

# Finance and Resources Committee

10am, Thursday, 23 May 2019

## Whistleblowing Policy

Item number	7.20
Executive/routine	
Wards	
Council Commitments	

### 1. Recommendations

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- 1.1 To approve the revised Whistleblowing Policy.
- 1.2 To implement the revised policy with immediate effect.

**Andrew Kerr**

Chief Executive

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## Whistleblowing Policy

### 2. Executive Summary

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- 2.1 The Finance and Resources Committee approved the Council's current Whistleblowing Policy on 27 March 2018. This report recommends approval of a revised Whistleblowing Policy to meet the annual review requirement of the Council's policy framework.

### 3. Background

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- 3.1 The policy was formally introduced on 12 May 2014 to coincide with the launch of the Council's whistleblowing hotline pilot.
- 3.2 The most recent revisions to the Whistleblowing Policy were approved by Committee on 27 March 2018 to include recommendations from the annual review of whistleblowing.
- 3.3 The policy is a component of induction training and is included in the mandatory refresher exercise for all staff on the Council's key policies.

### 4. Main report

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- 4.1 An annual review of the whistleblowing policy has been undertaken, as required under the Council's policy framework.
- 4.2 Material amendment to the existing policy is summarised as follows:
- 4.2.1 explicit reference to the right of a whistleblower to disclose to their regulatory or professional body, where appropriate (8.4.3)
- 4.3 The policy will be reviewed annually to ensure it is still fit for purpose, including:
- 4.3.1 changes to legislation;
- 4.3.2 changes to Council structures, roles and responsibilities;
- 4.3.3 best practice; and
- 4.3.4 development of the service.

## **5. Next Steps**

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- 5.1 The revised whistleblowing policy will take effect immediately following committee's approval.

## **6. Financial impact**

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- 6.1 There is no financial impact arising from this report.

## **7. Stakeholder/Community Impact**

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- 7.1 The policy is a local agreement with the recognised trade unions who were consulted during the course of the review.
- 7.2 An Integrated Impact Assessment is not required as:
- 7.2.1 A full equalities and rights impact assessment (ERIA) was completed when the Council's Whistleblowing Service contract was re-procured in May 2016.
- 7.2.2 The proposed revision to the Whistleblowing Policy is a minor clarification and does not impact on equality, human rights, poverty, health, carbon impacts, adaptation to climate change or sustainable development.
- 7.2.3 An Integrated Impact Assessment will be conducted, if required, for future revisions to the Whistleblowing Policy.

## **8. Background reading/external references**

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- 8.1 [Finance and Resources Committee 27 March 2018: item 7.4 – Whistleblowing Policy](#)

## **9. Appendices**

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Appendix 1 – Draft Revised Whistleblowing Policy for implementation on 23 May 2019

# Whistleblowing Policy

**Implementation date: 23 May 2019**

## Control schedule

<b>Approved by</b>	Finance and Resources Committee
<b>Approval date</b>	23 May 2019
<b>Senior Responsible Officer</b>	Nick Smith, Monitoring Officer
<b>Author</b>	Laura Callender
<b>Scheduled for review</b>	March 2020

## Version control

Version	Date	Author	Comment
0.1	21.01.2019	Laura Callender	Draft for CLT

## Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
19.09.2013	Finance and Resources	<a href="#">Item 7.2 - Revised Whistleblowing Policy</a>	<a href="#">Finance and Resources Committee   The City of Edinburgh Council</a>
27.08.2015	Finance and Resources	<a href="#">Item 7.13 - Review of Whistleblowing Arrangements</a>	<a href="#">Finance and Resources Committee   The City of Edinburgh Council</a>
23.03.2017	Finance and Resources	<a href="#">Item 7.2 – Whistleblowing Policy</a>	<a href="#">Finance and Resources Committee   The City of Edinburgh Council</a>
27.03.2018	Finance and Resources	<a href="#">Item 7.4 - Whistleblowing Policy</a>	<a href="#">Finance and Resources Committee   The City of Edinburgh Council</a>

# Whistleblowing Policy

## Policy statement

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- 1.1 The aims of this Policy are to uphold the highest standard of conduct and ethics in all areas of the Council's work.
- 1.2 In line with this commitment if you have serious concerns about any aspect of the Council's work you are encouraged to come forward and voice those concerns.
- 1.3 This Policy covers malpractice under the whistleblowing legislation and other serious concerns.
- 1.4 The relevant whistleblowing legislation is the Public Interest Disclosure Act 1998 (the 'Act'), an insertion to the Employment Rights Act 1996, which protects current and former employees and workers who blow the whistle.
- 1.5 You have the right to raise concerns in the knowledge that they will be taken seriously, investigated appropriately, and your confidentiality will be maintained.
- 1.6 This Policy explains how to raise concerns.
- 1.7 The main way to raise concerns is to the external 'Whistleblowing Hotline'. Details are at section 4.2.
- 1.8 You can also make a disclosure to a Manager within the Council. Details are also at section 4.2.
- 1.9 You will be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.10 The Monitoring Officer (the Council's Head of Legal and Risk) has overall responsibility for this Policy which means undertaking periodic reviews to reflect organisational changes, best practice, operational experience or legislative updates.
- 1.11 This Policy is not intended to replace any other statutory reporting procedures operated by the Council.
- 1.12 Matters of concern relating to your employment situation which would normally be dealt with under the Council's Grievance Procedure or Avoidance of Bullying and Harassment at Work Policy should continue to be handled in that way.

## Scope

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- 2.1 This Policy applies to all employees and workers including persons contracted to personally provide services to the Council, persons undergoing training or work experience as part of a training course, elected members and agency workers.

### How to whistleblow in confidence

- 2.2 You can blow the whistle by contacting the external 'Whistleblowing Hotline' maintained by **Safecall**, which is a separate organisation.
- 2.3 You can also make a disclosure to a Manager within the Council.
- 2.4 An illustration of how these arrangements work is at Appendix 1, the Whistleblowing Flowchart.

### What can you raise as a whistleblowing concern?

- 2.5 The following areas of malpractice can be raised under this Policy:-
- 2.5.1 criminal activity;
  - 2.5.2 a failure to comply with any legal obligation;
  - 2.5.3 miscarriages of justice;
  - 2.5.4 damage to health and safety;
  - 2.5.5 damage to the environment; and
  - 2.5.6 deliberate concealment of any of the above matters.
- 2.6 The above does not represent an exhaustive list of areas covered by this Policy.
- 2.7 You should also raise any serious concerns that you may have about any aspect of Council business or the conduct of officers or members of the Council or others acting on behalf of the Council under this Policy.
- 2.8 Concerns can be raised in relation to matters that have taken place, continue to take place or are likely to take place in the future.

## Definitions

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- 3.1 Disclosure – this is the information that you provide, verbally or in writing, about your concerns.
- 3.2 Whistleblower – this is the term used to describe the person who provides information about their concerns to the whistleblowing hotline provider, a manager in the Council or to prescribed persons (see more information on prescribed persons at section 8).

- 3.3 Whistleblowing team – this is the small team of staff in Governance who manage day to day operation of the whistleblowing service, liaising with and supporting the whistleblowing hotline provider, on behalf of the Council’s Monitoring Officer.
- 3.4 Hotline provider – the independent, external whistleblowing service provider who operates the confidential hotline service, oversees Council investigations into minor disclosures, carries out investigations into major disclosures and reports to committee.
- 3.5 Public interest – this is the test that is applied to determine if your concern is a whistleblowing matter to be dealt with under this policy. To meet the public interest test your concern should be one that is of interest to the public at large and not one that relates to you alone e.g. your employment status or contractual arrangements.

## Roles and responsibilities

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### 4.1 Employee/ Worker obligations

- 4.1.1 You should report any concern to the Whistleblowing Hotline provider.
- 4.1.2 You can also report a concern to any Manager at the Council.
- 4.1.3 You should do so where you have a reasonable belief that malpractice has occurred, is taking place or is likely to take place, where you have any serious concerns and it is in the public interest to do so.
- 4.1.4 You should not use this Policy for complaints relating to your employment as they are best addressed using the Council’s Grievance or Avoidance of Bullying and Harassment procedures.
- 4.1.5 You are responsible for acting professionally if you have a concern about the work of your colleagues, including an expectation on you to report malpractice.
- 4.1.6 You may also be called upon to assist the Whistleblowing Hotline provider regarding your disclosure.
- 4.1.7 In the unlikely event that your reported concern or issue is found to be deliberately vexatious or malicious this will be considered as a disciplinary matter.

### 4.2 Whistleblowing Hotline

- 4.2.1 The Whistleblowing Hotline is maintained by **Safecall** which is a separate organisation.
- 4.2.2 The Whistleblowing Hotline can be accessed by phone, email and web portal at:-
  - 4.2.2.1 **0800 58 78 770;**
  - 4.2.2.2 [cec@safecall.co.uk](mailto:cec@safecall.co.uk);
  - 4.2.2.3 [www.safecall.co.uk/reports](http://www.safecall.co.uk/reports)

- 4.2.3 The Whistleblowing Hotline is the main way to make a whistleblowing disclosure (it is not the only way however).
- 4.2.4 You can also make a whistleblowing disclosure to any Manager at the Council (see 4.2.6 and further detail at section 5).
- 4.2.5 The Whistleblowing Hotline provider will follow the procedure once they receive your disclosure as set out in this section, 4.3 and 5.
- 4.2.6 If you make a disclosure to a Manager within the Council the Manager, in all cases, needs to report that they have received a disclosure to the Whistleblowing Hotline provider. This is to ensure that they can maintain a record of all disclosures.
- 4.2.7 When you contact the Whistleblowing Hotline provider they will determine if it is a 'minor/operational' whistleblowing disclosure, or a 'major/significant' whistleblowing disclosure, in consultation with the Monitoring Officer and his/her Whistleblowing Team.
- 4.2.8 In the case of a 'minor/operational' whistleblowing disclosure (and at the sole discretion of the Whistleblowing Hotline provider), they may ask a Manager within the Council to conduct investigations and report back to them with their findings. If this is the case the Whistleblowing Hotline provider will liaise with the Monitoring Officer's whistleblowing team. Alternatively, the Whistleblowing Hotline provider may itself carry out the investigation and reporting function concerning a 'minor/operational' whistleblowing disclosure.
- 4.2.9 In the case of 'major/significant' whistleblowing disclosures, the Whistleblowing Hotline provider will always carry out the investigation and reporting function.
- 4.2.10 The Whistleblowing Hotline provider may at any time make a recommendation to the Monitoring Officer and the Chief Executive of the Council that a matter which has been disclosed:-
- 4.2.10.1 be investigated internally;
  - 4.2.10.2 be referred to the Police;
  - 4.2.10.3 be referred to the external auditor; or
  - 4.2.10.4 form the subject of an independent inquiry.
- 4.2.11 The Whistleblowing Hotline provider may also direct you to other Council policies and procedures where the issue you have raised would be best addressed under one of those policies/procedures.
- 4.2.12 The Whistleblowing Hotline provider may therefore determine that matters raised by you are appropriately dealt with under the following Council policies and procedures:- the Complaints Procedure, the Care Service Feedback Procedures, the Policy on Avoidance of Bullying and Harassment at Work, the Procedure for Hearing Grievances and the Equality and Rights in Employment Policy. Further action may also be considered under the terms of the Employee Code of Conduct, the Disciplinary Procedure, the Anti-Fraud Policy, and the Anti-Bribery Policy.

4.2.13 The Whistleblowing Hotline provider may also determine that the issues raised fall under the scope of other specific Council policies and procedures (such as child protection matters, social services matters and discriminatory conduct) or other professional codes.

4.2.14 The Whistleblowing Hotline provider will liaise (as appropriate and at their discretion) with the Monitoring Officer and his/her whistleblowing team, the Chief Executive, the Executive Director(s) of relevant service area(s), line managers and employees at the Council to the extent necessary to allow them to investigate and report on whistleblowing disclosures.

### 4.3 Whistleblowing Hotline Reports

4.3.1 Where the Whistleblowing Hotline provider carries out investigations they will (as appropriate and at their discretion) liaise with the Monitoring Officer, the Monitoring Officer's whistleblowing team, the Chief Executive, the Executive Director of the relevant service area, relevant line managers and relevant employees at the Council.

4.3.2 The Whistleblowing Hotline provider will prepare quarterly and annual summary reports and prepare independent reports on disclosures for the Governance, Risk and Best Value Committee (the 'GRBV Committee'); they will also be responsible for dissemination of any report(s) on a disclosure conducted by a Manager within the Council to the GRBV Committee.

4.3.3 The Monitoring Officer and/or Executive Director of the relevant service area and/or the Chief Executive of the Council will initially receive all reports from the Whistleblowing Hotline provider. They will however be submitted to the Monitoring Officer, each Executive Director and the Chief Executive of the Council for information and comment only, in advance of being presented to the GRBV Committee. The Monitoring Officer and/or the Chief Executive of the Council will report to the GRBV Committee in relation to the outcome of the Whistleblowing Hotline providers findings.

4.3.4 The Whistleblowing Hotline provider will also maintain a record of all disclosures and provide summaries of all investigative outcome reports for the GRBV Committee as a matter of course. Full copies of whistleblowing investigative outcome reports will be made available to the GRBV Committee on request.

4.3.5 The quarterly and annual reports to the GRBV Committee will state a high level summary of the issues raised and the actions taken concerning whistleblowing. As a minimum this will include:-

4.3.5.1 the number of calls;

4.3.5.2 the type of message received;

4.3.5.3 whether the call required to be handled by other means; and

4.3.5.4 classification of the disclosure/ area of malpractice.

4.3.6 The investigation outcome reports of the Whistleblowing Hotline provider will contain sufficient detail to allow the GRBV Committee to question persons where necessary and to call upon Council managers to account for their handling of matters.

#### **4.4 Monitoring Officer's whistleblowing team**

- 4.4.1 When an initial report is received from the Whistleblowing Hotline provider it will be discussed with the Monitoring Officer's Whistleblowing team and the category of the disclosure will be agreed.
- 4.4.2 The Monitoring Officer's whistleblowing team will liaise with the Whistleblowing Hotline provider on both 'minor/operational' and 'major/significant' disclosure investigations.
- 4.4.3 The Monitoring Officer's whistleblowing team will determine when input should be sought from HR or any other relevant section/function of the Council.
- 4.4.4 The Monitoring Officer's whistleblowing team will identify Managers within the Council to carry out those investigations deemed necessary and liaise with the Whistleblowing Hotline provider as appropriate.
- 4.4.5 Any matter reported to the Monitoring Officer's whistleblowing team will not be widely disseminated. It may be appropriate for disclosures to be reported to the Chief Executive in the first instance, both to allow for input and to ensure that there is a general awareness of concerns being raised at the most senior level within the Council.
- 4.4.6 Where there is deviation from the timescale set out at 5.1.3, it may be appropriate for the Monitoring Officer's whistleblowing team to set a revised timescale for completion of the investigation.
- 4.4.7 If it is determined that action is to be taken which is not in line with a recommendation of the Whistleblowing Hotline provider, the Monitoring Officer's whistleblowing team shall set out the reasons for this decision and report them to the Chief Executive and to the GRBV Committee in terms of what action is to be taken, by whom and why any recommendations have not been followed.

#### **4.5 Directorate Whistleblowing Liaison Officer(s)**

- 4.5.1 If the Monitoring Officer's whistleblowing team requires assistance from a particular Directorate, there will be a liaison officer appointed to liaise with the whistleblowing team and assist with action or investigation relating to any concern that has been raised and, in particular, any steps to be taken by the Directorate.
- 4.5.2 The Directorate Whistleblowing Liaison Officer(s) may also be called upon to assist the Whistleblowing Hotline provider regarding a disclosure and must assist to the extent necessary to facilitate their investigations and subsequent reporting.
- 4.5.3 Those called upon to assist the Whistleblowing Hotline provider must do so on a confidential basis. The sharing of any information relating to a whistleblowing matter must be agreed in advance with the whistleblowing team.

#### **4.6 Manager(s) of the Council**

- 4.6.1 The Whistleblowing Hotline provider may pass 'minor/operational' disclosures to Managers for investigation where they consider it appropriate.
- 4.6.2 In the case of 'minor/operational' disclosures the Whistleblowing Hotline provider will always liaise with the Monitoring Officer's whistleblowing team in the first instance.
- 4.6.3 At the sole discretion of the Whistleblowing Hotline provider, and through the Monitoring Officer's whistleblowing team, they may ask the Manager within the Council to conduct investigations and report back to them with their findings.
- 4.6.4 On appointment to investigate, the Manager is briefed by a member of the whistleblowing team and will follow the procedures as set out within this section and at section 5, below.
- 4.6.5 The investigation outcome report of the Manager within the Council will contain sufficient detail to allow the GRBV Committee to question persons where necessary and to call upon Council managers to account for their handling of matters.
- 4.6.6 Managers may also be called upon to assist the Whistleblowing Hotline provider regarding your disclosure. Those called upon to do so must assist the Whistleblowing Hotline provider to the extent necessary to facilitate their investigations and subsequent reporting.
- 4.6.7 Those called upon to assist the Whistleblowing Hotline provider must maintain confidentiality throughout the process.
- 4.6.8 Those called upon to assist the Whistleblowing Hotline provider are required to provide such assistance as soon as reasonably practicable in order that the provider can conclude investigations and subsequent reporting within reasonable timescales.

#### **4.7 Monitoring Officer / Chief Executive / Executive Directors of the Council**

- 4.7.1 The Whistleblowing Hotline provider will provide a summary of the final report(s) to the Monitoring Officer, each Executive Director and the Chief Executive of the Council, for information and comment only, in advance of the final report(s) going to the GRBV Committee.
- 4.7.2 The Monitoring Officer and/or the Executive Director of the relevant service area and/or the Chief Executive of the Council will report to the GRBV Committee in relation to the outcome of the Whistleblowing Hotline provider's findings.
- 4.7.3 In the case of 'major/significant' whistleblowing disclosures, the Whistleblowing Hotline provider shall immediately inform the Monitoring Officer and the Chief Executive of the Council. The Monitoring Officer and his/her whistleblowing team, the Chief Executive and, where appropriate, the Executive Director of the relevant service area will support the Whistleblowing Hotline provider as necessary to allow them to carry out their investigatory and reporting duties.
- 4.7.4 When a report is received about the Monitoring Officer it will be passed to the Chief Executive. When a report is received about the Chief Executive it will be passed to the Council Leader.

## 4.8 GRBV Committee

- 4.8.1 The role of the GRBV Committee in respect of this policy is to monitor the financial performance of the Council and its subsidiary undertakings, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements.
- 4.8.2 The GRBV Committee will receive quarterly and annual high level summary reports regarding whistleblowing disclosures (prepared by the Whistleblowing Hotline provider) from the Monitoring Officer and, or the Executive Director of the relevant service area, and/or the Chief Executive of the Council. Detailed whistleblowing investigative outcome reports will be available on request. The Chief Executive of the Council will report to the GRBV Committee in relation to the outcome of the Whistleblowing Hotline providers' findings, save that the Chief Executive may determine that the report should be submitted by the Monitoring Officer or relevant service area Executive Director. This includes those reports prepared by a Manager of the Council where the Whistleblowing Hotline provider directed them to undertake the investigation.
- 4.8.3 The GRBV Committee will be entitled to question relevant persons where necessary and to call Council managers to account for their handling of matters raised under this Whistleblowing Policy.

## 4.9 All Parties Confidentiality Requirement

- 4.9.1 All parties who play a role in respect of this Policy undertake to keep confidential and not disclose or discuss the circumstances of any whistleblowing concern with any person or organisation save as may be required for the purpose of investigating and reporting on the whistleblowing concern itself.

## The Process

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### 5.1 Procedure on receipt of a disclosure

- 5.1.1 The Whistleblowing Hotline provider or the Manager within the Council (as directed by the Whistleblowing Hotline provider) will take ownership of any investigations, liaise with those within the Council as necessary and, following the investigation, prepare a report.
- 5.1.2 The Whistleblowing Hotline provider, or the Manager within the Council, will follow such procedures as necessary to investigate and conclude their findings.
- 5.1.3 Ordinarily a whistleblowing disclosure will be acted upon and concluded in good time. Good time will normally mean no more than three months.
- 5.1.4 A disclosure made by you will be treated with sensitivity and your confidentiality will be maintained.
- 5.1.5 If it is necessary, during the course of investigating your concern, to reveal your identity this will be discussed with you in advance.

5.1.6 You may be required to come forward as a witness. In such circumstances the Whistleblowing Hotline provider or the Manager at the Council conducting the investigations will arrange for you to be given advice about the relevant procedure. You will also be afforded the opportunity to be accompanied by a trade union representative or work colleague of your choice if you have any further active involvement in the process.

5.1.7 Disclosures may be made to the Whistleblowing Hotline provider or the Manager within the Council orally or in writing. The disclosure should, wherever possible, contain all relevant details about the background and history of the matter being disclosed including names, dates and times as well as the grounds for your concern. If you are unsure about how to approach this situation you may seek advice from the Whistleblowing Hotline provider or the Manager within the Council conducting the investigations.

5.1.8 A disclosure to the Whistleblowing Hotline or the Manager within the Council will be dealt with in three stages.

#### 5.1.9 **Stage 1**

You can make a disclosure to the Whistleblowing Hotline provider or any Manager within the Council.

Where the Manager within the Council receives the disclosure they need to report this to the Whistleblowing Hotline provider so the provider can assess the seriousness of the matter.

Where the Whistleblowing Hotline provider determines that the matter does not fall within the terms of this Policy, they will direct you to the appropriate alternative Council policy or procedures.

The Whistleblowing Hotline provider or the Manager within the Council will acknowledge receipt of the disclosure as soon as reasonably practicable and no later than two working days.

#### 5.1.10 **Stage 2**

The Whistleblowing Hotline provider or the Manager within the Council (via the Monitoring Officer's whistleblowing team, if appropriate) shall assess what further action is required concerning the disclosure and inform you of the further action to be taken.

#### 5.1.11 **Stage 3**

The Whistleblowing Hotline provider or the Manager within the Council will determine a programme of action.

A programme of action may include, but will not be limited to, investigations, a recommendation that an internal audit be carried out, a recommendation that recourse be made to the Disciplinary Procedure or referral to the appropriate external agency.

The Whistleblowing Hotline provider may also recommend urgent action to curtail alleged malpractice prior to further investigation; this may include a recommendation that the matter:-

- be investigated internally;

- be referred to the Police;
- be referred to the external auditor; or
- form the subject of an independent inquiry.

You may be required to be a witness in any investigatory or other process and regarding any subsequent proceedings which may arise as a result.

The outcome of the programme of action will be notified to you in writing.

## **Protection against victimisation**

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- 6.1 You will be given support and protection to allow you to feel confident in making a disclosure.
- 6.2 Where you make a disclosure of malpractice, the Council are required to take appropriate action to ensure that you are protected from any form of victimisation, bullying or harassment.
- 6.3 Victimisation, bullying or harassment of anyone making a disclosure will be regarded as a serious disciplinary offence/gross misconduct. It will also be regarded as a serious disciplinary offence to attempt to deter someone from making a disclosure.

## **Anonymous disclosures**

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- 7.1 If a disclosure is made anonymously this could make it difficult for the Whistleblowing Hotline provider or Manager within the Council to deal with the disclosure effectively. It will be challenging to obtain further information which might facilitate a full investigation. It may also be difficult to assess whether the disclosure is protected. You are therefore strongly encouraged to make yourself known when making a disclosure under this Policy.
- 7.2 Making yourself known will help to ensure that the Council complies with the requirement to process data fairly under the Data Protection Act 1998.
- 7.3 Disclosures which are made anonymously will still be considered under this Policy, with careful consideration given to their investigation. Where it is considered that an allegation may be made without foundation it may not be progressed.
- 7.4 If an anonymous disclosure cannot be progressed due to lack of information, it will be held on record by the Whistleblowing Hotline provider and may form part of a future investigation. The record of disclosure will be held for 6 years, except where separate retention rules apply.

## **Disclosures to external bodies**

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- 8.1 The purpose of this Policy is to create the conditions in which you feel confident to raise matters of concern. It is also recognised that there may be circumstances where matters may be properly

reported to certain external bodies (other than the Whistleblowing Hotline provider).

8.2 Certain external bodies to which matters may be properly reported are known as ‘prescribed persons’. A list of prescribed persons is made available by the Secretary of State, who currently lists more than 50 regulatory bodies to whom protected disclosures can be made. It can be found at <https://www.gov.uk/whistleblowing/how-to-blow-the-whistle>

8.3 In circumstances where you decide to raise the matter externally, you will only be protected under this Policy, and under employment law, where the disclosure is made in accordance with the Act.

8.4 This means that the disclosure must fall under one of the categories listed in paragraph 2.5 regarding malpractice and must be made in one of the following ways:

8.4.1 in the course of obtaining legal advice;

8.4.2 to a prescribed person (as noted at paragraph 8.2 above):-

- in the reasonable belief that the relevant failure falls within the prescribed person’s area of concern; and
- in the reasonable belief that the information is substantially true.

8.4.3 to other third parties (including your regulatory or professional body when appropriate) where you make the disclosure:-

- in the reasonable belief that the information is substantially true;
- otherwise than for personal gain;
- in the reasonable belief that you will be subjected to a detriment by the Council; in circumstances where there is no prescribed person, in the reasonable belief that evidence relating to the relevant failure will be concealed or destroyed by the Council; or you have already raised the matter with the Whistleblowing Hotline provider, the Manager within the Council or prescribed person; and
- where in all of the circumstances it is reasonable to make the disclosure.

8.4.4 the disclosure is of an exceptionally serious nature and you make the disclosure:

- in the reasonable belief that the information is substantially true; and
- otherwise than for personal gain; and
- where in all of the circumstances it is reasonable to make the disclosure.

## Contact with the media

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9.1 This Policy has been developed to enable you to express concerns on the basis that it is in the public interest to make such matters known to the Whistleblowing Hotline provider or a Manager within the Council. However, reporting of a concern does not mean that such matters should be made available for public consumption through the media and/ or social media.

- 9.2 Disclosure to the media is prohibited during the course of, or after completion of an investigation either conducted internally or via those external bodies known as ‘prescribed persons’. Disclosure to the media in these circumstances may lead to disciplinary action against you.

## Implementation

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- 10.1 The effective date of implementation is 23 May 2019.
- 10.2 All employees and workers will be made aware of the revised policy through established communications channels and the mandatory policy awareness exercise.
- 10.3 In accordance with the Council’s Record Retention Scheme, details of all whistleblowing concerns and investigations will be retained for 6 years from the close of the investigation, except where separate retention rules apply (including, but not limited to child protection matters).

## Related documents

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- 11.1 [Finance and Resources Committee 19 September 2013: item 7.2 - Revised Whistleblowing Policy](#)
- 11.2 [Finance and Resources Committee 27 August 2015: item 7.13 - Review of Whistleblowing Arrangements](#)
- 11.3 [Finance and Resources Committee 27 March 2018: Item 7.4 - Whistleblowing Policy](#)

## Equalities and impact assessment

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- 12.1 It has been assessed that this policy will have no direct equalities impact.

## Strategic environmental assessment

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- 13.1 It has been assessed that this policy will have no environmental impact.

## Risk assessment

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- 14.1 The whistleblowing policy was developed and agreed to complement existing management reporting arrangements and to ensure employees have the right to raise concerns in the knowledge that they will be taken seriously, that matters will be investigated appropriately and confidentiality will be maintained.
- 14.2 The revised policy is fully compliant with legislative requirements and good employment practice.

## Local agreement

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- 15.1 This policy is a local collective agreement between the Council and the recognised trade unions. Every effort will be made by both parties to make sure that this policy is reviewed regularly and amended by agreement, if required to meet future needs. In the event of a failure to reach agreement both parties reserve the right to end this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will no longer apply to existing and future employees.

## Review

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- 16.1 This policy will be added to the Council's policy register and will be reviewed annually to reflect organisational changes, best practice, operational experience and legislative updates.

