

Whistleblowing policy

Introduction and scope

We want to make sure that we are providing excellent services to the residents of Lincolnshire. Our staff, Councillors, partners and contractors have an important role to play in achieving this goal. We expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness and accountability.

We know that we face the risk that something may go wrong or that someone may ignore our policies, procedures or the law resulting in some very serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions. By reporting their concerns at an early stage they could help put things right or identify and stop potential wrongdoing.

A whistleblower is a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible:

- fraud
- crime
- danger
- other serious risk

The issue of concern could threaten:

- colleagues
- service users
- customers
- members of the public
- the success and reputation of the organisation

We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible. We recognise that you may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (for example loss of job)
- too much to lose (for example reputation, damage to career)
- feelings of disloyalty

- worries about who may be involved
- you have no proof only suspicions
- fear of repercussions if there is no evidence or you are proved wrong

We welcome all genuine concerns and will treat your issues seriously.

This policy explains:

- how to raise a concern
- the types of activity you should report
- the protection we can provide
- confidentiality
- our response
- how you can take matters further, if necessary

We want to assure you that there is no reason to remain silent. Your decision to talk to us may be difficult but, if you believe what you are saying is true, you have nothing to fear. You are following our [code of conduct](#) and helping to protect the users of our services and the residents of Lincolnshire. We will not tolerate any harassment or victimisation. We will take action to protect those of you who raise concerns that you believe to be in the public interest.

UK law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

This policy does not replace our existing employment policies:

- [grievance](#)
- dignity at work
- [disciplinary](#).

You should use these policies if you have a personal grievance or are unhappy with the way you are being treated. Our whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance or complaint once you have exhausted the relevant employment procedures.

You may be a member of the public with concerns or information which you think we should know about or look into. You should follow the [corporate complaints process](#) if your concern is about a particular service that we have provided to you.

Scope

You can use our whistleblowing arrangements if you are:

- a Councillor
- Council employee
- employee of a Local Authority school or a school governor (if the school has adopted our policy)
- a contractor
- partner
- member of the public

Our policy also applies to agency staff, contractor staff and suppliers providing goods or services to us, or on our behalf.

Our whistleblowing arrangements do not replace the following:

- child protection safeguarding reporting
- adult care safeguarding reporting
- corporate complaints procedure
- disciplinary policy
- grievance policy

You should only consider raising concerns through our whistleblowing arrangements if:

- you have genuine reasons why you cannot use the above policies and procedures
- you have reason to believe that these policies are failing or are not being properly applied
- there is a public interest aspect

Protection and confidentiality

The Public Interest Disclosure Act (PIDA) requires public bodies, such as ourselves, to have a whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally. This also applies to those who, as a last resort, feel the need to take their concerns to an outside body, such as the Local Government Ombudsman.

Members of the public who raise concerns are not legally protected by PIDA. We therefore offer the option for the person making the allegations to withhold their identity when they raise concerns.

You may feel that the only way you can raise your concerns is if we protect your identity. If the whistleblower does choose to disclose their identity, we will respect confidentiality as far as possible. However there are times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.

We will attempt to ensure the whistleblower's identity is not disclosed to third parties. We will not disclose information unless the law allows or compels us to do so, for example in order to comply with a court order. If the information you provide includes personal information about another person, then that person

may be entitled to access it under subject access provisions of the Data Protection Act or General Data Protection Regulations (GDPR). If releasing that information could reveal identifying information about the whistleblower, we will always ask for your consent prior to releasing the information.

We will not tolerate any harassment or victimisation (including informal pressure). We will take action to protect you when you raise a concern believed to be in the public interest. We will take any disciplinary or corrective action should anyone attempt to victimise the whistleblower or prevent concerns being raised.

If we proceed to a formal investigation we may require you to give evidence along with other employees and witnesses. We are, in some circumstances, able to do this without disclosing the identity of the whistleblower. A statement from you may also be required as part of criminal proceedings or Employment Tribunal. This depends on the nature of the concern.

If your whistleblowing disclosure results in an internal investigation and you provide a witness statement under that process, we may use your statement for disciplinary purposes. This means your statement may be given to the subject as part of a disciplinary hearing. An employee subject to the disciplinary process can ask to see personal information held about them at any time under the subject access provisions of the Data Protection Act. This may include information within your statement. If it is possible to provide access to personal information within your statement without revealing any information about you, we will do so. If this is not possible, we will always seek your consent before releasing any information.

If your statement is not required for disciplinary purposes it will be:

- held confidentially on our case file (until the case file is destroyed after seven years)
- released only with your consent or a Police or Court Order

We:

- do not expect you to give us your consent. This is your decision alone, but we are required by law to ask you
- do not need a reason should you choose to refuse the request

If you find yourself the subject of a whistleblowing disclosure and a decision is made to investigate, we will follow the appropriate employment procedure:

- dignity at work
- [grievance](#)
- [disciplinary](#)

This means you will have all the rights contained in that procedure, such as, the opportunity to respond to the allegation and representation at the investigatory interview.

What you should report

We encourage you to use our whistleblowing arrangements for issues such as:

- conduct which is a criminal offence or breach of law
- a breach of our code of conduct for staff or Councillors
- sexual, physical or verbal abuse of our clients, employees or public
- dangerous procedures risking the health and safety of our clients, employees or public
- unauthorised use of public funds
- suspected fraud or corruption
- damage to the environment (for example land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.)
- unethical or improper conduct
- services that fall seriously below approved standards or practice
- failure to follow our policies and procedures

Note - this is not an exhaustive list

Anonymous or untrue allegations

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. We would like you to put your name to the allegations whenever possible and remind you of the protection we can provide if we know who you are.

Anonymous whistleblowing referrals will be considered at the discretion of the officers handling your concern, in consultation with the service area, where appropriate. This discretion will be based on the:

- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from an attributable source
- evidence base

It may be that our investigations do not confirm your allegation. We take all concerns seriously and can assure you that no action will be taken against you if you have raised a concern in the genuine belief that it is, or may be, true.

If we find that you have maliciously made a false allegation we will take action and you will not be eligible for protection under PIDA.

How to raise a concern

We encourage you initially to raise your concern internally. This allows us the opportunity to right the wrong and give an explanation for the behaviour or activity. We also advise staff to report any allegation to their line manager. We recognise that your first actions will depend upon the seriousness and sensitivity of the

issues and who you believe to be involved. We advise that you make it clear that you are raising your concerns under our whistleblowing arrangements. This will help managers respond in line with this policy.

It is better to submit concerns in writing. We need the background and history of your concern, giving names, copies of any documents, dates and places (where possible). We would like you to explain why you are concerned about the situation. We do not expect you to prove the truth of an allegation but you will need to show that there are sufficient grounds for your concern.

You can use the confidential PO box or email address (which is monitored by a nominated officer within the Investigations Team):

Lincolnshire County Council
PO Box 640
Lincoln
LN1 1WF

Email address: whistleblowing@lincolnshire.gov.uk

Alternatively, you can use our confidential whistleblowing line: Freephone 0800 0853716

We operate this dedicated reporting line during normal working hours (9am to 5pm). If you call this number out of hours you can leave a message on the answer phone which is located in a secure area.

Staff can seek independent advice from their trade union representative or professional association. They can also can invite a work colleague to raise a concern on their behalf.

Further advice may be sought from the [whistleblowing charity Protect](#) on their whistleblowing advice line: 020 7404 6609

Remember – the earlier you raise the concern, the easier it is to take action.

How we will respond

Our response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by management, counter fraud and investigations team or other independent investigators)
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police, if a criminal matter
- referred to the external auditor
- the subject of an independent inquiry

The officer receiving the whistleblowing allegation (if a major issue) will immediately notify the investigations team within corporate audit to include the disclosure on a central register.

We may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing. We will use the results of these enquiries to decide whether an investigation is needed and if so, what form it should take. If urgent action is required this will be taken before we start any investigation.

The investigations team will follow up concerns of fraud, bribery or corruption. If there are other serious concerns of a potentially criminal nature, they will refer the complaint to our monitoring officer. They will determine whether:

- we should refer the concern to the Police directly or
- advise the complainant to make such a referral

If the monitoring officer decides that we should refer the matter to the Police, we will seek advice from the Police to establish:

- if a simultaneous internal investigation can be conducted
- whether or not they consent for the subject of the complaint to be informed of allegations

Our code of conduct requires employees to notify their line manager immediately of any criminal investigation. Failure to do so could result in disciplinary action being taken.

We will acknowledge your whistleblowing disclosure within five working days. Within the next 10 working days we will explain in writing how we propose to deal with the matter. The whistleblower will be:

- given an estimate of how long it will take to provide a final response
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how we will inform you of progress

The amount of contact between you and the officer considering your whistleblowing disclosure will depend on the nature of the concerns raised. For example, if further investigation is required, the investigator may need to seek additional information from you.

If a meeting is necessary, this can be held off site if you prefer. If you are an employee you will have a right to be accompanied by a union representative or work colleague (not involved in the area where the concern exists). If you are not an employee you may wish to bring a friend with you. A neutral venue can be arranged, where required.

We will help with any difficulties you may experience as a result of raising a concern. We will, for example, provide advice if you are required to give evidence for criminal or disciplinary proceedings. Sometimes whistleblowers have counter-allegations made against them. We have a duty to investigate any concerns that we receive and that will apply in these circumstances. However this will not detract from the principles, as set out in this policy, which govern how we will respond to whistleblowers. The over-riding objective will be to establish the truth.

We will retain records of all work carried out and actions taken to address the concerns raised by the whistleblower. This will include the investigator's case file, where relevant. We will hold all files securely and confidentially, in accordance with our [retention of records policy](#).

At the end of our investigations we will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints. However we recognise the importance of providing you with assurances that the matter has been dealt with properly.

Taking the matter further

If you have genuine concerns about how we have handled your whistleblowing disclosure you can raise this with the investigating officer(s) and, or the monitoring officer. We hope that you will reach a suitable conclusion to the matter. If you remain dissatisfied you can contact our external auditors at:

Mazars
Park View House
58 The Ropewalk
Nottingham
NG1 5DW

You may also refer your concern to the [Local Government Ombudsman](#). They generally do not take any action until the matter has been dealt with internally first.

Alternatively, you can contact them at:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614 (Local Government Ombudsman – Advice Team), 10am to 4pm Monday to Friday, except on public holidays.

We would remind you that employees are not to report any Council related issues to the media. To do so may be considered a breach of our disciplinary policy and code of conduct.

Monitoring and control

The head of corporate audit will provide an annual report to our audit committee which has responsibilities for overseeing the effectiveness of our governance arrangements. All reporting will be anonymised. It will only identify common themes, numbers of disclosures year on year and will highlight actions taken to improve systems and policies.

Our governance group will monitor the effectiveness of this policy.

This policy will be reviewed every three years.

