



## Whistleblowing Policy

<b>Policy statement</b>	<b>Hampshire County Council is committed to the highest standards of openness and accountability and takes malpractice seriously. All workers have a right and a duty to report concerns of malpractice that are in the public interest. The policy defines the framework for reporting and investigating whistleblowing concerns.</b>
<b>Scope</b>	<b>All employees employed by a Hampshire County Council department (excluding staff in schools)</b>  <b>This policy also applies to all volunteers and workers including agency staff, contractors and suppliers of services, but see 'key definitions'.</b>
<b>Policy outcomes</b>	The aims of this policy are to: <ul style="list-style-type: none"><li>• provide a mechanism for raising concerns believed to be in the public interest</li><li>• ensure that concerns are investigated promptly, thoroughly and effectively</li><li>• enable critical information to be shared appropriately</li><li>• ensure that a worker who raises a genuine concern is not victimised</li><li>• ensure that concerns raised are taken seriously and dealt with proportionally</li><li>• minimise external disclosures by encouraging a worker to report malpractice concerns internally</li><li>• ensure compliance with legal obligations</li><li>• improve trust and confidence and create a culture of honesty and openness</li><li>• maintain the Council's reputation</li></ul>

Check which policy to use

Concerns relating to an employee's own working situation should be addressed using the Resolving Workplace Issues Policy.

Complaints about the quality of service delivery should be addressed using the Corporate Complaints procedure.

It should be emphasised that this policy is to ensure individuals who believe they have discovered malpractice or impropriety know how to raise their concerns. It is not designed to enable individuals to question legitimate financial or organisational decisions taken by the Council. Nor should it be used to reconsider any matters which have already been addressed under the Council's Resolving Work Place Issues, Disciplinary, Complaint Policies and procedures, or appeal procedures.

Concerns raised through this policy will be assessed to decide if they meet the criteria for a protected disclosure. If they do not, the employee will be informed which procedure to use.

## Key definitions

**Whistleblowing** is 'making a disclosure in the public interest' and occurs when a worker raises a concern about a danger, illegality or malpractice that affects others, for example members of the public.

For the purposes of this policy a **worker** is defined as an employee, temporary member of staff, agency staff. Volunteers, contractors and suppliers of services are not workers, but may make a disclosure in accordance with this policy.

**'Protected Disclosure'** means the worker has made a disclosure that meets two criteria

a) it is in the public interest which means it must affect others, for example the general public. and

b) the worker reasonably believes that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

Where the above two criteria are met, the worker is protected from victimisation as a result of making their disclosure. In order to ensure that they qualify for protection, the worker should follow a certain procedure, as detailed in the Employee How to Guide.

Volunteers, contractors and suppliers of services are not workers and as such are not covered by the relevant legislation and so whilst in scope of this policy any disclosure would not legally be defined as a protected disclosure.

For the purposes of this policy document the term worker is used to encompass everyone in scope of the policy but should not be read as meaning that other individuals or groups can make a protected disclosure.

**Expected standards**

The standards expected of all employees are set out in the Local Government Code of Conduct, corporate policies and local procedures and guidance.

**Safeguarding**

Where there are concerns of ill treatment of children or adults at risk you must inform [Children's Services](#) or [Adults' Health & Care](#) immediately.

**Making a disclosure**

A worker who has a whistleblowing concern should report it to their line manager or senior manager verbally or in writing in the first instance and at the earliest opportunity.

The following principles apply:

- all employees have a duty of confidentiality to the Council
- the confidentiality of a worker who raises a concern is respected as far as possible
- the worker is encouraged to give their name as anonymous concerns are much less powerful and are more difficult to investigate
- there will be no adverse consequences for a worker who raises a genuinely-held concern
- victimisation and/or deterring a worker from raising legitimate concerns constitutes serious misconduct and will be addressed using the Managing Misconduct policy
- concerns raised frivolously, maliciously, for personal gain, or where they are known to be untrue, constitute serious misconduct and will be addressed using the Managing Misconduct policy and may result in disciplinary action, or for agency staff, termination of the agency contract.

**Responding to a disclosure**

The manager must contact HR Operations if they have received a complaint under this policy.

The manager must assess the nature of the concern, to decide it meets the definition of a protected disclosure and if so, the seriousness of the concern and respond appropriately and proportionately.

If a concern is raised anonymously, and not all the relevant information has been provided to take the complaint further. The manager must decide, based on the nature and seriousness of the issue, whether to investigate it further. The manager should record the reasons for reaching their decision

**Investigation**

If a complaint is in the 'public interest', an investigation which is proportionate to the concern that is raised is undertaken and completed. A senior manager will be appointed to undertake the investigation, which may be a manager or a member of a specialist team, such as internal audit.

If urgent action is required, such as a referral to the Police, this takes place before an investigation starts.

The investigation is completed as promptly as possible, however it is not always possible to provide an exact timescale at the start of an investigation due to the varied nature of whistleblowing concerns.

The worker who raised the concern is kept informed during the investigation as appropriate and subject to legal and confidentiality constraints. The worker should treat any information about the investigation as confidential.

**Outcome of the investigation**

The outcome(s) of the investigation is:

- shared with the worker who raised the concern (subject to legal and confidentiality constraints)
- referred to the appropriate manager or department to progress any actions that may be required
- reviewed to ensure that the actions taken have resolved the original concern.

**Making a disclosure externally**

A worker should only raise a concern externally in the following situations:

- the concern has been raised internally but the worker

- believes the issue remains unresolved
- the worker believes that they have been or will be placed in a vulnerable position by raising the concern internally.

In these situations, the worker may wish to raise the concern externally to contacts such as:

- an Elected Member of the Council<sup>1</sup>
- Protect (formerly known as Public Concern at Work)
- those listed on the Department for Business Innovation & Skills list of prescribed persons and bodies  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- the Police [for criminal matters]
- the whistleblowing helplines of external bodies, e.g. OFSTED.

### **Record keeping**

Details of all whistleblowing concerns and investigations are retained for 6 years plus the current year from the close of the case, except where separate retention rules apply, e.g. child protection records.

### **Examples of illegality or malpractice**

Examples of the types of malpractice that could be disclosed under the policy are:

- fraud or corruption
- financial irregularities
- unauthorised use of public funds
- the physical, emotional or sexual abuse of clients
- deficiencies in the care of vulnerable people
- serious breaches of professional codes of conduct/ practice
- failure to follow financial and contractual procedure rules
- showing undue favour to a contractor or a job applicant
- other dangers or illegalities which may affect clients, members of the public or the Council.

### **Related documents**

To help with the application of this policy it may be useful to read the following:

- Employees' How to Guide - Whistleblowing
- Managers' How to Guide - Whistleblowing

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<sup>1</sup> In the event of a concern being raised with an Elected Member of the Council, the Elected Member should contact the Monitoring Officer who will provide advice and support to determine the appropriate way forward.

- Local Government Code of Conduct
- Managing Misconduct policy.

## Support

### Employees:

Further information is available in the Employees' How to Guide – Whistleblowing.

Queries relating to this policy should be directed to your manager.

Your Trade Union can be contacted for advice.

Access to free, confidential and impartial Employee Support is available to all employees. Please visit the webpages for further information <https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employee-support>

Protect are a registered charity whose services are free and confidential. Their website is <https://protect-advice.org.uk/>

### Managers:

Further information is available in the Managers' How to Guide – Whistleblowing.

Advice on remaining queries can be directed to HR Operations at [hradvice@hants.gov.uk](mailto:hradvice@hants.gov.uk) or on 01962 813915.

## Policy Governance

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**Employees of non Hampshire County Council customers are excluded from this policy and should refer to their own employer's policies and procedures.**