



# Whistleblowing Procedure

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## **Policies and Procedures Control Page**

### **Document Control**

Title:	Whistleblowing Procedure
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### **Change History**

<b>Version</b>	<b>Description of Changes</b>	<b>Approved By (meeting name and date)</b>
1	New Document	July 2014
2	Updated	12 January 2017
3	Updated	April 2018/June 2018
4	Updated	January 2019
5	Updated	June 2019
6	Contacts Updated	January 2021
7	Contacts Updated	December 2023

### **Linked Documents**

<b>Title</b>
Grievance Procedure
Complaints Procedure (External)

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## **1.0 PREAMBLE**

- 1.1 Councillors or Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice, but this can have serious consequences if wrongdoing goes undetected.
- 1.2 The Council is committed to the highest possible standards of openness, probity, accountability and honesty. In line with that commitment we expect Councillors, Employees and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.3 This procedure document makes it clear that Councillors and Employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Procedure is intended to encourage and enable Councillors and Employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. With the exception of employment related grievances, this procedure will apply to any act of whistleblowing as defined by the Charity Public Concern at Work to mean; "A disclosure of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of its employees." Examples of these matters are given below in paragraph 2.2.
- 1.4 The procedure applies to all Councillors and Employees and those contractors working for the Council, on Council premises; for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example homes.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. Staff are responsible for making service users aware of the existence of these procedures.
- 1.6 This procedure has been discussed with the relevant trade unions and professional organisations and has their support.

## **2.0 AIMS AND SCOPE**

- 2.1 This procedure aims to:
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of retribution.
  - provide avenues for you to raise those concerns and receive feedback on any action taken
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
  - reassure you that you will not suffer a detriment for having raised a concern and you will be protected from possible reprisals or victimisation if you have a reasonable belief that the allegation is true.
  - advise you of the support that the Council will provide if you raise concerns in good faith
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy and Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:
- conduct which is an offence or a breach of law
  - disclosures related to miscarriages of justice

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- health and safety risks, including risks to the public as well as other employees
  - dangers to the environment
  - the unauthorised use of public funds
  - possible fraud and corruption
  - other unethical conduct
  - unacceptable business risks
  - deliberate concealment of any of the above.

2.3 This concern may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribe to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

### **3.0 SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

3.2 The Council is committed to good practice and high standards and wants to be supportive of Employees and Councillors.

3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. In these situations, you are a witness and not a complainant. However, you should be aware that this procedure does not apply to any misconduct that you own up to. This is a matter that will be taken into account in respect of any disciplinary procedures.

3.4 The Council will not tolerate the harassment or victimisation of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a Councillor will be reported under the code of conduct. If you believe you are being victimised or harassed because of raising a concern, then please report this to us.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you if you are an employee.

#### **3.6 Confidentiality**

All concerns will be treated in confidence and if you do not want your name to be disclosed the Council will not do so unless it is required to by law. However, you should bear in mind that the Council cannot guarantee that others will not deduce your identity from the surrounding circumstances.

#### **3.7 Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion, the factors to be taken into account would include:

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

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### **3.8 The Public Interest Test and Untrue Allegations**

In order to take advantage of the protection offered under this procedure you must reasonably believe that the disclosure of the allegation is in the public interest. If you make an allegation, then provided that you reasonably believe that the allegation is true, no action will be taken against you in the event that it is not confirmed by the investigation. If however, you make an allegation that is later found to be false to your knowledge or you made an allegation maliciously or for personal gain, disciplinary action may be taken against you, or if you are a councillor a complaint may be made under the code of conduct.

### **4.0 HOW TO RAISE A CONCERN**

4.1 As a first step, if you are an employee, you should normally raise concerns with your immediate manager or their superior. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive or the Monitoring Officer.

4.2 Concerns may be raised verbally or in writing. Staff or Councillors who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates); and
- the reason why you are particularly concerned about the situation.

4.3 The earlier you express the concern the easier it is to take action.

4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

Chief Executive	David Buckland	Ext. 2425
Monitoring Officer	Marcia Eccleston	Ext. 2400
Independent Persons	Ed Macalister-Smith	
	Mike Dutton at email below:	
	<a href="mailto:whistleblowing@stratford-dc.gov.uk">whistleblowing@stratford-dc.gov.uk</a>	

*Note 1: This confidential email address automatically redirects to the private email addresses of the two Independent Persons.*

*Note 2: The Independent Persons are appointed under Section 28 (7) of the Localism Act 2011 to help the Council to discharge its duty to promote and maintain high standards of conduct among District, Town and Parish Councillors and co-opted Members in the Stratford-on-Avon District.*

Whilst it is hoped that you will raise your concerns in the first instance with one of the above, if you do not feel able to do this, you may contact the Audit Commission on the number referred to in paragraph 7.1.

4.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

4.7 If you are an employee, you may invite your trade union or a friend to be present during any meetings or interviews in connection with the concerns you have raised. If you are a councillor, you may be accompanied by your group leader.

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## **5.0 HOW THE COUNCIL WILL RESPOND**

- 5.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as rejecting them.
- 5.2 Where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process
  - be referred to the police
  - be referred to the external auditor
  - form the subject of an independent inquiry.
- 5.3 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. The overriding principle, which the Council will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.
- 5.4 Some concerns may be resolved by agreed action without the need for investigation.
- 5.5 Within **five** working days of a concern being raised, one of the Officers named above will write to you:
- acknowledging that the concern has been received
  - indicating how it proposes to deal with the matter, and by whom
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supply you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 5.7 Where any meeting is arranged, off-site where appropriate, if you so wish, you can be accompanied by a union or professional association representative or a friend, or the group leader if you are a councillor.
- 5.8 The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and will help you with the preparation of statements.
- 5.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigation.

## **6.0 THE RESPONSIBLE OFFICERS**

The Chief Executive (Head of Paid Service) has overall responsibility for the maintenance and operation of this procedure. These officers maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality).

## **7.0 HOW THE MATTER CAN BE TAKEN FURTHER**

- 7.1 This procedure is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you

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are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- The Audit Commission Hotline – 0207 798 7999
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the police
- a designated independent person or organisation which may in the future be nominated by the Council.

7.2 If you are considering whether and how to make a complaint, you should consider taking independent advice. An independent charity, Public Concern at Work can offer independent and confidential advice. It can be contacted on 020 7409 6609 or by Email at [whistle@pcaw.demon.co.uk](mailto:whistle@pcaw.demon.co.uk)

## **8.0 QUESTIONS REGARDING THIS PROCEDURE**

In the first instance questions should be referred to the Monitoring Officer.