thresholds set in the Council' contract conditions through the tendering process. Where a contractor does not have its own policy, it is expected that the principles and arrangements of the Council' policy and associated procedures will apply.
- 2.5 The Council are committed to maintaining an open culture with the highest standards of honesty and accountability. It takes all inappropriate behaviour very seriously and is committed to investigating any genuine concerns raised.
- 2.6 This policy aims to ensure that any concerns can be raised with confidence and without any worry on the part of the whistleblower about being victimized, discriminated against or disadvantaged in any way as a result.

### **AIMS AND SCOPE OF THE POLICY**

#### **3. What types of concern are covered by the policy?**

- 3.1 The Policy aims to:
- encourage you to feel confident in raising serious or sensitive concerns about inappropriate behaviour and to question and act upon concerns.
  - provide avenues for you to raise those concerns and receive feedback on any action taken.
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
  - Reassure you that you will be protected from possible reprisals or victimization if you have a reasonable belief that you have raised any concern in good faith.
- 3.2 Safeguarding is everyone's responsibility and the Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. We take our responsibilities seriously and expect all staff to share this commitment. Anyone who has concerns regarding compliance with the safeguarding policy should use the Council's whistle-blowing procedures in order to ensure matters are addressed.
- 3.2 This policy is intended to deal with serious or sensitive concerns about inappropriate behaviour. The Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013, sections 17-20, outlines that a "protected" disclosure of a concern is one which demonstrates one or more of the following:
- A criminal offence has been committed, or is likely to be committed
  - Disclosures related to a miscarriage of justice
  - A failure to comply with a legal obligation including safeguarding responsibilities
  - The endangering of an individual's health and safety
  - Unnecessary damage to the environment (for example, by pollution)
  - Deliberate concealment of information relating to any of the above.
- 3.3 Beyond the legal context above, the Council would encourage employees, members of the public, and any other interested parties to raise any significant concerns that they may have as soon as they are reasonably aware of them. These concerns could be about any aspects of the Council' activities, e.g. with reference to Council employees, Members, or suppliers acting on behalf of the Council, and relate to issues that are either occurring now or likely to happen in the future.

#### **4. What is not covered by the Policy?**

- 4.1 The Council have a number of policies and procedures to address other matters, for example:
- Employees' complaints about their terms and conditions of employment, including concerns in relation to Bullying and Harrassment. These matters are dealt with through the Grievance Procedure.
  - Complaints from members of the public about the Council' services. These are dealt with through the Council's Complaints Procedure.
  - Concerns with reference to members should be referred to the Monitoring Officer.
- 4.2 It should be emphasized that this Policy is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the Policy. Individuals who make disclosures outside the arrangements set out here will not be protected under this Policy and may not be protected under the Act.
- 4.3 The Policy is not designed to question financial, or business decisions taken by the Council, nor may it be used to reconsider any matters that have already been addressed under the harassment, grievance, disciplinary or complaints procedures.

### **SAFEGUARDS**

#### **5. Protecting the Whistleblower and Preserving Confidentiality**

- 5.1 In accordance with the Public Interest Disclosure Act 1998, Broadland Council undertakes to protect, as best it can, an employee who blows the whistle from personal claims, victimisation, harassment or bullying as a result of his or her disclosure. This assurance is not extended to someone who maliciously raises a matter they know are untrue; such instances may be subject to the Council' disciplinary procedures.
- 5.2 The Council recognise that the decision to report a concern can be a difficult one to make. If you raise your concern based on a reasonable belief and in good faith, you should have nothing to fear because you will be doing your duty to your employer and the public. The Public Interest Disclosure Act 1998 will protect you from dismissal or other detriment.
- 5.3 The Council will, at the request of the whistleblower, keep the nature of concerns confidential. It will not reveal names or positions without permission, unless it has to by law, or an enquiry result in a criminal investigation in which the whistleblower might be required as a witness. Whistleblowers should be aware, however, that the fact that enquiries are being made might, result in their identity becoming known. Where possible, the Council will make you aware if your identity is likely to be compromised through investigation.
- 5.4 All these matters will be explained at the time a concern is raised so the whistleblower can decide whether to proceed. The Council will also keep the whistleblower informed if the situation significantly changes.

5.5 Any investigations into allegations arising from your whistleblowing will not influence or be influenced by any other personnel procedures to which you may be subject.

## **6. Anonymous Allegations**

6.1 The Council encourage whistleblowers to give their name when making an allegation. It will do all it can to protect the whistleblower. Concerns raised anonymously tend to be far less effective and if, for example, the Council do not have enough information, it may not be able to investigate the matter at all.

6.2 Also, from a practical point of view, it is impossible to provide protection to a person whose identity is unknown and more difficult to judge whether the concern is made in good faith or maliciously.

6.3 If whistleblowers feel that they cannot give their name, the Council will make a judgment on whether to consider the matter depending upon such things as:

- The seriousness of the issue.
- The quality of any documentary evidence submitted with the allegation.
- Whether the concern is believable; and
- Whether the Council can carry out a robust investigation based on the information provided to confirm the validity of the original allegation made.

## **7 Assurances to Third Parties**

7.1 The assurances provided to employees raising concerns set out in section 5 above cannot be given in the same way to third parties. For example, the Council cannot guarantee protection to employees of third party (contractor) organizations. However, we expect that all contractors are aware of the Council' whistleblowing procedures, and act in accordance with these.

7.2 Further, regarding members of the Public, whilst they are not afforded statutory protection in the same way as employees, the Council are committed to treating all citizens fairly. Raising a concern under this policy will not affect the rights of any Council citizens as set out within Article 3 of the Council' Constitution.

## **8. Untrue Allegations**

8.1 If a whistleblower makes an allegation which they believe is true, but it is not confirmed by an investigation, the Council will not take any action against them.

8.2 However, if a whistleblower makes a deliberately false or malicious allegation which they know is untrue, the Council will take appropriate disciplinary or legal action against them. Allegations of this nature are not protected by the Public Interest Disclosure Act 1998.

## RESPONSIBILITY FOR WHISTLEBLOWING

### 9. Responsible Officer for Whistleblowing

- 9.1 The Council's Monitoring Officer is the Senior Officer in the Council who can take an independent view of any concerns raised. A record of concerns raised will be maintained and the outcomes will be reported as necessary, see 10.1 below (in a format to protect your confidentiality). Other Senior Officers in the Council support the Monitoring Officer in this role, as set out at **Appendix 1**.
- 9.2 All concerns raised will be handled in line with the Whistleblowing Procedural Guidance, as attached to this policy.

### 10. Responsibility for the Whistleblowing Policy

- 10.1 All concerns raised, and the outcomes will be reported to the Finance, Resources, Audit and Governance Committee, by the Monitoring Officer, annually in a form that does not endanger confidentiality. However, if no concerns are raised no report will be provided.
- 10.2 This policy is to be reviewed at least every 3 years by the Monitoring Officer (or more frequently if required by changes to statutory legislation) and the following parties will be consulted prior to finalising and submitting the Policy to Cabinet for subsequent approval:
- Senior Council Officers responsible for receiving whistleblowing concerns.
  - The Corporate Leadership Team
  - Finance, Resources, Audit and Governance Committee
- 10.3 On an annual basis, **Appendix 1** of the policy, which provides details of the key parties responsible for whistleblowing, shall be reviewed by the Monitoring Officer to ensure that details remain relevant and up to date. This review will not require re-endorsement of the policy.
- 10.4 The Monitoring Officer is also responsible for making staff aware of the Policy's requirements through training and publicising initiatives.

## THE WHISTLEBLOWING PROCEDURE

### HOW TO RAISE A CONCERN

#### 11. Guidance for Members of the Public, Contractors, Councillors and Partners

11.1 Members of the Public, Contractors, Councillors and those involved with partner organization who suspect a Council Employee, another Councillor, Organisational Partners or other Contractors (in their dealings with the Council) of impropriety or illegality should contact one of the following:

- The Managing Director
- The Monitoring Officer
- The Deputy Monitoring Officer
- The Head of Internal Audit
- The Section 151 Officer

11.2 If your concern relates to the Managing Director, this should be raised with the Leader of the Council (or the Deputy Leader of the Council if the Leader is unavailable) or Ernst and Young, as the Council' External Auditor. Conversely, if your concern relates to the Monitoring Officer, the Deputy Monitoring Officer or the Head of Internal Audit, this should be referred to the Managing Director.

All contact details are included within **Appendix 1** of the whistleblowing policy.

#### 12. Guidance for Employees

12.1 Whistleblowers should not attempt to investigate any concern themselves but raise their concern using one of the avenues shown below.

12.2 A Council employee should first raise a concern with their manager or Director. Guidance to employees on how to proceed is contained in the document "**Checklist for employees - How to react to concerns of inappropriate behaviour**" – see **Appendix 3**.

12.3 Guidance to managers on how to deal with a concern is contained in the document "**Checklist for Managers – How to react to concerns of inappropriate behaviour**" – see **Appendix 4**.

12.4 If the employee feels that it is inappropriate to raise a concern with their manager or Director given the person involved and/or the seriousness or sensitivity of the matter, contact should be made with one of the following officers.

- The Managing Director
- The Monitoring Officer
- The Deputy Monitoring Officer
- The Head of Internal Audit
- The Section 151 Officer

These officers can also provide advice and guidance on how concerns may be pursued.

- 12.5 If your concern relates to the Managing Director, then this matter can be raised with the Leader of the Councils (or the Deputy Leader of the Councils if the Leader is unavailable) or Ernst and Young, as the Council's External Auditors. Conversely, if your concern relates to the Monitoring Officer, the Deputy Monitoring Officer, the Head of Internal Audit, or the Section 151 Officer, this should be referred to the Managing Director.
- 12.6 Whistleblowers are encouraged to raise concerns promptly and where possible in writing, giving as much information as possible, such as relevant background, names, dates, places and the reason for their concern. In addition, any evidence to support the concern / suspicions should also be attached... **Appendix 5** to these procedures provides a form that can be utilised as a starting point. However, concerns can be raised by telephone or by meeting the appropriate officer. The earlier you express the concern the greater the likelihood that an appropriate intervention may be made, to minimize the risk, impact or continuation of the concern in question.
- 12.7 Although it will not be necessary to prove beyond doubt that an allegation is true, a whistleblower will be expected to demonstrate that there are reasonable grounds for voicing their concern.
- 12.8 Any whistleblower will be asked to declare any personal interest they may have in the concern being raised.
- 12.9 In matters concerning the health, safety and welfare of those on our premises (whether members of staff, contractors or visitors) anyone, including an elected safety representative, who becomes aware of a hazard (actual or potential) or dangerous occurrence should immediately notify the Corporate Health and Safety Advisor, before contacting any outside body, to ensure that immediate action can be taken if necessary to deal with the hazard. Contact can be made by telephone, email or the sending of a written report as appropriate to the situation.

### **13. Sources of Support for the Whistleblower**

- 13.1 You may wish to discuss your concerns with a friend or colleague first. You may then find it easier to raise a concern if others share the same experiences or concerns.
- 13.2 For employees, trade union representatives can give general support and advice, or act on their behalf if this would help. This could be useful, particularly if the employee wishes to remain anonymous, to the extent that is possible.
- 13.3 The Council will encourage the trade unions to support any member of staff who raises a concern with them.
- 13.4 The Council further welcome any member of staff to consult with Protect if they are not sure about whistleblowing. Protect is an independent charity which provides confidential support and advice to whistleblowers through a telephone helpline and the internet. Further details for Protect are included in **Appendix 1**. In addition, a summary regarding the remit of Protect is included at **Appendix 2**.

## **14. How the Council will respond**

- 14.1 Whoever you raise your concerns with, and whether the concern is made by an employee, member of the public, contractor, Councillor or partner, an impartial person will be appointed to investigate your concern and you will be informed of who this is. Confidentiality will be maintained in accordance with section 5 of this policy.
- 14.2 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate, and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, harassment or discrimination issues) will normally be referred for consideration under those procedures.
- 14.3 Following these initial enquiries the Council will respond to your concerns as appropriate and establish whether:
- your concerns should be considered under this policy;
  - your concerns can be allayed satisfactorily without invoking a formal investigation;
  - no further investigation is necessary;
  - your concerns may be resolved by other mechanisms or action e.g. mediation, training or review; or
  - There is sufficient substance behind your concerns to trigger an investigation.
- 14.4 Where there is sufficient evidence behind the concerns to trigger an investigation the concern will:
- be investigated by management or internal audit; or
  - be referred to the police; or
  - be referred to the external auditor; or
  - Form the subject of an independent inquiry.
- 14.5 Some concerns may be resolved by action agreed with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 14.6 Within 10 working days of a concern being raised, the person appointed to investigate your concern will contact you (in a way which does not arouse suspicions in your workplace):
- acknowledging that the concern has been received;
  - indicating how we propose to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made;
  - supplying you with information on staff support mechanisms.
  - advising you of your entitlement to seek advice and representation from your trade union representative;
  - telling you whether further investigations will take place and if not, why not; and
  - To agree with you how to proceed if you have chosen to remain anonymous.
- 14.7 The Council will do what they can to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give

evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and other appropriate support.

14.8 Once the person appointed to investigate your concern has completed their investigations, they will produce a written report that sets out:

- the background to the whistleblowing concern;
- the findings of fact and associated evidence;
- the decision and reasons for the decision; and
- The recommendations and associated action plan.

14.9 The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints and any confidentiality or other issues, we will inform you of the outcome of any investigation.

## **15 Withdrawing your allegation**

15.1 You have the right to withdraw any allegation previously made under this policy and procedure. You should think very carefully before taking this course of action, bearing in mind an investigation may have started and you may need to explain this change of decision.

15.2 If it is considered appropriate, despite the complainant withdrawing the allegation, the investigation of the allegation may continue if it is deemed necessary.

## **16 Raising issues with an External Party**

16.1 This Policy seeks to encourage you to raise concerns directly with the Council. However, there may be situations where you feel it is inappropriate to raise the concern internally, or unable to do so. Alternatively, you may have already raised a concern and are dissatisfied with the outcome. In these situations, there are a number of other parties to whom you may turn:

- The National Audit Office
- Relevant Regulatory Organizations (e.g. the office for Environmental Protection, Health and Safety Executive or Local Government Ombudsman)
- The Police (where a criminal matter is involved)
- Protect

Contact details for all parties are included within **Appendix 1**.

16.2 Before consulting an external party, the Council recommend the whistleblower seeks independent legal advice (disclosure to a legal advisor is protected by law). The law most readily protects disclosures that are seen to be “reasonable”, i.e. disclosures that are made within the Council or to an appropriate regulator at an early stage. If the matter is taken outside of the Council, the whistleblower should ensure they do not disclose information about a third party that may be covered by a duty of confidentiality (e.g. commercially sensitive information or personal, private data). It is recognised that potentially the Public Interest Disclosure Act and the Data Protection Act could have some bearing on disclosures, however one statute does not overrule the other and both must be complied with, and thus each case would need to be considered on its individual merits.

- 16.3 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. If you do this then you may need to check whether the information is confidential. Depending on the nature of the information, it may be confidential to Broadland and/or Broadland Council, commercially sensitive to a third party or personal and private to an individual.

### Contacts for Whistleblowing

#### Raising concerns internally

<u>Managing Director</u>	Trevor Holden <a href="mailto:md@southnorfolkandbroadland.gov.uk">md@southnorfolkandbroadland.gov.uk</a> 01508 533601
<u>Monitoring Officer</u>	Emma Hodds <a href="mailto:Emma.hodds@southnorfolkandbroadland.gov.uk">Emma.hodds@southnorfolkandbroadland.gov.uk</a> 01508 533791
<u>Deputy Monitoring Officers</u>	Linda Mockford <a href="mailto:Linda.mockford@southnorfolkandbroadland.gov.uk">Linda.mockford@southnorfolkandbroadland.gov.uk</a> 01603 430424  Sinead Carey <a href="mailto:Sinead.carey@southnorfolkandbroadland.gov.uk">Sinead.carey@southnorfolkandbroadland.gov.uk</a> 01508 533661
<u>Head of Internal Audit</u>	Teresa Sharman <a href="mailto:Teresa.sharman@southnorfolkandbroadland.gov.uk">Teresa.sharman@southnorfolkandbroadland.gov.uk</a> 01603 430138
<u>Section 151 Officer</u>	Rodney Fincham <a href="mailto:Rodney.fincham@southnorfolkandbroadland.gov.uk">Rodney.fincham@southnorfolkandbroadland.gov.uk</a> 01508 533982
<u>Leader of the Council</u>	Sue Holland <a href="mailto:Cllr.sue.holland@southnorfolkandbroadland.gov.uk">Cllr.sue.holland@southnorfolkandbroadland.gov.uk</a> 01603 789151 07488 32302

#### Raising Concerns Externally

<b>Protect</b> - <a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a>  Protect is the UK's whistleblowing charity. It aims to stop harm by encouraging safe whistleblowing.	<a href="https://protect-advice.org.uk/">Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk)</a>
<b>Ernst and Young</b> – External Auditors  For issues relating to financial probity and governance	One Cambridge Business Park Cambridge CB4 0WZ  01223 394400
<b>The Local Government Ombudsman</b> – <a href="http://www.lgo.org.uk">www.lgo.org.uk</a> The Commission for Local Administration in England  For Complaints against Council – will cover all complaints	PO Box 4771 Coventry CV4 0EH  020 7217 4620
<b>Norfolk Constabulary</b> – <a href="http://www.norfolk.police.uk">www.norfolk.police.uk</a>  For all breaches of the law (except as noted below)	Operations and Communications Centre Jubilee House Falconers Chase Wymondham

	Norfolk NR18 OWW  0845 456 4567
<b>Serious Fraud Office</b> – <a href="http://www.sfo.gov.uk">www.sfo.gov.uk</a>  Fraud and Corruption issues	2 -4 Cockspur Street London SW1Y 5BS  <a href="mailto:Public.enquiries@sfo.gov.uk">Public.enquiries@sfo.gov.uk</a>
<b>National Crime Agency</b>  <a href="http://www.nationalcrimeagency.gov.uk">www.nationalcrimeagency.gov.uk</a> For Money Laundering Issues	Units 1 - 6 Citadel Place,  Tinworth Street,  London SE11 5EF 0370 496 7622
<b>The Health and Safety Executive</b> – <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>  For Health and Safety contraventions	Rosebury Court 2 <sup>nd</sup> Floor St Andrews Business Park Norwich Norfolk NR7 0HS  0151 922 9235
Office for Environmental Protection – <a href="http://www.theoep.org.uk">www.theoep.org.uk</a> For environmental crimes	Office for Environmental Protection Wildwood Wildwood Drive Worcester WR5 2QT  03300 416 581
<b>National Audit Office</b> – <a href="http://www.nao.org.uk">www.nao.org.uk</a>	<a href="mailto:Investigation-team@nao.gsi.gov.uk">Investigation-team@nao.gsi.gov.uk</a> 020 7798 7000 (main switchboard) 157 – 197 Buckingham Palace Road London SW1W 9SP

**Protect**

Protect is the independent authority on public interest whistleblowing. Established as a charity in 1993 following a series of scandals and disasters, Protect has played a leading role in putting whistleblowing on the governance agenda and in developing legislation in the UK and abroad. All their work is informed by the free advice they offer to people with whistleblowing dilemmas and the professional support they provide to enlightened organisations.

They have four activities. They:

- offer free, confidential advice to people concerned about crime, danger or wrongdoing at work;
- help organisations to deliver and demonstrate good governance;
- inform public policy; and
- Promote individual responsibility, organisational accountability and the public interest.

**They do:**

- ✓ advise how to raise concerns
- ✓ explain the public interest
- ✓ separate message from messenger
- ✓ provide an impartial, objective view

**They don't**

- ✗ duck difficult questions
- ✗ claim we have all the answers
- ✗ litigate or investigate
- ✗ encourage anonymous informing

**Whistleblowing dos and don'ts as publicised by Protect**

Do:

- Keep calm;
- Think about the risks and outcomes before you act
- Remember you are a witness, not a complainant
- Phone us for advice - 020 7404 6609!

Don't:

- Forget there may be an innocent or good explanation
- Become a private detective
- Use a whistleblowing procedure to pursue a personal grievance
- Expect thanks

## CHECKLIST FOR EMPLOYEES

### HOW TO REACT TO CONCERNS OF INAPPROPRIATE BEHAVIOUR

The action you take when you suspect inappropriate behaviour may have happened, or be about to happen, can be crucial. Inappropriate behaviour is described in the Council's Whistleblowing Policy as:

- Any criminal offence, particularly fraud or corruption
- Disclosures related to a miscarriage of justice
- A failure to comply with a legal obligation
- The endangering of an individual's health and safety
- Unnecessary damage to the environment (for example, by pollution)
- Deliberate concealment of information relation to any of the above

Following these simple rules should help the Council in carrying out enquiries into any concerns you have.

#### DO

- ✓ **Make an immediate note of your concerns.**  
Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of any parties involved.
- ✓ **Convey your suspicions to someone with the appropriate authority and experience in accordance with the Council's Whistleblowing Policy.**
- ✓ **Deal with the matter promptly if you feel your concerns are warranted.**  
Delay may cause the Council to suffer further financial loss or make further enquiry more difficult.

#### DON'T

- ✗ **Do nothing.**
- ✗ **Be afraid of raising your concerns.**  
You will not suffer any recrimination from the Council as a result of voicing a reasonably held suspicion. The Council will treat the matter sensitively and confidentially and will take reasonable steps to protect anyone who raises a well-intentioned concern.
- ✗ **Approach or accuse any individuals directly.**
- ✗ **Try to investigate the matter yourself.**  
There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may weaken or destroy any future prosecution should that be thought appropriate.
- ✗ **Convey your suspicions to anyone other than those indicated in the Council's Whistleblowing Policy.**

The Public Interest Disclosure Act 1998 - will protect you from any reprisals if you meet the rules set out in the Act. The rules are:

- **You must disclose the information in good faith**
- **You must reasonably believe it to be substantially true**
- **You must not seek any personal gain**

## GUIDANCE FOR MANAGERS

### HOW TO REACT TO CONCERNS OF INAPPROPRIATE BEHAVIOUR

The action you take when you identify, or are made aware of, suspected inappropriate behaviour can be crucial in determining the success of any subsequent enquiries. Inappropriate behaviour is described in the Council's Whistleblowing Policy as:

- Any criminal offence, particularly fraud or corruption
- disclosures related to a miscarriage of justice
- A failure to comply with a legal obligation
- The endangering of an individual's health and safety
- Unnecessary damage to the environment (for example, by pollution)
- Deliberate concealment of information relating to any of the above

Following these simple rules will help to ensure that matters are properly handled. As a manager you should familiarise yourself with both the Council' Strategy to help fight Fraud and Corruption and its Whistleblowing Policy

#### DO

✓ **Be responsive to employees' concerns.**

As part of the Council's anti-fraud and corruption culture, you should encourage employees to voice any reasonably held suspicion. As a manager you should treat all employees' concerns seriously and sensitively.

✓ **Note details.**

Get as much information as possible from the employee reporting the suspicion and encourage them to record this in writing. If the employee has made any notes, request access to these

Note any documentary evidence which may exist to support the allegations made, but do not interfere with this evidence in any way.

✓ **Evaluate the allegation objectively**

Before you take the matter further determine whether any suspicions appear to be justified.

Be objective when evaluating the issue. Consider the facts as they appear based on information you have to hand.

**If in doubt, report your suspicions anyway.**

If you consider that no further action is necessary, you should still record your decision and also inform the Head of Internal Audit of the original notification details.

✓ **Advise the appropriate person**

If you feel that a suspicion is justified advise an appropriate officer in accordance with the Council's Whistleblowing Policy

✓ **Deal with the matter promptly if you feel your concerns are warranted.**

Delay may cause the Council to suffer further financial loss or make further enquiry more difficult.

## **DON'T**

### **✘ Ridicule suspicions raised by employees**

The Council cannot operate an effective anti-fraud and corruption culture or Whistleblowing Policy if employees are reluctant to pass on their concerns to management due to fear of ridicule or recrimination.

You need to ensure that all employee concerns are given a fair hearing. You should reassure employees that they will not suffer recrimination by raising any reasonably held suspicion.

### **✘ Approach or accuse any individuals directly**

### **✘ Convey your suspicions to anyone other than those indicated in the Council's Whistleblowing Policy**

### **✘ Try to investigate the matter yourself**

Investigations by employees who are unfamiliar with the requirements of evidence are highly likely to jeopardise a successful outcome. They may also alert the suspect and result in the destruction of evidence.

**Your primary responsibility is to report the issue and all associated facts to the appropriate officer, wherever possible.**

## WHISTLEBLOWING FORM

Appendix 5

Please complete this form and email it to:  
Emma.Hodds@southnorfolkandbroadland.gov.uk

Alternatively this can be sent to:  
Monitoring Officer

Strictly Private and Confidential  
Broadland

Horizon Business Centre, Peachman Way,  
Norfolk, Norfolk NR7 0WF

Name:	
Address or contact details:	
Telephone:	Email address:
Best time to contact you:	

Person assisting you (e.g. relative, friend, union official (if appropriate):	
Address or contact details:	
Telephone:	Email address:

Details of your concern (please continue on a separate sheet if necessary and attach any evidence supporting your concern):
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Signature: \_\_\_\_\_

Date: \_\_\_\_\_