

ARDS AND NORTH DOWN BOROUGH COUNCIL

Document Control

Policy Title	Whistleblowing Policy
Document Reference	200 - Corporate Services – Version 4.0
Policy Summary	The purpose of this document is to provide Council Workers/others with a framework within which they can raise concerns concerning Council business and the protections that they have a right to.
Review Requirements	Every 5 years
Document Owner/Job title	Head of HR&OD
Document Owner is responsible for ensuring that it is reviewed in line with the requirements of the Council's Policy Review Procedure and is kept up to date.	
Approval Signature & Date	

Version Control Record

Version Number	Version Date	Author(s)	Comments
1.0	February 2020	Head of HR&OD	Council approval/policy established
2.0			Policy updated to include Michael Steele as Director of Corporate Services
3.0			Policy updated to include Susie McCullough as Chief Executive
4.0	September 2024	Head of HR&OD	Policy amended to include details for the Office of Environmental Protection

Consultation

	CLT	HOST	SCC	Unions
Date completed			21/2/2018	22/1/2020

Screening

Reference No	
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EQIA Required?	Yes	No
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The current version of this document is available to all individuals accessing the Council's information and other associated assets and is published on the Council's intranet.

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POLICY COVER SHEET

Policy Title	Whistle-blowing Policy
Policy/File Reference	200
Version	4.0
Policy Summary	The purpose of this document is to provide Council Workers/others with a framework within which they can raise concerns concerning Council business and the protections that they have a right to.
Responsible Officer(s)	Director of Corporate Services Head of HR & OD Head of Finance
Date of Equality Screening	
Date of consultation with Consultative Panel	
Date of consultation with Unions	22 January 2020
Date of Council approval	February 2020
Implementation date	
Appendices attached	Whistle-blowing Process
Next review date	2 years from Council agreement

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Policy Statement

Overview

The purpose of the Whistle-blowing Policy is to encourage workers and others to feel confident in raising serious concerns about any aspect of service provision, the conduct of officers or others acting on behalf of the Council.

The policy details the procedures involved in raising concerns and reassuring those who raise concerns that they will not be victimised if they have a reasonable belief that it is in the interest of the organisation or the public interest to raise the matter.

The purpose of the Whistle-blowing policy is to:

- Encourage workers and others to feel confident in raising concerns
- Reassure workers, that they will be protected from reprisals or victimisation for raising concerns in good faith in accordance with this policy
- Reassure workers and others that their concerns will be taken seriously
- Provide information about how to raise concerns and explain how the Council will respond

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Application

“Workers” covers all current and former Council employees, agency workers and contractors working on Council premises, employees working for the Council on a temporary basis and casual or seasonal workers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

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Policy Statement, Continued

Exemptions This Policy is primarily for concerns where the interests of others or of the Council itself are at risk. Workers with concerns or complaints about their individual employment with the Council should raise these through the Grievance Procedure.

Policy The Council is committed to the highest possible standards of openness, probity and accountability. It expects its workers who have serious concerns about anything improper that is happening in the Council, to come forward and raise those concerns. The policy will ensure that those who raise concerns receive a response, are informed about how their concerns are being dealt with and are protected from any victimisation arising out of raising the concern.

The Council recognises that workers need to be supported and have confidence that any concerns will be treated appropriately. The purpose of this Policy is to enable workers to raise concerns about malpractice at an early stage and in the right way.

Concerns be about any aspect of service provision, or the conduct of other Council workers acting on behalf of the Council can be reported under this policy. The overriding concern should be that it would be in the public interest for any malpractice to be rectified and appropriate sanctions applied.

The policy does not include mismanagement which may arise from weak or poor management decisions rather than malpractice.

Qualifying Disclosure Qualifying disclosures are disclosures of information where an individual reasonably believes (and it is in the public interest) that something is either happening, has taken place, or is likely to happen in the future, which:

- Is unlawful, or
- Is contrary to the Council's Standing Orders or policies, or
- Falls below established standards or practice; or
- Amounts to improper conduct.

Any worker at one time or another may be uneasy about something concerning the organisation. Usually, these concerns are easily resolved. However, when the concern is in relation to malpractice it can be difficult to know what to do.

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Policy Statement, Continued

Qualifying Disclosure, continued

The following list gives some examples:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence (regulatory, administrative, contract or common law)
- malpractice, abuse or ill treatment of a client or customer or worker by another,
- repeated ill treatment of a client/customer/worker, despite a complaint being made
- suspected fraud or breach of standing Financial Regulations
- showing undue favour over a contractual matter, or to a job applicant
- a breach of any code of conduct or protocol
- information on any of the above has been, is being, or is likely to be concealed.

Safeguards

The Council is committed to good practice and high standards and wants to be supportive of all its workers. The Council recognises that the decision to report a concern can be a difficult one to make. If a worker raises a genuine concern under this policy, he/she should have nothing to fear because they will be doing their duty to their organisation and those for whom we are providing a service.

An individual raising a concern may not be able to produce unquestionable evidence to support the allegation. All that is required from them is that there are reasonable grounds for their concern, and they believe it is in the interest of the organisation or the public interest to raise the matter.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers who raise a concern.

All concerns will be treated in confidence and every effort will be made not to reveal the whistle-blower's identity if they so wish. At the appropriate time however, the whistle-blower may need to come forward as a witness (for example, if the issue becomes part of a tribunal case). Additionally, to enable a full investigation to take place, the Council may have to inform others. The matter raised may also be referred to the Council's Audit Committee.

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Policy Statement, Continued

Safeguards, continued

This policy encourages the whistle-blower/s to put their names to any allegation. A concern expressed anonymously is much less powerful and it is often difficult to gather sufficient evidence and check its reliability. However, if the whistle-blower does not wish to put their name to an allegation, everything possible will be done to protect the identity of the individual. (an exception to this, is whereby an issue ends up in court and the whistle-blower is called as a witness - however this is a rare occurrence).

Anonymous allegations will be considered at the discretion of the Council. In exercising this discretion, the Council will take account the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

However, if it is not possible to keep an individual's allegations anonymous and if a worker is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for him/her to receive advice and support.

If an individual makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, a worker makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. If a whistle-blower is currently subject to disciplinary action, this will not be halted as a result of the whistle-blowing.

The Council is also mindful that the dignity and respect of the accused is protected and that an open mind is maintained throughout the investigation unless it can be established immediately that the allegations must be substantially true.

Legislation

Relevant legislation is the Public Interest Disclosure (NI) Order 1998

Related Documents

The following documents are related to this policy:

1. Anti-fraud, bribery and corruption policy; and
2. Gifts and Hospitality policy.

These policies act in conjunction with the Whistle-blowing Policy and are available on the intranet.

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Appendix 1 – Whistle-blowing Process

Raising a concern internally

It is normally expected that concerns will be raised in the first instance with your line manager. However, if the matter is of a sensitive or serious nature or is being made by an individual not working for the Council the contacts are as follows:

- Chief Executive
Susie.mccullough@ardsandnorthdown.gov.uk
- Director of Corporate Services
Michael.steele@ardsandnorthdown.gov.uk

Concerns must be raised in writing. To make a written report, it is not necessary to 'prove' the truth of the allegation, but you will need to demonstrate that there are reasonable grounds for concern. It is suggested that the following information is included:

- Reason for the concern
- Background and history of the concern
- Names of the people involved
- Dates of events
- Any other relevant documentation.

Raising a concern externally

Concerns may be raised with:

1. The Northern Ireland Audit Office at whistleblowing@niauditoffice.gov.uk;
2. The Local Government Ombudsman at nipso@nipso.org.uk;
3. A Trade Union representative;
4. Professional bodies or regulatory organisation;
5. The worker's own solicitor;
6. PSNI (Telephone: 0845 600 8000);
7. **The Office for Environmental Protection at whistleblowing@theoep.org.uk**

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Appendix 1 – Whistle-blowing Process, Continued

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In normal circumstances approaches should not be made directly to elected members.

Advice may also be obtained by contacting Public Concern at Work, a charity specialising in providing advice for whistle-blowers, on 0202 7404 6609 or at helpline@pcaw.co.uk

In circumstances where a worker decides to raise the matter externally, he/she will only be protected under this procedure and under employment law, where the disclosure is made in accordance with the Public Interest Disclosure (NI) Order 1998.

Stage 1 – Initial Response

In order to protect workers and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant senior officer to ascertain whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of any other specific procedures (e.g., child protection, discrimination or grievance) will normally be referred for consideration under those procedures. The overriding principle which the Council will have in mind is the public interest.

The action taken by the Council will depend on the nature of the concern. The matters raised may be investigated internally, referred to the Police or the external auditor or they may lead to an independent inquiry.

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Appendix 1 – Whistle-blowing Process, Continued

Stage 2 - Investigation

Where an issue raised is to be dealt with under this procedure, the relevant senior officer dealing with the complaint may wish to seek additional information from the complainant, establish if there is any personal interest in the matter raised and ask how they think the matter might best be resolved. When any meeting or interview is arranged, individuals may, if they wish, be accompanied by a trade union official or a workplace colleague. An officer from the Human Resources service will normally be involved at this point.

Within 10 working days, where reasonably possible, the relevant officer will write to the whistle-blower:

- Acknowledging that an initial investigation has been carried out;
- Indicating how they propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling them whether further investigations will take place, and if not, why not;
- Advising them that all investigations will be carried out in the strictest confidence;

The amount of contact between the officer(s) considering the issues and the whistle-blowing worker will depend on the nature of the matter raised and the clarity of the information provided. If necessary, further information will be sought from the individual who raised the whistle-blowing request.

Stage 3 – Feedback

While the purpose of this policy is to enable the Council to investigate possible malpractice and take appropriate steps to deal with it, we will give the whistle-blower as much feedback as we properly can. If requested, we will confirm our response in writing. Please note, however, that we may not be able to detail the precise action taken where this would infringe a duty of confidence owed by us to someone else.

Workers will also be provided with details of support available which will include access to counselling facilities.

Stage 4 - Reporting

Once a whistle-blowing incident has been reported, the Audit Committee will be informed. At a point in time when an investigation has been completed or it is decided that an investigation is not required, the Audit Committee will be made aware of the full details of the disclosure and the outcome/s. The Audit Committee will monitor the implementation of the recommendation/s of any investigation.