

SECTION 22

22. WHISTLEBLOWING POLICY

22.1 POLICY STATEMENT

- 22.1.1 Gwynedd Council is committed to the provision of high quality services to the people of Gwynedd and is dependent on the quality of staff and management throughout the organisation. In the event of malpractice or serious wrongdoing, it is of the utmost importance that the activities are exposed and addressed as early as possible in order to uphold the Council's high standards and maintain public confidence. The Council therefore promotes the highest possible standards of openness, probity and accountability.
- 22.1.2 This Whistleblowing Policy has been designed as a safe and dependable route to raise concerns without fear of reprisal, subsequent discrimination or disadvantage. Gwynedd Council will not tolerate the harassment or victimisation of any person raising a legitimate concern.
- 22.1.3 This policy urges employees to act responsibly to uphold the reputation of the Council and maintain public confidence. Individuals are expected to come forward and voice serious concerns about malpractice.
- 22.1.4 The policy is intended to encourage and enable employees to raise serious concerns **within** the Council rather than selecting to seek a resolution from an external source.
- 22.1.5 Gwynedd Council will respond quickly and thoroughly to concerns raised under this policy, acting in a reasonable and positive manner to ensure that malpractice is not allowed to fester.
- 22.1.6 This policy has been produced with a counterpart information and advice leaflet for employees, in addition to guidance notes for managers on responding to concerns raised. These documents can be obtained from the Human Resources Service.

22.2 PERSONS TO WHOM THE POLICY APPLIES

- 22.2.1. This policy applies to all employees and contractors working for the Council on Council premises, such as agency workers or builders; suppliers and those providing services under a contract with the Council on their own premises, such as care homes.

22.3 AIMS

- 22.3.1 This policy aims to
- actively encourage employees concerned about malpractice to feel confident enough to come forward and raise their concerns
 - ensure that employees understand their responsibility for reporting malpractice

- provide reliable avenues to raise concerns and receive full feedback on any action taken
- ensure that employees raising a concern are informed of the outcome of the matter, and furthermore are aware of how to take the matter further should they be dissatisfied with the Council's response.
- provide reassurance that employees raising a legitimate concern will be protected from possible reprisals or victimisation.

22.3.2 In order to achieve this the Council will

- Publicise this policy and accompanying guidelines for employees and managers as widely as possible in order to ensure awareness of its existence, scope and aims
- Include the Whistleblowing Policy as an integral part of the induction process for new employees.
- Promote the principles of openness and accountability in the workplace.
- Provide line managers with training on dealing with concerns raised under this policy, supporting persons involved in cases of whistleblowing and the Public interest Disclosure Act 1998 and the legal background to whistleblowing.
- Ensure that all complaints are treated seriously and sensitively and investigated thoroughly.
- Take action to protect individuals raising concerns under this policy from reprisal or victimisation.
- Seek in the first place to resolve the concern within the Council.

22.4 **SCOPE**

22.4.1 This policy is primarily for concerns relating to circumstances where the interests of others or the Council itself are at risk. A worker should use this policy if they reasonably suspect that wrongdoing has taken place, is to take place or might occur.

22.4.2 Complaints may relate to something that is believed to be in the public interest and may include something that :

- is unlawful, fraudulent or corrupt;
- constitutes maladministration as defined by the Local Government Ombudsman.
- is against, or fails to comply with the Council's Standing Orders, Financial Regulations or policies, codes of conduct or legal obligations;
- falls below established standards of practice;
- breaches any statutory code of practice;
- amounts to improper conduct;
- constitutes sexual, physical or emotional abuse of clients;

- endangers the health and safety of any individual;
- is causing, or is likely to cause damage to the environment;
- is a miscarriage of justice;
- is an abuse of power or the use of the Council's powers and authority for any unauthorised purpose;
- fails to rectify or take reasonable steps to report a matter likely to give rise to significant and avoidable cost or loss of outcome to the Council or would otherwise prejudice the Council, or
- is an attempt to cover up any of the above examples.

This list is not definitive but intended to give an indication of the kind of conduct which might be considered 'wrongdoing' or malpractice.

22.4.3 This policy may not be used in relation to a possible breach of contract e.g. the pursuit of individual grievances or to challenge decisions, practices or policies with which individuals may disagree. The Whistleblowing Policy should therefore be considered as entirely separate from procedures that enable an employee to lodge a complaint relating to his/her employment.

22.5 THE WHISTLEBLOWING PROCEDURE

22.5.1 Raising a Concern

22.5.1.1 Employees who wish to raise a concern under this policy should do so in the first place to their immediate line manager or to the Internal Audit Unit. In cases where this may not be appropriate, such as for agency workers, suppliers or contractors, the concern should be raised with the unit manager or head of the relevant or department. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. It may therefore be more appropriate to approach the Chief Executive or either of the Corporate Directors.

22.5.1.2 A concern may be raised in writing or orally, if the concern is raised orally the acting officer (the officer to whom the concern was raised) will be responsible for making a record of the details of the concern.

22.5.1.3 Employees raising a concern will not be expected to provide proof of any allegations made, but will be required to demonstrate to the acting officer that there are reasonable and sufficient grounds for their concern.

22.5.1.4 Employees are free to seek the confidential advice of a Trade Union in raising a concern under this policy, and may invite a representative to raise the matter on their behalf.

22.5.2 How the Council will respond

22.5.2.1 The acting officer will write to the employee raising a concern within 10 working days.

- 22.5.2.2 Action taken by the Council will depend on the nature of the concern. Where appropriate, concerns raised may:
- (a) be investigated internally by management, internal audit or through other Council policies or procedures.
 - (b) be referred to the police
 - (c) be referred to the external auditor
 - (d) form the subject of an independent inquiry.
- 22.5.2.3 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.
- 22.5.2.4 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this will be taken before any investigation is conducted.
- 22.5.2.5 When any meeting is arranged employees raising a concern have the right to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates.
- 22.5.2.6 Subject to legal constraints, employees raising a concern will be informed of the outcome of any investigations.

22.6 PREVENTION OF REPRISAL, VICTIMISATION OR HARASSMENT

- 22.6.1 Employees who raise legitimate concerns about malpractice are protected against victimisation and dismissal under the Public Interest Disclosure Act 1998. The Council will not tolerate any attempt on the part of an employee, councillor, contractor or supplier to apply any sanction or detriment to any person who has raised a concern under this policy. Any such actions will be treated as a serious disciplinary offence.

22.7 CONFIDENTIALITY

- 22.7.1 The Council encourages all employees raising a concern under this policy to put their names to the concern as anonymous allegations are considerably less powerful and therefore the outcome of any investigation may be hindered.
- 22.7.2 All concerns raised under this policy will be treated in confidence and where an employee has requested for his/her identity to be protected it will not be disclosed without his/her consent.
- 22.7.3 If a situation arises where it is not possible to resolve the matter without revealing the employee raising the concern's identity, for example should his/her evidence be required in court, the appropriate officers will discuss with the employee whether and how the case may proceed.

22.8 FALSE AND MALICIOUS ALLEGATIONS

22.8.1 If a legitimate concern is raised, but is not confirmed by the investigation, no action will be taken against the employee who raised the concern. However, deliberately making a false or malicious allegation under this policy will be treated as a serious disciplinary offence

22.9 HOW THE MATTER CAN BE TAKEN FURTHER

22.9.1 This policy has been designed to successfully address and resolve any concerns raised about malpractice or serious wrongdoing. It is hoped therefore that employees raising a concern will be entirely satisfied with any action taken. However, if, for some reason this is not the case, the employee may take the matter further by contacting the acting officer again to question his/her actions in response to the concern.

22.9.2 If the employee raising the concern remains dissatisfied, he/she may make an external disclosure, should he/she so wish.

22.10 EXTERNAL DISCLOSURES

22.10.1 It is expected that concerns are raised within the Council in the first instance. However, there may be exceptional circumstances where employees do not feel able, or do not consider it appropriate to address the matter internally. In such cases, provided that he/she is acting in good faith and is able to demonstrate reasonable and sufficient grounds for his/her concerns, an employee who wishes to raise a concern externally may contact the following

- Public Concern at Work
- The District Auditor
- The Local Government Ombudsman
- his/her Trade Union
- relevant professional bodies or regulatory organisations
- the Police

22.10.2 Employees who elect to raise a concern on an external basis must ensure that they do not disclose confidential information to someone who is not entitled to receive it.

22.11 RESPONSIBLE OFFICER

22.11.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. He will maintain a record of concerns raised and the outcomes in a form that does not endanger confidentiality, and will

report as necessary to the Council.

RELEVANT LEGISLATION

- **This policy has developed in line with the Public Interest Disclosure Act 1998** which provides protection against dismissal and other detriments for those workers who disclose information in the public interest in prescribed circumstances to prescribed persons provided that the disclosure is made in good faith.

- **Enterprise and Regulatory Reform Act 2013**