



Whistleblowing Policy

Purpose of the Policy

1. This policy has been drafted in order to:
 - Provide a clear statement that the Council encourages Members, officers, contractors and the public to report any concerns they have.
 - Explain to whistleblowers how they can report their concerns, and to encourage them to come forward.
 - Ensure that the concerns are dealt with in an appropriate manner.

Council Policy on Whistleblowing

2. Whistleblowing is a short hand term for the reporting or raising of concerns over fraud, corruption or similar actions that have a "public interest" aspect ¹. It does not include complaints over the standard of services or the way in which they have been provided, nor does it include dissatisfaction with Members' or officers' decisions. Typically, it will relate to covert activities which the complainant is bringing to the Council's attention.
3. The Council encourages all Members, officers and the public to report any concerns they have over potential malpractice, fraud or irregularity. All such concerns will be taken seriously and will be properly investigated by a suitably qualified and independent person.
4. The Council will treat all such reports confidentially and will protect any employees and Members who raise such concerns in good faith from any victimisation, bullying and harassment. Evidence of reprisals towards Whistleblowers will in itself be treated as a disciplinary matter.
5. Whistleblowers are encouraged to provide their name, but it is recognised that some will wish to remain anonymous. Anonymous reports may often be less powerful than those with a named whistleblower. Investigation of anonymous reports will be at the Council's discretion, but anonymous reports that appear to be well founded and which appear to have been made in good faith will generally be investigated. Where it is known, the Whistleblower's name will not be disclosed without their consent, unless required by law.
6. Reports made in good faith, even if untrue, will be treated with the same confidentiality and protections as reports that are substantiated.
7. The Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace. It applies where a malpractice is disclosed involving:
 - a crime or breach of regulatory, administrative and common law;
 - a miscarriage of justice;

¹ A grievance or private complaint is, by contrast, a dispute about the employee's own position and has no public interest dimension. If uncertain staff should consult with HR to understand which circumstances apply and take the appropriate action.

- danger to health and safety;
 - damage to the environment;
 - unauthorised use of public funds;
 - possible fraud and corruption; and
 - sexual, physical or financial abuse of clients
8. The Act protects employees from victimisation where they reasonably believe the information, and are acting in good faith.
9. However, reports made maliciously, vexatiously or frivolously, or for other personal motives may lead to disciplinary action or, in the case of Members, a report to the Standards Committee or equivalent body.

How to Report Your Concerns

10. In order to secure the full protection this policy offers, reports of concerns must first be made internally. Where the disclosure is raised externally e.g. to the media, to an MP or other regulatory body, the protection offered to the Whistleblower can only apply where there is justifiable cause for blowing the whistle externally.
11. Concerns may be reported verbally, in writing or by e-mail. Whatever means is used, care should be taken to ensure that the report can only be heard, or read, by the intended recipient(s) and as much detail as possible is provided.
12. Officers are encouraged to report their concerns through existing reporting / line management channels. However, it is recognised that there may be occasions where they feel this is inappropriate or are uncomfortable with this.
13. In these circumstances reports may be made to the Head of East Kent Audit Partnership, the Chief Executive, any Director, the Solicitor to the Council, the Head of East Kent HR Partnership or, exceptionally, to the Chairman of Governance or the external auditors.
14. For Members wishing to make a report, such reports should be directed to Chairman of Governance, the Chief Executive, any Director, the Solicitor to the Council, or the external auditors.
15. Anyone receiving a report from a contractor or member of the public should, immediately, pass it to the Head of East Kent Audit Partnership, the Chief Executive or any Director, the Solicitor to the Council, or exceptionally to the Chairman of Governance.
16. Alternatively, a secure 24 hour answer phone service is available, which the Head of East Kent Audit Partnership regularly monitors (01304 872198 or any other number published for this purpose.).

What Response Can You Expect

17. Where a whistleblower has provided contact details they should be contacted within 3 working days. This should cover:
- Acknowledgement of their concerns.
 - Indication as to how the council intends to deal with the matter and the estimated timescale

- Seeking any further detail if that is required.
- If we do not think there is a case to investigate, an explanation of this fact.
- The specific information to be provided will depend upon the nature of the issue and the initial findings. Whilst the Council will give as much feedback as it can to the Whistleblower, due to the legal obligations of confidentiality it owes to other employees, it might not be able to provide comprehensive feedback on the outcome of any disciplinary action taken. However, in such cases it will be permissible to let the Whistleblower know that they were right to raise the concern.
- If the whistleblower is unhappy with the Council response, they should be advised of their options. These may vary depending on the nature of the allegation, and whether the complainant is a Member, officer or member of the public, but they could include contacting:
 - (a) the Council's Complaints Officer
 - (b) to the Standards Committee or equivalent body
 - (c) Relevant professional bodies
 - (d) The Council's External Auditors
 - (e) Their Trade Union
 - (f) The Police

Key Contacts:

Contact details are maintained on the Council's internet and intranet.

Key contacts include:

- Chief Executive and Directors
- Head of East Kent Audit Partnership
- Head of East Kent HR Partnership
- The Councils External Auditor
- Chairman of Governance Committee
- Whistleblowing Hotline (24 hour Answer machine Service) 01304 872198