

East Hampshire District Council Whistleblowing Policy

1.0 INTRODUCTION

1.1 The Council is committed to achieving the highest possible standards of openness, honesty and accountability in all of its practices. These sit alongside the Council's core values of being bold, positive, respectful and results driven. This policy has been introduced to help you raise a concern you may have about malpractice such as fraud, a danger to health, safety or the environment or a crime, in the right way and without fear.

1.2 We all may have, at one time or another, had concerns about what is happening at work. Usually, these concerns are usually easily resolved. However, when the concern is about malpractice, it can be difficult to know what to do. You may feel worried about raising an issue and decide to keep your concern to yourself, perhaps feeling that it is none of your business or that it's only a suspicion. Or you may feel that raising the matter would be disloyal to colleagues, managers or the Council itself. Perhaps you have tried to raise the matter but found out you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.3 The Council would prefer that you raise any concerns about malpractice at an early stage when it is just a concern, rather than wait for proof. This policy has been introduced to help you raise any concern about malpractice in the right way. It explains the routes open to all Council staff, including employees, temporary workers, agency staff and people working for sub-contractors. This policy does not replace the Council's complaints procedure which is open to all members of the public. If your concern relates to your own treatment as an employee, for example a breach of contract of employment, you should raise this under the existing grievance procedure.

1.4 If you have a concern about fraud or corruption, please see the Anti-Fraud and Corruption Policy. If, however, you want to bring a complaint, please use the Grievance Procedure. This Whistleblowing Policy is primarily for a concern which affects the interests of others such as service users, the public, colleagues or the Council itself. e.g.

- Conduct which is an offence or a breach of law.
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.
- Information risk including unauthorised disclosure of information held by the Council
- Damage to the environment.
- Poor performance or inappropriate behaviour by contractors
- The unauthorised use of public funds.

- Possible fraud and corruption (see the Anti-Fraud and Corruption Policy).
- Sexual, physical or emotional abuse of clients/service users, or
- Other unethical conduct-examples of unethical conduct include bullying, employee theft, abusive behaviour, lying and falsifying records but these are not exclusive examples.

If in doubt – please raise it!

OUR ASSURANCES TO YOU

The Council is committed to this policy.

Your safety

1.5 We recognise that it may be difficult to raise a concern. Legislation provides protection for employees who raise legitimate concerns about specified matters that the employee reasonably believes are in the public interest. These are called ‘qualifying disclosures’. A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above

is being, has been, or likely to be committed. It is not necessary for the employee to have proof that such an act is being, has been, or likely to be committed, a reasonable belief is sufficient. However, mere ‘gossip’, ‘hearsay’ or ‘assertion’ will not be deemed as ‘facts’ that tend to show any of the above six categories of wrongdoing has occurred (or is likely to occur). Provided that you raise a concern honestly, you will not suffer any form of retribution/detriment for doing so even if you are mistaken. Once a ‘qualifying’ disclosure has been made, in law, the person that made the disclosure is then protected against detriment by the Council. Protection from detriment also applies to ex-employees making disclosures after the termination of their employment. The Council will be vicariously liable where an employee is subjected to a detriment by a fellow employee for making a qualified disclosure. Therefore, the Council will take all reasonable steps to prevent any form of detriment and that any victimisation of an employee for raising a qualified disclosure will be treated as a disciplinary offence.

Where it unfortunately transpires that a complaint has been raised without a reasonable belief that the facts of the disclosure are true, the Council may consider disciplinary action. Further, raising a concern under this policy when disciplinary or redundancy procedures have already started, will not halt the progression of those procedures.

Your confidence

- 1.6 With these assurances, we hope you will raise your concern openly and in the usual way. However, we recognise that there may be some circumstances when you would prefer to speak to someone in confidence. If so, please say when you approach them.
- 1.7 Keeping your confidence means that if you ask us not to disclose your identity, we will not do so without your consent or unless we are required to do so. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Anonymity

- 1.8 Please remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter. We will not be able to protect your position or give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.
- 1.9 If you are unsure about raising a concern openly or in confidence, you can get independent advice from an external body 'Protect', the Whistleblowing Charity on 020 3117 2520 or seek more information at:

www.protect-advice.org.uk

The Protect website offers further information on the Public Interest Disclosure Act 1998 (PIDA), the Employment Rights Act 1996 (ERA) and law and cases on Whistleblowing.

2.0 HOW TO RAISE A CONCERN

- 2.1 Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can, the facts, information or circumstances that give rise to your concern. Remember the earlier you raise a concern, the easier it may be to resolve it. Your concerns may be about:
- that which makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
 - facts or matters that breach the Council's Constitution and policies; or
 - facts or matters that fall below established standards of practice; or
 - facts or matters that amount to actual or likely improper, fraudulent or criminal conduct.

Step One

We hope that you will feel able to raise your concern openly with your manager. This may be done orally or, if you prefer, in writing.

Step Two

If you feel unable to raise the matter with your manager for whatever reason, or if you think the concern has not been properly addressed, please raise it with a senior manager in your area or one of the following officers:

Executive Directors

Step Three

If you still have a concern, or feel that the matter is so serious that it cannot be dealt with through steps One and Two, then please raise it with any of the following:

Chief Executive

Monitoring Officer

Chief Finance Officer

Internal Audit. (This is hosted by the Southern Internal Audit Partnership at Hampshire County Council.)

These are senior officers who have been given special responsibility and training in dealing with whistleblowing concerns and in particular the Public Interest Disclosure Act 1998.

- 2.2 If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

You may invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

3.0 HOW WE WILL HANDLE THE MATTER

- 3.1 Once you have told us of your concern, we will confirm to you in writing within three working days that we have received it. We will then assess it and consider what (if any) action may be appropriate. This may involve an informal review, an internal enquiry or a more formal investigation. We will tell you who will be handling the matter, how you

can contact them, expected timescales and what further assistance we may need from you. Remember, our Employee Assistance Programme (EAP) is also there to help you if you feel you need any support. We will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern or there is any information missing please let us know.

- 3.2 We will try to establish, with you, how we can best preserve confidentiality and how to communicate with you about your concerns. We cannot guarantee that people may not either guess or deduce from other circumstances that it is you who raised the concern(s).
- 3.3 If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within the Grievance Procedure, we will tell you.
- 3.4 We accept that you may want to be assured that the matter has been properly addressed and whenever possible, we will give you summary feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about disciplinary or other action, when it infringes a duty of confidence we owe to third parties.
- 3.5 If you report a concern to your line manager and consider it is not been satisfactorily explained at the time, you can ask your Manager to refer your concern in writing to the Monitoring Officer, or in their absence, a Deputy Monitoring Officer. The Monitoring Officer will acknowledge it in writing within two working days. You may approach the Monitoring Officer directly to follow the matter up. The Monitoring Officer will handle your concerns as in paragraphs 3.1 to 3.4 above.
- 3.6 Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly.

4.0 INDEPENDENT ADVICE

- 4.1 If you are unsure about whether to use this policy or if you want independent advice at any stage, free advice is available from your Trade Union (if applicable) or you may contact "Protect".
- 4.2 If you want advice from any other sources, you will have to meet any expenses incurred.

5.0 EXTERNAL CONTACTS

- 5.1 While we hope this policy gives you the reassurance you need to raise a concern internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as to the Council's external auditor Ernst & Young LLP or an appropriate regulator, or in very serious situations, to the Police. If you do so, be careful not to disclose confidential or privileged information.

- 5.2 “Protect” (or, if applicable, your union) will be able to advise you on such an option and the circumstances in which you may be able to contact an outside body safely:-

www.protect-advice.org.uk

Telephone- 020 31172520

- 5.3 Safeguarding:-

<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiM2OqQp4yLAXVqU0EAHSAQHr4QFnoECBQQAQ&url=https%3A%2F%2Fhampshiresab.org.uk%2Fsafeguarding-support%2Freport-concerns&usg=AOvVaw24Rc6tB3Y1mKRJtqlxlYz&opi=89978449>

- 5.4 Equalities and Diversity:-

<https://easthantsdc.sharepoint.com/:b:/s/IntraEHDC/EeSmJSGfVq5Mh9etl0Ht0lIBtnWE1d23uhvC5F5wnqppPQ?e=H7S5h0>

https://easthantsdc.sharepoint.com/:b:/s/IntraEHDC/EfqRDeQOq3lOnGwBliv_sNABTHaBUHPMnSo-etfnEkPn6Q?e=IY9lJf

6.0 ADMINISTRATION

- 6.1 If you have any questions about the Whistleblowing Policy and how it applies, you can contact the Human Resources Manager or the Monitoring Officer who will be pleased to answer your questions.
- 6.2 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy and this policy will be reported to the Council’s Audit Committee as part of its overall governance and risk management function. The Monitoring Officer maintains a confidential record of concerns raised and the outcomes.
- 6.3 This policy will be reviewed by the Audit Committee every two years or sooner, if required.

See also:-

The Anti-Fraud and Corruption Policy and Response Plan
The Complaints Policy
The Councillors’ Code of Conduct
The Officer Code of Conduct
The Council’s Grievance Procedure
Employee Assistance Programme (EAP)

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