


**WHISTLEBLOWING POLICY**
**1. Policy control**

Policy or template title	Whistleblowing Policy
Document version	Updated June 2017
Departmental ownership	Finance and Resources
Document owner	Ronan Cregan, Director of Finance and Resources & Deputy Chief Executive
Officer responsible or document authority	Andy Harrison, Head of Audit, Governance and Risk Services (AGRS)
Date of approval –	7 December 2015 (Audit & Risk Panel) 18 December 2013 (SP&R) 5 January 2016 (Council)
Date of last review	May 2017
Date of last update	May 2017
Updated by	Liam Mulholland, AGRS Manager
Date of next review	Annual review – June 2018
Approval details	Assurance Board / Audit & Risk Panel
Locations of where document is held and referenced	AGRS / Interlink
<b>Intended audience</b>	<b>Communication process</b>
Employees / workers	Intercom, Interlink, Team brief (proposed), Core skills and fraud awareness training, Council Constitution
Elected members	Audit & Risk Panel training and reports, Council Constitution, Member briefings
Contractors	BCC website, contract documents

**2. CONTENTS**

This policy document includes the following sections:

- What is whistleblowing and why is it needed? (section 3)
- The aims of this policy (section 4)
- Relationship with other council policies (section 5)
- The Council's commitment (section 6)
- What the policy covers (section 7)
- Who is covered by the policy (section 8)
- Reporting concerns (section 9)
- Council Response plan (section 10)
- Procedures for Contractors (section 11)
- Summary of roles and responsibilities (section 12)
- A routemap showing how different types of concern are addressed by council policies (Appendix 1).

### 3. What is whistleblowing and why is it needed?

The charity, Public Concern at Work (PCAW), has defined whistleblowing as “a worker raising a concern about wrongdoing, risk or malpractice with someone in authority internally or externally

Why is whistleblowing needed? All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. Workers are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the ‘eyes and ears’ of organisations cannot be overstated. Therefore, whistleblowing provides workers with an opportunity to raise serious, genuine concerns rather than overlooking the problem or blowing the whistle outside. Whistleblowing legislation offers protection to workers who disclose serious concerns and the Council is committed to ensuring that anyone who blows the whistle will not be victimised, harassed or suffer any detriment as a consequence.

### 4. Aims of this policy

This policy aims to:

- make you feel confident to raise concerns within the Council, as soon as possible rather than overlooking a problem or blowing the whistle to the media or other external bodies;
- give you avenues to raise concerns and receive feedback on any action taken;
- inform you on how to take the matter further if you are dissatisfied with the response; and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing made in good faith.

### 5. Relationship with other council policies

The importance of whistleblowing policy is explicitly covered in the Code of Conduct for Local Government employees, which states that “Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service”. Paragraph 4.14 of the Code further states that “if an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee’s rights under the Public Interest Disclosure (NI) Order 1998, and with the Council’s confidential reporting procedure, or any other procedure designed for this purpose”.

It is important to emphasise that it is not in anyone’s interests if our whistleblowing policy is used to pursue a personal complaint or grievance. The Whistleblowing Policy is intended to cover concerns that fall **outside** the scope of the council’s complaints and grievance procedures.

Also, if you are a member of the public with concerns or information which you think we should know about or look into, you should, however, follow the Corporate Complaints process if your concern is about a particular service that we have provided to you. However,

## Appendix C

if you raise information as a witness about danger, wrongdoing or illegality that affects others, this will be investigated under the Whistleblowing Policy. However, you should be aware that the council can only extend protection to workers who identify themselves when they raise a concern.

The routemap at Appendix 1 shows the relationship between these policies.

### **6. The Council's commitment**

We are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we want workers 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.

We trust that workers will feel able to voice their whistleblowing concerns openly under this policy; however, we recognise that some employees may want to raise their concerns confidentially (and anonymously). However, this policy document makes it clear that you can raise any concerns you have without fear of victimisation, subsequent discrimination or disadvantage. In developing this Policy the Council recognises the need for an open and honest culture where workers have clear information on how to raise concerns (both internally and externally) and are encouraged to do so in the knowledge that they will be listened to, treated with respect and without fear of reprisal.

### **7. What does the policy cover?**

A whistleblowing concern is where an individual discloses information about suspected danger, wrongdoing or illegality that affects others. The individual whistleblower is usually not personally affected by the danger, wrongdoing or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of the investigation into their concern – they are simply trying to alert others. The following list illustrates the types of issues that may be raised:

- conduct which is a criminal offence;
- disclosures related to miscarriages of justice;
- failure to comply with any legal (or professional) obligation (for regulatory requirements);
- health and safety risks, including risks to the public as well as other workers;
- negligence;
- breach of internal policies and procedures;
- conduct likely to damage the Council's reputation;
- unauthorised disclosure of information
- damage to the environment;
- the unauthorised use of public funds;
- fraud and corruption (see also the Council's fraud policy statement for more details);
- sexual or physical abuse (other than matters raised by way of formal complaint or grievance);
- any attempt to prevent disclosure of any of the above; and
- other unethical conduct which gives you cause for concern.

### 8. Who is covered by the policy?

Legislation defines a whistleblower as a “worker” that is, someone inside the organisation. The policy therefore applies to all people working for Belfast City Council. This includes full and part-time, temporary and casual staff and contractors (see section 10 of the policy) working for the council on Belfast City Council premises (for example, agency assignees and builders). It also covers council suppliers and those providing services under a contract with the council in their own premises.

The legislation does **not** extend protection to members of the public who raise concerns, although the concerns that they raise may still be investigated through our complaints procedure or if the concern relates to danger, wrongdoing or illegality that affects others (see section 5 above), the concern can be investigated under the whistleblowing policy.

### 9. Reporting concerns

#### How to raise a concern

Concerns can be raised in person or in writing providing as much detail as possible. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why you are particularly concerned about the situation. You should highlight if you wish to raise the matter under the council’s whistleblowing policy. Concerns can also be raised verbally, if you would prefer not to disclose your concerns in writing, you can telephone or meet an appropriate council officer (see below) or alternatively you can also raise concerns through your trade union.

#### When to raise a concern

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. But in uncovering malpractice you will be doing a service to the council. The earlier you express the concern the easier it will be to take action.

#### Option 1 – Raise your concern with your line management

If you have a concern about a risk, malpractice or wrongdoing at work, we hope that you will feel able to raise the matter first with your immediate line manager or Departmental Business Manager. You can do this verbally or in writing.

#### Option 2 – Raise your concern with senior, designated officers

If you feel unable to raise the matter with your line management / Departmental Business Manager for whatever reason, you should raise it with one of the following:

- Suzanne Wylie, Chief Executive Ext. 6001;
- Ronan Cregan, Director of Finance and Resources & Deputy Chief Executive Ext. 6184;
- Paddy Murray, Head of Human Resources Ext. 3220;
- John Walsh, City Solicitor Ext. 6042;
- Andrew Harrison, Head of Audit, Governance and Risk Services Ext 4641.

## Appendix C

### **Option 3 - Raise your concern with a regulator**

We hope that this policy gives you the reassurance to raise a concern internally. However, it is also recognised that there may be circumstances where you may wish to report a concern to an outside body, such as a regulator. You can seek independent advice from an experienced organisation before blowing the whistle. Public Concern at Work is an independent, charitable organisation that runs a free, confidential advice line. They can advise you on how to safely and effectively raise a concern. The number is 020 7404 6609 or you can email their helpline - [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). In addition, Local government auditors have been prescribed as persons to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998. Prescribed persons are responsible for investigations of allegations that fall under their jurisdiction and protecting whistleblower's and their interests. More information can be obtained from the Northern Ireland Audit Office (NIAO) on **028 9025 1023** or email [whistleblowing@niauditoffice.gov.uk](mailto:whistleblowing@niauditoffice.gov.uk)

### **Openness, confidentiality and anonymity**

In most cases the best way to raise a concern is to do so openly. By making their identity known, workers are more likely to secure a positive outcome. Openness makes it easier for us to address the issue, work out how to investigate the matter, understand the reasons for concerns get more information and report back on the outcome of investigations undertaken. This policy encourages you to put your name to your whistleblowing disclosure.

We recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case please state this at the outset. We will make every effort to preserve your anonymity if you so wish. Please be aware that the investigation process may reveal the source of the information and a statement from you may be required as part of the evidence.

Concerns expressed anonymously are much less powerful as proper investigation may be impeded. We would ask anyone thinking of making a disclosure to consider the following points: you should bear the following points in mind:

- being anonymous does not stop others from speculating about who raised the concern;
- it will not be possible to provide details of the outcome of any investigation into an anonymous disclosure; statutory protection is easier to obtain if a concern is raised openly. If a concern is raised anonymously it may not be possible to afford protection. Furthermore, it may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern;
- while we cannot always guarantee the outcome that you are seeking, we will try to deal with your concern fairly and in an appropriate way;

Given these inherent difficulties, the council will exercise discretion in deciding whether or not to investigate anonymous allegations. The factors to be taken into account will include:

- the seriousness of the issue(s) raised;
- the credibility of the allegations;
- the likelihood of confirming the allegation from attributable sources; and
- whether the allegations have been investigated before.

## Appendix C

### Safeguards

The council will fulfil its responsibility to ensure that you are NOT harassed, victimised or otherwise disadvantaged when you raise a concern. We will take appropriate action including the application of the disciplinary procedure to protect an employee who raises a concern in good faith. In accordance with the Public Interest Disclosure (NI) Order 1998, whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, withholding a pay rise, objecting to a promotion, not giving training or any other unfavourable treatment connected with raising a concern. If you believe you have suffered any such treatment, you should inform one of the named officers at Section 9 option 2 immediately. If it is not remedied you should raise it formally using our Grievance Procedure. If an employee is already the subject of disciplinary or redundancy procedures, these procedures will not be halted as a result of their whistleblowing.

### Allegations made for an ulterior / undesirable purpose

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that you have a reasonable belief of a genuine concern. If you make an allegation, which is subsequently not confirmed by the investigation, no action will be taken against you. If the allegation is demonstrably made for an ulterior and undesirable purpose, it will be deemed not to have been made in good faith. Therefore, if we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

### If you are the subject of a whistleblowing complaint

If a whistleblowing complaint, (which could be anonymous) is received against you this will not, on its own, initiate disciplinary action being taken.

Upon receipt of such a complaint, it may be necessary for preliminary enquiries to be undertaken. Where the complaint is potentially serious / gross in nature, the council may initially seek to validate the complaint through observation, enquiry and / or liaison with the Police and following these you will be informed of the allegations made and will be given an opportunity to provide an explanation.

If following explanation and, if necessary, further investigation there is no evidence to suggest misconduct, the matter will not be referred for disciplinary action. However, if there is evidence of potential misconduct there is a possibility that the council's disciplinary procedures may be implemented to more fully investigate the matter.

## 10. Council Response Plan

### What should I expect from the Council should I raise a concern

If you make a whistleblowing disclosure the Council will (so long as you have not submitted your concern anonymously):

- formally acknowledge receipt of your concern;
- formally notify you who will be dealing with your concern;

## Appendix C

- offer you the opportunity of a meeting to fully discuss the issue
- respect your confidentiality where this has been requested. confidentiality will not be breached unless required by law, and we will consult with you prior to any action that could identify you;
- take steps to ensure that you have appropriate support and advice;
- agree a timetable for feedback. If this cannot be adhered to, we will let you know;
- provide you with as much feedback as we properly can; and
- take appropriate and timely action against anyone who victimises you.

The Council has developed standard procedures for how whistleblowing concerns should be handled. This includes guidance and procedures for helping to preserve confidentiality and the integrity of evidence as well as undertaking investigations and reporting on the outcome of these investigations.

### **Receipt of whistleblowing concerns**

It is essential that workers who raise concerns are supported and, as such, managers (and all staff) who receive disclosures from workers should:

- have a positive and supportive attitude towards workers raising a concern;
- record as much detail as possible about the concern being raised and agree this record with the worker;
- be aware of the process following the raising of the concern and explain this to the worker;
- make sure the worker knows what to expect, for example feedback in relation to their concern;
- assure the worker their confidentiality will be protected as far as possible, if they request it;
- make no promises and manage the expectations of the worker;
- make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the worker to let you know if this happens;
- refer the worker to available sources of support, for example to PCaW or a trade union;
- pass the information as quickly as possible to the Council's Head of Audit, Governance and Risk Services (AGRS) or an AGRS Manager who will log the case and consider the best way in which to respond (see below).

Cases will be carefully logged by Audit, Governance and Risk Services to enable the investigation's progress to be monitored in a way that, where requested, safeguards the identity of the whistleblower.

### **Initial Enquiries**

In order to protect individuals and the council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other existing procedures will normally be referred for consideration under these procedures. It may not be necessary to carry out a formal investigation in every case. There may be a range of possibilities, depending on the nature of each case, for example:

## Appendix C

- Explaining the context of an issue to the person raising the concern may be enough to alleviate their concerns;
- Minor concerns may be dealt with straight away by line management;
- A review by Audit, Governance and Risk Services as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment;
- There may be a role for the Northern Ireland Audit Office (NIAO) in addressing the concerns raised and either providing assurance or recommending changes to working practices.

Provided you are identifiable and do not request otherwise, the council will usually respond to your concerns within ten working days of the concern being received. You will receive a written response:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

The action taken by the council will depend on the nature of the concern. The matters raised may be:

- investigated internally;
- referred to the police or other statutory agencies; or
- referred to the Local Government Auditor (Northern Ireland Audit Office).

The course of action will normally be agreed by Audit, Governance and Risk Services, Corporate Human Resources, and Legal Services in consultation with senior departmental management, as appropriate. Audit, Governance and Risk Services will, in consultation, with these services, sign off and endorse the approach to be taken and the appointment of officers to undertake a detailed investigation.

### **Detailed investigation**

The amount of contact between you and the investigating officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officer will seek further information from you. Where any meeting is arranged, this can be off-site if you so wish and you can be accompanied by a trade union or professional association representative or a friend. We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

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, we will advise you about the procedure.

The council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, we will inform you of the outcomes of any investigation indicating:

## Appendix C

- the council's findings in relation to the investigation of your concerns; and
- the action the council proposes to take.

The response will be prepared by the Investigating Officer who will consult with the relevant Departmental Business Manager, Audit, Governance and Risk Services, Corporate Human Resources and Legal Services.

### **How the matter can be taken further**

This policy is intended to provide you with an avenue within the council to raise concerns. If you are not satisfied with the outcome, you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside this process, the following are possible contact points:

- the Commissioner of Complaints;
- the Northern Ireland Audit Office (the local government auditor);
- relevant professional bodies or regulatory organisations;
- your solicitor; or
- the police.

One possibility is that you may wish to rely on your rights under the Public Interest Disclosure (NI) Order 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed people outside of the council who can be contacted in certain circumstances. You should seek advice from your solicitor, your local Citizens Advice Bureau or the Ombudsman or Public Concern at Work on the effect of the Order.

If you take the matter outside the council, you should make sure that you do not disclose confidential information or that disclosure would be privileged. In order to make sure that you do not make any such disclosures you may want to check the position with the Council's City Solicitor.

### **11. Procedure for contractors**

As well as applying to council staff, this policy also covers those contractors working for the council on Belfast City Council premises for example, agency staff and builders. It also covers council suppliers and those providing service under a contract with the council in their own premises.

As a first step, if you are a contractor, you should normally raise concerns with your manager, who should inform the most senior council officer who is dealing with the particular contract. If you do not have a manager, you should raise your concerns directly with the most senior council officer who is dealing with the contract. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you believe that your manager or the most senior council officer who is dealing with the contract is involved, you should approach one of the following officers:

- Suzanne Wylie, Chief Executive Ext. 6001;
- Ronan Cregan, Director of Finance and Resources & Deputy Chief Executive Ext. 6184
- Head of Human Resources Ext. 3220;

## Appendix C

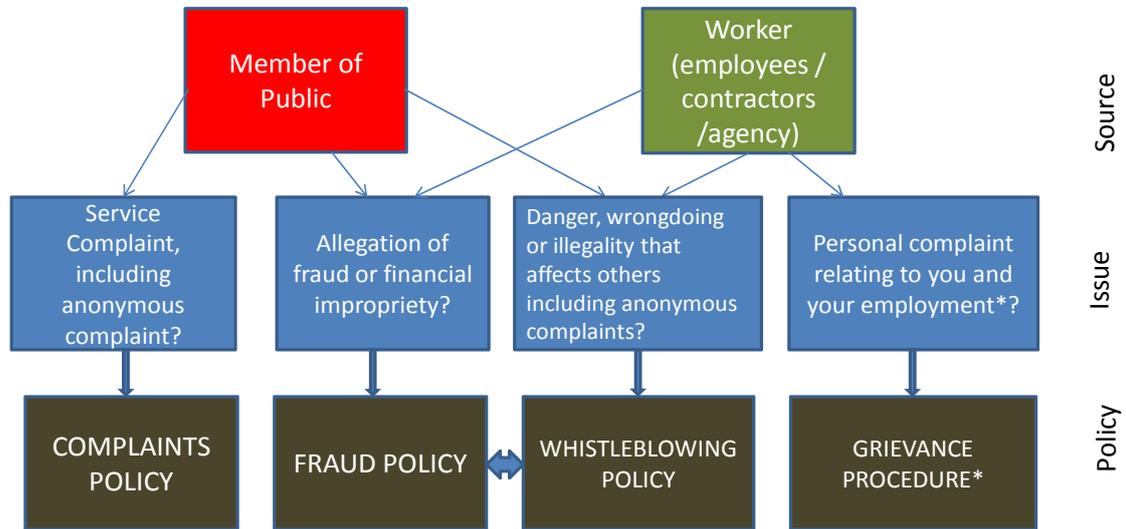
- John Walsh, City Solicitor Ext. 6042;
- Andrew Harrison, Head of Audit, Governance and Risk Services Ext. 4641

Otherwise the most senior council officer who is dealing with the contract who receives notification of concerns under this policy will directly notify the council's Corporate Human Resources, Legal Services and Audit, Governance and Risk Services of the concern. We will adopt the council response plan (described at section 10 above). If the concern relates to fraud or financial impropriety it will be referred to our Head of Audit, Governance and Risk Services.

<b>12. Summary of Roles and Responsibilities</b>	
<b>Members</b>	Leadership, approve policy, receive and consider progress updates at the Audit & Risk Panel on whistleblowing (as appropriate).
<b>Chief Executive, City Solicitor, Head of Human Resources, Head of AGRS</b>	Contact points for whistleblowers to report concerns.
<b>Director of Finance and Resources &amp; Deputy Chief Executive</b>	Director with responsibility for this policy and contact point for whistleblowers to report concerns.
<b>Departmental management</b>	<p>Management should ensure that their staff are aware of relevant council policies and procedures and ensure they are complied with.</p> <p>Management should be aware of what to do if they receive a whistleblowing complaint (see Council response plan - section 10 of this policy).</p> <p>Managers may be asked, where appropriate, to undertake whistleblowing investigations including, liaising with the whistleblower, where possible.</p> <p>Departmental Business Managers will, where appropriate, be consulted on the investigation of whistleblowing concerns and will, where appropriate, keep senior departmental management informed of the progress of investigations</p>
<b>Staff</b>	<p>Staff should ensure they comply with relevant council policies and procedures.</p> <p>Staff should be aware of what to do if they receive a whistleblowing complaint (see Council response plan - section 10 of this policy).</p>
<b>Audit, Governance and Risk Services</b>	<p>AGRS will undertake or provide advice and assistance to the council in undertaking investigations.</p> <p>Acknowledging, logging and monitoring of all whistleblowing cases and investigations and liaising with whistleblowers as and when it is necessary.</p> <p>Policy maintenance and communication.</p>
<b>External Audit</b>	Local government auditors have been prescribed as persons to whom protected disclosures can be made under the Public Interest Disclosure (NI) Order 1998. Prescribed persons are responsible for investigations of allegations that fall under their jurisdiction and for protecting the whistleblower and their interests while conducting the investigation. More information can be obtained from the Northern Ireland Audit Office (NIAO) on <b>028 9025 1023</b> or email <a href="mailto:whistleblowing@niauditoffice.gov.uk">whistleblowing@niauditoffice.gov.uk</a>
<b>Corporate HR and Legal Services</b>	Provision of specialist advice on investigations as well as potential disciplinary and or criminal matters.

## Appendix 1 – Routemap

The diagram below provides an overview of the relationship between the complaints, fraud and whistleblowing policies and the existing grievance procedure. Note that only employees and workers are protected by whistleblowing legislation. More detail is provided in each policy.



\* BCC Employees only