

# **WHISTLEBLOWING POLICY AND PROCEDURE**

**VERSION 3 – JANUARY 2023**

<b>1. INTRODUCTION – THE POLICY</b>	<b>2</b>
<b>2. WHAT IS WHISTLEBLOWING AND WHAT IS COVERED?</b>	<b>4</b>
<b>3. RAISING A CONCERN - WHO CAN RAISE WHISTLEBLOWING CONCERNS?</b>	<b>5</b>
<b>4. PROTECTION FOR WHISTLE-BLOWERS</b>	<b>6</b>
<b>5. CONFIDENTIALITY AND ANONYMITY</b>	<b>7</b>
<b>6. HOW DO I REPORT A CONCERN?</b>	<b>8</b>
<b>7. SHOULD I GET ADVICE?</b>	<b>8</b>
<b>8. HOW WILL MY CONCERN BE DEALT WITH - MANAGERS DUTY TO REPORT</b>	<b>9</b>
<b>9. HOW WILL MY CONCERN BE DEALT WITH? (THE PROCEDURE)</b>	<b>10</b>
<b>10. TRAINING, PROMOTION AND REPORTING</b>	<b>11</b>
<b>11. MONITORING AND REVIEW</b>	<b>11</b>
<b>1.1 APPENDIX A – LIST OF THE COUNCIL’S WHISTLEBLOWING CONTACTS</b>	<b>12</b>
<b>1.2 Appendix B - Policy Review</b>	<b>13</b>

## **1. INTRODUCTION – THE POLICY**

Norfolk County Council (NCC) is committed to providing a safe, supportive, open and honest working environment. If you work for (or with) the Council, it is important to us that you feel confident and able to raise any concerns that you may have.

You may be concerned about what has happened to you and your colleagues, something you have seen, heard or been asked to do or something that is not happening when it should. It is our aim to continue improving the services we provide, how we conduct our business, and the safety and wellbeing of all those within the workplace. We therefore consider the open and honest raising of concerns to be essential in meeting the Council's strategic goals, uncovering or preventing wrongdoing and how we function.

It is natural to feel uncomfortable about raising concerns at work. You may be worried about negativity from peers, your concerns not being taken seriously, or suffering recriminations such as bullying, harassment or even losing your job. The purpose of this policy is to address those concerns and assure you that the Council will act upon these with the intention of reaching a resolution. We will listen to and consider any concerns raised under this Policy (or any other) and where appropriate, investigate those concerns without delay and you will always have access to the support you need.

We believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result.

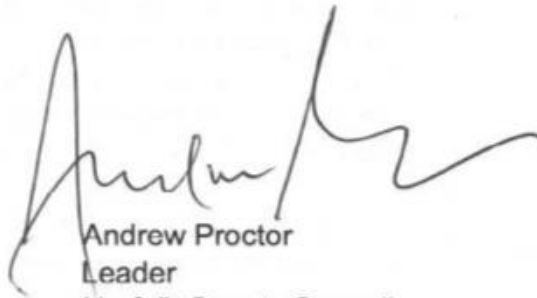
Through visible leadership at all levels, we will actively promote this policy to managers and staff to welcome disclosures, provide training and will act against those who may seek to obstruct or ignore this policy or who harass or victimise anyone raising genuine concerns.

The County Council's leadership will:

- Lead and re-enforce a culture which promotes openness and transparency
- Lead a co-ordinated, efficient response, ensuring that concerns are fully investigated
- Ensure that action is taken on any findings and any lessons are shared and learned; and
- Provide assurance that those who raise concerns are reassured and that the policy has been followed



Tom McCabe  
Head of Paid Service  
Norfolk County Council



Andrew Proctor  
Leader  
Norfolk County Council

## 2. WHAT IS WHISTLEBLOWING AND WHAT IS COVERED?

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or dangers identified at work.

At the Council, we believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result. Certain types of wrongdoing or dangers that are reported are regarded as being in the public interest. These are specified with [The Public Interest Disclosure Act 1998](#) and [Employment Rights Act 1996](#) and concern the following matters:

- Any criminal offence (such as fraud, theft, money laundering or modern slavery)
- Any breach of a legal obligation or duty
- A miscarriage of justice
- A danger to the health and safety of any individual
- Dangers to the environment
- Deliberate concealment of information tending to show any of the above five matters

A worker who reasonably believes that one of the above concerns is either happening now, took place in the past, or is likely to happen in the future is making a 'qualifying disclosure' (and discloses information regarding the matter to the appropriate person or body), will be 'protected' from detrimental treatment or victimisation from their employer. These are called "protected disclosures", further information on the protection for workers can be found in section four of this policy.

As a whistle-blower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

In some cases, a protected disclosure may be investigated under a separate policy of the Council where appropriate, for example, an allegation of sexual harassment is likely to qualify for protection as it will be with reference to an unlawful or potentially criminal act. In these cases, the Council's [Bullying and Harassment Policy](#) (P308) and [Grievance policy and procedure](#) (P307) will be used as the internal mechanism for dealing with the concern in the first instance. The Council's [Conduct and Behaviour Policy](#) (P319) will be considered in all cases.

Other concerns, that may not be qualifying, which however may meet the public interest criteria, could relate to value for money concerns, poor contract management, employment issues or poor standards of behaviour of staff. While these may not have the same legal protection, the Council takes these seriously and will investigate with a view to resolving those concerns.

Personal grievances and complaints are not usually covered by whistleblowing law. If you are a member of a professional body, you may have a professional duty to

report a concern. If in doubt, please raise it. Further information on who to report concerns to under this policy can be found in Appendix A.

### **3. RAISING A CONCERN - WHO CAN RAISE WHISTLEBLOWING CONCERNS?**

This policy assists those who work for and/or with the Council (workers) to feel confident and secure with reporting any concerns that relate to section two above. A worker is regarded as an employee of the Council, contractor, consultant, student on work placement, volunteer, casual or agency worker. It also applies to school employees, suppliers to the Council and to those providing services under a contract with the Council (i.e. care homes) in their own premises, or in the premises of another contractor. A worker could also be someone working for an organisation working in partnership with the Council or to companies with which the Council has a shareholding. Although the Council's elected members are not workers within the definition of Employment Rights Act 1996, this policy nevertheless also applies to the Council's elected members.

Whistleblowing concerns can be reported to someone within the Council (including elected members), or an external [prescribed person or body](#). In addition, you can also blow the whistle to your legal adviser, [Trade Union](#) or to [your MP](#).

Individuals working in maintained schools should raise their concerns with the school using the school's own whistleblowing policy and reporting arrangements rather than directly with the County Council. If the worker, however, has a concern which they feel they cannot discuss with the management of the school or have good reason to consider that their complaint or disclosure will not be properly handled, then they may report their concerns direct to the County Council or the appropriate [prescribed person or body](#).

If the concern relates to a child protection issue this should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy.

If the County Council receives any disclosures relating to other organisations/institutions, we will acknowledge these and seek advice on an appropriate course of action on the matters raised.

Any so called 'gagging clauses' in settlement agreements do not prevent workers from making disclosures in the public interest.

Note:- If you are a member of the public and you wish to raise a concern, [a list of where your concern can be directed to can be found on our Compliments and Complaints page](#).

Or

Telephone: 0344 800 8020, or Email to: [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)

#### **4. PROTECTION FOR WHISTLE-BLOWERS**

(The Public Interest Disclosure Act 1998 (PIDA) governs whistleblowing. PIDA came into force on 2 July 1999. It amends the Employment Rights Act 1996 and protects workers against dismissal or other penalties as a result of making a 'protected disclosure'.)

If a concern (by a worker) is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation. Where a discloser has been victimised for raising a concern, the Council will take appropriate action against those responsible, in line with the Council's disciplinary policy and procedures.

Any disclosure of information received from a worker in relation to section two of this policy is likely to be considered a "[Protected Disclosure](#)". This means that workers who disclose information to the Council or a prescribed person or body in relation to the types of wrongdoing in section two above are protected by law and; will not be at risk of losing their job or suffering any form of reprisal as a result, so long as:

- The worker making the disclosure has reason to believe the information provided is true.
- The worker does not do so for personal gain.

**It does not matter if you are mistaken or if there is an innocent explanation for your concerns.**

The council does not require workers to obtain proof of wrongdoing or investigate the matter themselves prior to reporting a concern. We want workers to raise any concerns they have at the earliest opportunity so that they can be considered, and hopefully resolved quickly. The Council is committed to dealing with any disclosure appropriately, consistently, fairly and professionally and no-one should feel that any issue or concern is not important enough to be raised.

The Council does not tolerate bullying, harassment or victimisation in any form, including to those who raise a concern in connection with the provisions of this policy. Furthermore, we will not tolerate any attempt to bully a worker into not raising any such concern. The council has specific policies in place to deal with this type of behaviour such as our [Bullying and Harassment Policy](#) (P308) and [Code of Conduct](#)

[and Behaviour Policy](#) (P319). We consider behaviour of this nature to be a breach of our values and will take the appropriate action against those who fail to meet our behavioural requirements.

Whistleblowing laws provide the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

**If you believe you have suffered a detriment for raising a concern under this policy, you should report this to any of the persons listed in Appendix A.**

## **5. CONFIDENTIALITY AND ANONYMITY**

We believe that any worker should feel confident and able to voice whistleblowing concerns openly under this policy. However, the Council accepts that some workers may wish to raise a concern confidentially. This means that although the officer you disclosed the information to will know who you are, you do not want anyone else to be made aware. If this is what you want, every effort will be made to ensure your identity is not disclosed unless we are required to do so by law.

In some cases, it may not be possible to maintain confidentiality as a consequence of an investigation into the concerns raised. If this occurs, we will discuss this as soon as possible with you, and aim to devise strategies for supporting you to ensure that you suffer no detriment or harassment as a result.

Workers can raise anonymous concerns under this policy. This means that those dealing with the concern may not be able to contact you or gain any further information other than what you have provided from the initial disclosure. In these cases, it may be difficult to investigate the concerns raised due many factors, such as a lack of information about individuals, dates, times, locations or documents. There is a risk that genuine concerns raised anonymously may not result in a satisfactory outcome. For these reasons the recommended routes for raising a whistleblowing concern are via open or confidential reporting of information. Nevertheless, anonymous allegations will always be individually considered using the following guidelines:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources.

Anonymous whistle-blowers may seek feedback through a telephone appointment or by using an anonymised email address

## **6. HOW DO I REPORT A CONCERN?**

In the first instance we would encourage you to raise any concern you may have either formally or informally with your line manager. Where you do not believe this to be appropriate, you can use any of the options set out below in Appendix A. Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. The government has produced a list of external bodies designated to receive external whistleblowing concerns. These are called [prescribed persons](#). In any case, those who wish to make a disclosure should do so using the Council's internal procedures in the first instance.

It will very rarely (if ever) be appropriate to alert the media. Whistleblowing to the media is only protected under exceptional circumstances and there is a risk that such disclosure could mean that the rights and protections in law, of the person making the disclosure, are lost.

## **7. SHOULD I GET ADVICE?**

Before making a disclosure, you may first wish to discuss the concern on a confidential basis. with a Well-being Officer, HR Direct, a trade union representative, solicitor, Public Concern at Work or professional body and seek advice on how to proceed. These discussions may help assess how justified your concern is and, if you then wish to proceed, the most appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistle-blower protection under the law.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Their contact details can be found in Appendix A.



## **8. HOW WILL MY CONCERN BE DEALT WITH - MANAGERS DUTY TO REPORT**

All managers should be aware of this policy and must report to the Chief Internal Auditor any concerns (deemed to be within the Public Interest -see below) that are raised with them from a worker within 24 hours of receipt. For the avoidance of doubt, concerns deemed to be within the public interest are:

- Any criminal offence (such as fraud or theft, money laundering or modern slavery)
- Any breach of a legal obligation or duty
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment; and
- Deliberate concealment of information tending to show any of the above five matters.

Failure to report a concern that has been raised by a worker could be considered a deliberate concealment of information and may result in disciplinary action so, if in doubt, report it without delay.

Whistleblowing matters are reported to the relevant Executive Director (where appropriate), Director for People and the Monitoring Officer in confidence. They are consulted on matters such as investigation plans and any action taken as a result of a concern raised. This can also ensure that any workforce related matter is considered and investigated under the appropriate procedure, a report of cases, action and learning will be provided to the Corporate Board quarterly and on a bi-annual basis the Council will produce a report in relation to whistleblowing issues that have been reported to the Whistleblowing Officer which will be reported to Cabinet. The report will not identify whistle-blowers and will normally be considered in public.

Issues which need to be investigated under the set of HR policies (e.g. the bullying and harassment policy) will be reported as appropriate to Corporate Board and the JCNC.

The report and the performance of this policy will be considered annually and will be referenced in the Council's Annual Governance Statement which is published

alongside of the Annual Statement of Accounts and Approved by the Audit and Governance Committee.

Information gathered regarding whistleblowing issues will be used to inform a review of this policy on an annual basis to ensure it is robust and fit for purpose.

## **9. HOW WILL MY CONCERN BE DEALT WITH? (THE PROCEDURE)**

We will respond to your concern to acknowledge it has been raised as soon as possible, usually within three working days of receipt.

Upon receipt of a concern, we will discuss this with you and make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. This will include an assessment of whether the concern should be investigated under any of the Council's other policies and procedures.

Any initial meeting under this policy can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the Bullying and harassment policy P308, disciplinary policy and procedure P303 or grievance policy and procedure P307
- be referred to the police or to the modern slavery National Referral Mechanism
- be referred and put through established child/adult protection procedures
- form the subject of an independent inquiry
- be considered whether your concerns may be resolved via other mechanisms such as mediation, training or review or any other form of dispute resolution.

Where we can, we will acknowledge the allegation in writing within ten days confirming:

- How the Council propose to deal with the matter
- How long we estimate that will take to provide a final response
- Whether any initial enquiries have been made
- Whistle-blower support mechanisms; and
- whether further investigations will take place and if not, why not.

Any investigation will be proportionate, independent, objective and evidence based, and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems occurring.

Some activities in Adult Social Care, Children's Social Care, the Fire Service and services provided under the Education Acts are covered by separate statutory procedures that take precedence over the corporate policy and procedures.

In respect of disclosures of serious misconduct or wrongdoing relating to safeguarding children or adults at risk and or special educational needs; the Council has a legal obligation to investigate and will do so irrespective of the status of any school or relevant organisation.

The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

The Council's Norfolk Support Line Service (see Appendix A) is available to support you if you require it.

## **10. TRAINING, PROMOTION AND REPORTING**

The provisions of this policy will be promoted throughout the Council and where appropriate, training and advice will be provided at all levels to those charged with dealing with and investigating whistleblowing concerns.

This policy will also be made available to all those the council does business with and published on the Council's external website.

## **11. MONITORING AND REVIEW**

In line with best practice the Council will record the number of whistleblowing disclosures we receive and their nature, maintain records of the date and content of feedback provided to whistle-blowers and conduct regular surveys to ascertain the satisfaction of whistle-blowers. Protocols for reporting and evaluating the effectiveness of this policy will be developed by Norfolk Audit Services for approval by the Audit and Governance Committee.

This policy will be updated annually.

## **Appendix A – List of the Council’s Whistleblowing Contacts**

- The Report Concerns Whistleblowing Contact Service (Primary whistleblowing contact) 01603 224433 or Email to [reportconcerns@norfolk.gov.uk](mailto:reportconcerns@norfolk.gov.uk)
- Whistleblowing Officer (Chief Internal Auditor) Adrian Thompson  
Chief Internal Auditor, 01603 303 395 email to [adrian.thompson@norfolk.gov.uk](mailto:adrian.thompson@norfolk.gov.uk)
- Monitoring Officer and Chief Legal Officer Katrina Hulatt  
[katrina.hulatt@norfolk.gov.uk](mailto:katrina.hulatt@norfolk.gov.uk)
- Director for People Jane Naumkin email to [jane.naumkin@norfolk.gov.uk](mailto:jane.naumkin@norfolk.gov.uk)
- Head of Paid Service Tom McCabe email to [tom.mccabe@norfolk.gov.uk](mailto:tom.mccabe@norfolk.gov.uk)
- Head of Health, safety and well-being Derryth Wright email to [derryth.wright@norfolk.gov.uk](mailto:derryth.wright@norfolk.gov.uk)
- Section151 Officer Harvey Bullen email to [Harvey.Bullen@norfolk.gov.uk](mailto:Harvey.Bullen@norfolk.gov.uk)
- RIPA (Regulation of Investigatory Powers Act 2000) Sophie Leney Email to [sophie.leney@norfolk.gov.uk](mailto:sophie.leney@norfolk.gov.uk)
- A [County Councillor](#)
- External Auditors Ernst and Young, Ernst & Young LLP, One Cambridge Business Park, Cowley Road, Cambridge CB4 0WZ, United Kingdom
- Norfolk Support Line, (Confidential counselling and information hotline for NCC employees) 0800 169 7676
- Trade Union (Unison) Jonathan Dunning 01603 222384 email to [Jonathan.dunning@unisonnorfolkcounty.co.uk](mailto:Jonathan.dunning@unisonnorfolkcounty.co.uk)
- Public Concern at Work (Independent whistleblowing charity) Helpline: 020 7404 6609 E-mail to: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)
- [List of Prescribed Persons for external disclosures](#)

## **Policy Review**

### **January 2020** Audit

Revise policy date from 12/18 to 01/20

Replace signatories page 3 to T McCabe.

Replace Contact details page 11 to T McCabe.

Checked for changes in legislation

Change of monitoring officer

### **February 2021** FPPT

Make accessibility changes

### **June 2021** Audit

Add elected member contact

Amend references to committee reporting

Add safeguarding, fire and education information

### **Sept 2021** Audit

Amends from DOP

### **January 2023** Audit

Update contacts information and Modern Slavery references