



Whistleblowing

Our policy on Handling Protected Disclosures
under the Public Interest Disclosure Act

About this policy

This policy sets out the Council's position on those situations where members of staff and others want to tell us about things they are worried that the Council is doing wrong.

Although this policy sets out specific rights that arise under employment legislation, the Council sees *Whistleblowing* as a natural extension of a policy of seeking to provide the best possible service to the public, and to be the best possible employer to its staff and others.

Regardless of the law, the Council's position is, and always has been, that we want to know if something is going wrong, so please tell us.

The Council guarantees that it will never treat anyone unfairly as a result of them sharing their genuinely held concerns with it.

This policy tells you how, in addition to the Council's guarantees, the *Public Interest Disclosure Act* protects employees and other staff who make a *protected disclosure* about a matter of concern

This policy sets out what to do if staff and others or others have concerns about certain improper or unlawful activities covered by the *Public Interest Disclosure Act*.

The policy also signposts those procedures the Council will use in receiving, handling and investigating disclosures and tells anyone wishing to make a disclosure the best way of going about it.

If you have concerns NOT covered by this policy, we still want to hear them. The Council has processes for dealing with crime against the Council, mistreatment of staff and others and inefficient working practices. Any manager or *Designated Whistleblowing Specialist* can give you further information about this.

If you have any questions about this policy or the processes involved, please contact the *Whistleblowing Lead* or any *Designated Whistleblowing Specialist* for advice and assistance!

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This policy was reviewed on 5 March 2024 by Executive.

This policy is managed by the Council's Head of Internal Audit.

Next policy review due March 2026.

1. Formal statement of our policy

This policy aims to enable and encourage staff and others to raise concerns within the Council. It recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the *Public Interest Disclosure Act 1998* and any subsequent legislation, as incorporated into the *Employment Rights Act 1996*.

The Council is committed to the highest possible standards of openness, propriety, and integrity. In line with this commitment, staff, and others with serious concerns about unlawful conduct, financial malpractice or dangers to the environment, employees, and other Council workers, the public or the Council's reputation are encouraged to come forward and voice those concerns. The Council recognises that staff, and those working with us, are often the first to realise that there may be something seriously wrong within an organisation.

It is important to the Council that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The Council is committed to tackle malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If any cases of wrongdoing are upheld, they will be seriously dealt with.

The Council encourages staff and others to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Concerns will always be listened to and investigated appropriately. **The Council will never tolerate or support any mistreatment of those who raise genuine concerns.**

The Council will ensure that they have appointed and trained an appropriate number of specialists who are able to receive disclosures from staff and others and provide them with advice and support (*'Designated Whistleblowing Specialists'*).

The Council will provide regular training to all managers to ensure that they may deal with disclosures appropriately.

The Council will ensure that all staff receive induction on the policy, so that they are aware of whistleblowing law and know how to use this policy. It will, from time to time, provide appropriate refresher training.

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in the Council's offices and through the Council's intranet.

This policy allows staff and others to take the matter further if they are dissatisfied with the management response and aims to reassure anyone raising a legitimate concern that they will be protected from harassment or victimisation from co-workers or from the Council.

The Council understands that raising a concern can feel difficult to do, especially if there is fear of reprisal from those responsible for the malpractice. We will not tolerate harassment and victimisation of anyone raising a concern, or any attempts to bully a person into not making a report, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern. Any such behaviour is a serious breach of the Council's values and, if upheld following investigation, will result in disciplinary action potentially leading to dismissal.

2. Definitions and explanations

Whistleblowing is the common name given to statutory law. This Policy has been prepared in response to the Employment Rights Act 1996 (ERA) and the Public Interest Disclosure Act 1998 (PIDA) (as amended by the Enterprise and Regulatory Reform Act 2013), and the EU Whistleblowing Directive April 2019. These documents set out a framework for raising genuine concerns and providing guarantees of full protection to employees and other Council workers who raise such issues.

This policy applies to all staff. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also encouraged to use it. The policy uses the term *staff and/or others* to encompass this.

By 'staff' we mean all employees, including temporary, casual and agency staff and others, work experience, trainees, and apprentices.

The Council has appointed a number of *Designated Whistleblowing Specialists* (sometimes referred to as 'DWS') and a *Whistleblowing Lead* ('WL') – who is included in the expression *DWS*. Details of who has been appointed and how to contact them are given in Appendix 1.

For the purpose of this policy, the Council recognises that whistleblowing is the passing on of information by staff and others about wrongdoing at work in the statutory categories set out in the *Public Interest Disclosure Act*. Passing on of such information is called a *protected disclosure* and the person making the disclosure is called a *whistleblower*.

The **statutory categories** for wrongdoing are:

- a criminal offence (such as insurance fraud or illegal tax evasion)
- a breach of any legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- deliberate concealment of information about any of the above.

The following are examples (and not an exhaustive list!) of issues that may be raised:

- Health and safety risks, including risks to the public as well as other employees
- Sexual or physical abuse of both employees and clients
- Damage to the environment
- Unauthorised use of public funds
- Theft or abuse of Council property
- Possible fraud and corruption
- Other unethical conduct
- Abuse of children and vulnerable adults
- Actions which are intended to conceal any of the above.

To be a **protected disclosure**, the following additional conditions must also be fulfilled:

- The person making the disclosure must be an employee or other Council worker as defined
- The disclosure must be made lawfully and without breaching legal professional privilege
- It must be made in the public interest
- The person making the disclosure must not act maliciously or make false allegations; and
- The person making the disclosure must not seek any personal gain for it (where a disclosure has been made to a third party) such as financial payments, gifts or any other benefit or advantage.

It is not necessary for the whistleblower to have proof or certain knowledge that wrongdoing is being, has been, or is likely to be committed; a reasonable belief is sufficient to disclose the concern. The whistleblower has no responsibility for investigating the wrongdoing and, indeed, **MUST NOT** do so. It is the Council's responsibility to investigate reports.

A member of staff who makes a protected disclosure has the right in law not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The Council recognises that any so-called 'gagging' or confidentiality clauses in settlement agreements or non-disclosure agreements with individuals do not prevent staff and others from making disclosures in the public interest and are void in such circumstances.

If the wrongdoing that the staff and others or others want to disclose is not included in the list above, they should use another route to raise their concerns or seek advice. For example, this policy does not cover any concerns staff might have about employment matters that affect only them (unless these also fall into one of the categories set out above); those types of concern should be addressed through the Council's grievance policy, which may be found on the intranet.

If you are unsure of the correct route to take, you could seek advice from your line manager, from a *Designated Whistleblowing Specialist* (see Appendix 1) or from an external advice body (see Appendix 2).

The Council recognises that employees may feel nervous when reporting concerns in line with this policy and are happy for them to be supported by a colleague when going through the process.

Note that this policy is aimed to complement and does not replace the Council's procedures for internal and external complaints.

Other relevant policies and routes

To tell us about **inefficient business practice**, you should speak first to your line manager.

If you are not satisfied with the outcome, you may approach any relevant member of the senior leadership team.

Complaints about treatment at work are covered by the Council's ***[grievance policy and procedures](#)***, which may be found [here](#)

For help or advice, you could approach someone in your line of management, the Council's *human resources* team, a union representative, or your professional body.

External complaints are covered by the Council's ***[complaints policy and procedures](#)***, which may be found [here](#).

Further advice may be sought from the Council's Internal Audit and Corporate Fraud team.

3. Roles and responsibilities

Adoption, review, and revision

The responsibility for adopting this policy and ensuring that it is kept up to date rests with the Audit & Governance Committee, which will ensure that sufficient funds are made available to implement the policy.

This policy will be reviewed annually from date of issue by the Council's Audit & Governance Committee, with advice from the *Whistleblowing Lead*. It will receive and review annual reports on the policy and on whistleblowing activity throughout the Council. If it deems it necessary, it may report any areas of concern to the full Council.

The Council appoints the Head of Internal Audit, Siobhan Martin as the *Whistleblowing Lead*, who is instructed to take the necessary steps to ensure that the policy remains both up to date with the current legal position and an example of best practice in the field. This includes appointing no less than four *Designated Whistleblowing Specialists* and ensuring that they, and all line managers in the Council, are appropriately trained.

The senior management team is responsible for ensuring that the policy is drawn to the attention of, and appropriately explained to, all relevant people. Senior managers will, through their actions, demonstrate their commitment to developing an open culture within the organisation.

Staff and others

Staff and others have a duty to report wrongdoing under the circumstances set out in this policy. As public servants, and as those working alongside a local authority, it is not acceptable for staff and others to ignore wrongdoing.

The Council directs all staff to cooperate fully with any whistleblowing investigation. Except insofar as the law allows a person not to self-incriminate, failure to cooperate is likely to amount to misconduct which would lead to a disciplinary investigation.

Line managers' roles

Line managers are responsible for:

- ensuring all staff and others are aware of this policy and procedure and their responsibilities
- reporting issues raised promptly to the *Whistleblowing Lead*
- investigating issues, but only when asked to do so by the *Whistleblowing Lead*
- fostering an open culture within their teams
- ensuring any whistleblower is not subject to detriment.

Designated whistleblowing staff

The *Whistleblowing Lead* has lead responsibility for the whistleblowing procedure and for dealing with issues raised. Along with the *Designated Whistleblowing Specialists*, the *Whistleblowing Lead* will:

- oversee and review the whistleblowing policy and procedure
- provide advice and support to managers and employees
- ensure learning from whistleblowing cases is fed back to the wider organisation
- ensure managers are only asked to investigate matters if they have been trained in dealing with such issues

- investigate issues raised with them directly promptly and thoroughly
- inform the *Chief Executive* of any findings of wrongdoing and the actions being taken
- ensure the process is monitored and improved where required
- provide reports on whistleblowing activity on an annual basis to both the senior management team and the Audit & Governance Committee.

Appendix 1 lists all those appointed and trained as *Designated Whistleblowing Specialists*. These specialists will act as an independent and impartial source of advice to staff and others at any stage of raising a concern. They will:

- treat the concern confidentially unless otherwise agreed;
- ensure the staff and others receive timely support to progress their concern;
- escalate to senior management any indications that the staff and others is being subjected to detriment for raising their concern;
- remind the organisation of the need to give the staff and others timely feedback on how their concern is being dealt with; and
- ensure the staff and others has access to personal support as it is recognised that raising such a concern may be stressful.

4. Raising a concern

Initially, you should raise any concern with your immediate manager or supervisor. This does depend however on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you believe that your management is involved, you should approach any *Designated Whistleblowing Specialist* (see Appendix 1), all of whom have been trained in handling whistleblowing cases.

We encourage you to express any concerns at the earliest opportunity, so that timely action can be taken.

You may raise your concerns in writing or in person by way of a meeting with your line manager or any of the *Designated Whistleblowing Specialists*, or by leaving a message and your contact details on the Council's **Whistleblowing Hotline** or **email** which are handled in a secure and confidential environment.

If you need advice and guidance on how matters of concern may be raised or pursued, please contact any of the *Designated Whistleblowing Specialists* or leave a message on the Council's **Whistleblowing Hotline** or **email**.

Whistleblowing Hotline

01394 444222

Whistleblowing@ipswich.gov.uk

Although you are not expected to investigate the matter (indeed you are expressly forbidden from doing so!) or to prove that the concern is correct, you should be able to demonstrate to the person contacted that there are reasonable grounds for the concern.

Appendix 3 gives a visual guide on how to report a concern and the initial steps that will be taken.

If you do not feel able to raise your concern internally, you may choose to raise concerns externally with ‘prescribed bodies’ (see part 6) if you feel this is necessary and in the public interest. Before deciding to do this, you should be aware that making an external report has more conditions in order for you to gain the protections available under the *Public Interest Disclosure Act*.

If the disclosure is made to:

- **the employer** it must arise from a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur;
- **a regulator i.e. Health and Safety Executive**, in addition it must be honestly and reasonably believed that the information and any allegations contained are substantially true;
- **other bodies (Police, media, MP etc)**, in addition to the tests for regulatory disclosure, no personal gain will be made from the disclosure; and
- in all circumstances, that it is reasonable for the disclosure to be made.

If the disclosure is made to **other bodies**, further preconditions apply. It must be:

- reasonably believed that they would be victimised if the matter was raised internally;
- reasonably believed that the disclosure related to a criminal offence;
- the case that there is no prescribed regulator, and it was believed that relevant information would be concealed or destroyed;
- that the concern has already been raised with the employer or regulator; or
- that the concern is of an “exceptionally serious” nature.

5. How we deal with reports

When you make a *protected disclosure* in person, the person you report it to (‘the receiving officer’) will tell you what happens next. If you have made a disclosure by leaving a voicemail message on, or sending an email to, the **Whistleblowing Hotline**, the *Whistleblowing Lead* (who monitors the hotline) will contact you within five working days.

Protected disclosures are always noted in writing by the receiving officer, who will pass this, within five working days, to the *Whistleblowing Lead*. In cases where there is an immediate and serious

risk disclosed, the receiving officer will contact the *Whistleblowing Lead* by telephone straight away and forward the written report within one day. The *Deputy Whistleblowing Lead* should be contacted if the *Whistleblowing Lead* is unavailable.

In order to protect individuals and the Council, 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 raised or allegations made which fall within the scope of other specific procedures (for example harassment or discrimination issues) will normally be referred for consideration under those procedures. Regardless of the actions taken by the Council, whistleblowers will be protected by this policy and the law for all valid concerns they raise, even if these are subsequently determined to not be in the public interest or to be honest 'mistakes of fact' in reporting.

If the *Whistleblowing Lead* believes it is appropriate so to do, they may advise the Chief Executive or other senior officer of the nature (and, in some cases, the content) of the disclosure. Any person being so informed is bound by a strict duty of confidentiality and must not discuss the disclosure with any other person or organisation without the consent of the *Whistleblowing Lead*.

The *Whistleblowing Lead* will nominate a competent and impartial person to investigate any reported issues promptly. Following initial investigations by an impartial person the Council will respond to the concern, as appropriate. The action taken by the Council will depend on the nature of the concern. At the sole discretion of the *Whistleblowing Lead*, the matters disclosed may:

- Be investigated by the Council's Internal Audit & Corporate Fraud team;
- Be investigated by a *Designated Whistleblowing Specialist*;
- Be investigated by another appropriate person (either from within or outside the Council);
- Be referred to the police or the external auditor;
- Be referred to two or more of these (to work together on the investigation); or
- Form the subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within seven working days the investigator nominated by the *Whistleblowing Lead*, with the assistance of the receiving officer (if appropriate) will inform the whistleblower of the intended course of action. Wherever possible they will:

- indicate how the Council proposes to deal with the matter. (Where appropriate follow-up is still being determined, providing an estimate of when the whistleblower can expect this feedback);
- give an estimate of how long it will take to provide a final response (normally this will not exceed three months, however complex cases may require a longer timescale);
- advise whether any initial enquiries have been made;
- advise whether further investigations will take place, and if not, explain this decision; and
- indicate how the Council will proceed where the informant has chosen to remain anonymous.

The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If further contact is needed, it will be made in a way which does not arouse suspicion in the workplace. The whistleblower will normally be asked to suggest a method of contact that they feel comfortable with.

When any meeting is arranged with an employee or other Council worker, they have the right, if they so wish, to be accompanied by a trade union or professional association representative or a workplace colleague who is not involved in the area of work to which the concern relates. The

measures for the protection of whistleblowers set out in this policy also apply, so far as is relevant, to those involved in supporting the whistleblower.

The Council will take steps to minimise any difficulties which whistleblowers may experience as a result of raising a concern. For instance, if whistleblowers are required to give evidence in criminal or disciplinary proceedings, advice about the procedure and support will be given.

The Investigating Officer will detail the outcome of the investigation in a written report. The report will outline the findings of the investigations and reasons for the judgement made. This report will be presented to the *Whistleblowing Lead* to determine distribution. The Chief Executive will be provided with a copy of the final report.

Regardless of the outcome of any investigation, if it is appropriate to do so, a copy of the outcome will be passed to Internal Audit to review the relevant internal procedures.

The Council recognises that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, whistleblowers raising a concern will receive information about the outcome of any investigation.

6. Reporting concerns to external bodies

This policy is intended to provide a route by which members of staff and others can raise concerns internally.

If you do not feel able to raise your concern internally you may choose to raise concerns externally with '**prescribed persons or bodies**,' if you feel this is necessary and in the public interest. Please review the notes in the green box under section four about the additional requirements for gaining the protections available under the *Public Interest Disclosure Act* if reports are made other than to the Council. If the whistleblower does take the matter outside the Council, they should be careful not to disclose confidential information, and ensure that they comply with the requirements of the Public Interest Disclosure Act 1998 so that they do not lose the protection of the Act against dismissal or other detriment.

If a whistleblower is not satisfied that the concern has been properly dealt with by the Investigating Officer, they should first raise it with the *Whistleblowing Lead*. If they remain unsatisfied with the outcome, they may choose to make a disclosure to one of the other bodies named in the Act (see section 6).

If you have reported the matter internally but you believe that the outcome of an investigation is not correct or that the matter has not been appropriately investigated, we would ask that you initially raise your concerns with the *Whistleblowing Lead*. If you remain unsatisfied with the process, you may consider raising your concerns externally with **prescribed persons or bodies**, if you feel this is necessary and in the public interest.

The full list of **prescribed persons and bodies** can be found on the UK government website at www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies. This includes:

- ✓ HM Revenue & Customs
- ✓ the Comptroller and Auditor General
- ✓ the Director of the Serious Fraud Office
- ✓ the Charity Commission for England and Wales
- ✓ the Information Commissioner

- ✓ the Equality and Human Rights Commission
- ✓ the Health and Safety Executive
- ✓ the Care Quality Commission
- ✓ the Environment Agency

If, instead of going to a prescribed person you choose to make a disclosure to an '**other body**,' such as the media or your Member of Parliament (MP) you should note that further conditions (again, set out in the table under section 4) apply.

(Note: those who receive payment for a disclosure (which may be especially relevant in dealings with the media) are unlikely to receive the protections discussed in this policy.)

7. Confidentiality and anonymity

We understand that staff and others may be concerned about reporting their concerns, notwithstanding the guarantees made by the Council and provided by law. That is why we want to reiterate how seriously we take those concerns and our commitment to protecting our whistleblowers.

Remember, as far as it is possible to do so, the Council will not reveal the identity of any whistleblower to the subject of the disclosure or to any other person or body that is not involved in the investigative process. All Line Managers and *Designated Whistleblowing Specialists* must keep details of whistleblowing reports and the person who made them confidential.

If we did feel that we needed to disclose your identity, we would ALWAYS discuss you with this first and make sure you understood the reason why and what we would do to protect you.

Sometimes (if, for example, the Council was to discipline or prosecute someone) there might need to be a hearing and the whistleblower might be required to give evidence. If this were to happen, the council would take all reasonable steps to protect the identity of the whistleblower (such as screened or pre-recorded evidence, when available) but, on occasion, the Council might be required to disclose their identity.

We would ask that you give us your name when you make a *protected disclosure*. There are many reasons for this:

1. we want to make sure that we are able to look after you and protect your rights, and it is harder for us to do this if we do not know who you are.
2. when people leave messages, it is easy to leave things out, whilst thinking you have told us everything. If you were to accidentally omit a key detail when making a report, we may not properly understand what it is that you are telling us about and, therefore, not be able to investigate your concern properly (or at all).
3. when you make a disclosure, you will tell us what you think we need to know but, in our experience, whistleblowers often know other things that they do not realise are important to the investigation. This is why the *Designated Whistleblowing Specialist* and / or the appointed investigator would like to be able to contact you, if they have any questions.
4. sometimes the nature of a *protected disclosure* is such that, rather than an investigation (or prior to an investigation) immediate action could be taken; we would often want to agree this with you.
5. at the end of the investigation, we would like to be able to tell you (as far as the law allows us to) of the outcome and the steps we have taken or are going to take. Sometimes we might want to discuss a proposed course of action with you before taking it.

Contacting us anonymously

If, despite this, you still decide to make a disclosure anonymously we would ask that you do this by anonymous email. This is because we would still be able to contact you to clarify your *protected disclosure* and to ask you any follow-up questions we might have.

If you are determined not to give us your name, we suggest that you take the following steps:

- Start by signing up for free email from a provider such as Yahoo, AOL, Outlook, Google...
- Email us from that account.
- We will reply to you via that account, both to acknowledge your initial *protected disclosure*, and if we needed to ask you any questions.
- You should keep copies of all the emails you send and our responses – these would be your proof, in the unlikely event that you later needed it, that you had been a whistleblower.

Appendix 1 - ***Designated Whistleblowing Specialists***

In addition to approaching your line manager, you may raise concerns with any senior manager in the Council. You may prefer to speak to a ***Designated Whistleblowing Specialist***, as they have all been trained in how to handle disclosures.

The Council has appointed all those listed below as ***Designated Whistleblowing Specialists***.

Whistleblowing Lead, and Designated Whistleblowing Specialist

Siobhan Martin, Head of Internal Audit
Email - Siobhan.Martin@ipswich.gov.uk
Phone - 01473 433900

Deputy Whistleblowing Lead and Designated Whistleblowing Specialist

Lauren Ashdown, Audit Manager
Email - Lauren.Ashdown@ipswich.gov.uk
Phone - 01473 433902

Designated Whistleblowing Specialist

Shirley Jarlett, Assistant Director Governance
Email - Shirley.Jarlett@ipswich.gov.uk
Phone - 01473 433859

Designated Whistleblowing Specialist

Jonathan Reed, Head of Legal - Contentious
Email – Jonathan.Reed@ipswich.gov.uk
Phone - 01473 478627

Designated Whistleblowing Specialist

Michelle Emmens, Principal Auditor
Email – Michelle.Emmens@ipswich.gov.uk
Phone - 01473 432040

Appendix 2 - Support and advice

Our *Designated Whistleblowing Specialists* are trained in how to support you, but we understand that you might like to seek advice or support before, during or after making a report from someone else. These are some other sources you could choose to access.

Protect

<https://protect-advice.org.uk>

Protect Advice Line: whistle@protect-advice.org.uk

Protect Advice Line: 020 3117 2520 (* option 1)

UK Government

UK government advice on 'Whistleblowing for employees'

www.gov.uk/whistleblowing

ACAS

ACAS guidance on 'Whistle-blowing – Public Interest Disclosure'

<https://archive.acas.org.uk/index.aspx?articleid=1919>

Employee Assistance Programme

Confidential support is available for individual employees from the employee assistance programme and this may include counselling if appropriate, in addition to practical information and advice.

Ernst & Young LLP (The Council's External Auditor)

Tel: 01582 643000

Address: Debbie Hanson, Ernst & Young LLP, 400 Capability Green, Luton, Bedfordshire
LU1 3LU

The Comptroller and Auditor General

Tel: 020 7798 7999

Website: <https://www.nao.org.uk/contact-us/whistleblowing-disclosures/>

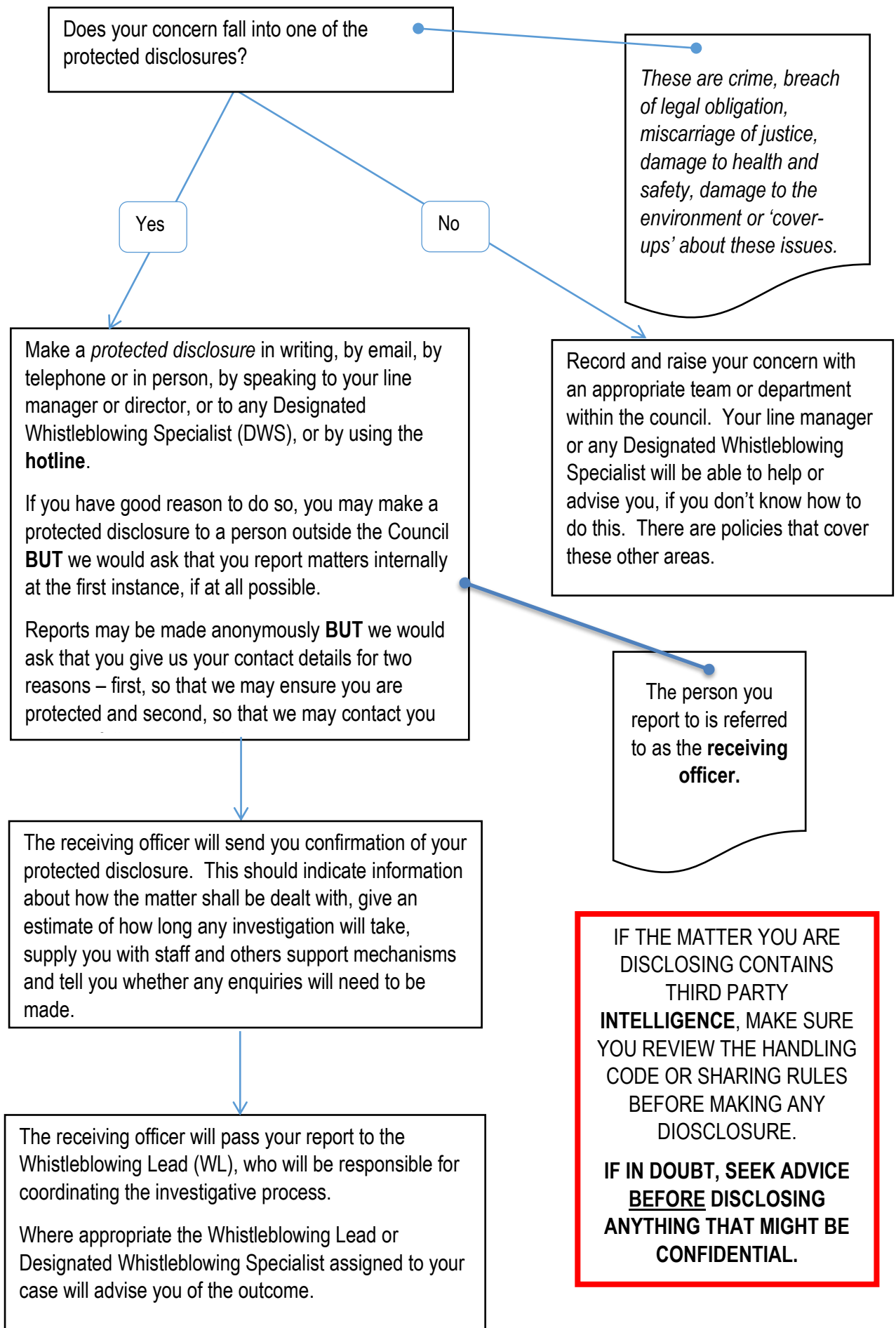
Police

Tel: 101

Website: <https://www.suffolk.police.uk/contact-us/report-something>

In addition, you may choose to contact a **Member of Parliament**. Contact details for any Member of Parliament are available here: <https://members.parliament.uk/>

Appendix 3 - Whistleblowing – How to Report



Appendix 3A - Whistleblowing – What to do when a report is made

