

Whistleblowing Policy

Policy and Guidance for Whistleblowers

Audit and Risk Management

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1. Introduction

- 1.1 Bolton Council is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.
- 1.2 Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace. Examples could include (but are not limited to) the following:
- Criminal offences.
 - Failure to comply with a legal duty.
 - Miscarriages of justice.
 - Fraud and corruption.
 - Abuse of authority.
 - Serious breaches of Council policy and procedure.
 - Unethical conduct and action deemed unprofessional or inappropriate.
 - The health and safety of any individual has been, or is likely to be, endangered.
 - The environment has been, is likely to be, damaged (as a result of the Council's actions or inactions).
 - Information about any of the above has been, is being, or is likely to be, deliberately concealed.
- 1.3 The Council's Whistleblowing Policy is a vital element of our governance arrangements and is designed to allow those employed by the Council to come forward and raise both disclosures and serious allegations of wrongdoing involving the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities.
- 1.4 As such the Council is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.
- 1.5 This policy seeks to set out how the Council will handle and respond to serious allegations of perceived wrongdoing raised by employees and workers of the Council.

Aims and Scope

- 1.6 Our Whistleblowing Policy seeks to cover all disclosures and allegations made by employees of Bolton Council, including temporary and agency staff and those employed in community schools, community special schools, voluntary controlled schools and maintained nursery schools.
- 1.7 It also extends to any other individuals who work for the Council who want to raise an allegation of perceived wrongdoing, including consultants, contractors and sub-contractors who are engaged in work for the Council.

1.8 The policy seeks to:

- provide for a culture of zero tolerance toward fraud and corruption and deter wrongdoing;
- encourage employees and workers with serious concerns about any aspect of the Council's work to feel confident to come forward and voice those concerns;
- raise concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
- provide safeguards to reassure those who raise concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;
- set out how the Council will respond to allegations made and enable them to get feedback on any action taken; and
- ensure that employees know what to do if they are not satisfied with actions taken.

1.1 The Whistleblowing Policy is not to be used where other more appropriate internal reporting procedures are available. There are existing Council procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a general complaint, which by contrast, generally have no additional public interest dimension.

1.2 This Whistleblowing Policy covers concerns that fall outside the scope of those existing internal procedures. Equally, the Council will investigate any allegations made through the above procedures, which raise serious concerns over wrongdoing, under the whistleblowing process.

1.3 Any individuals who are raising concerns relating to money laundering offences or the Proceeds of Crime Act 2002 are required to report these concerns directly to the Money Laundering Reporting Officer (MLRO) in line with the Anti-Money Laundering Policy.

2. What is Whistleblowing?

2.1 Whistleblowing is the confidential disclosure by an employee or worker of any concerns relating to a perceived wrongdoing involving any aspect of the Council's work or those who work for the Council.

2.2 The whistleblowing process assists individuals, who believe they have discovered malpractice, impropriety or wrongdoing, to raise a concern, in order that this can be addressed.

2.3 The Public Interest Disclosure Act 1998 (PIDA) is known as the Whistleblowing law and is designed to encourage and enable employees and workers to "speak out" and to report suspected wrongdoing at work. This is commonly known as "blowing the whistle".

2.4 PIDA legislation legally protects employees and workers from any detriment from their employer or colleagues that arises as a result of making a "protected disclosure" (a

qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

- 2.5 A qualifying disclosure means any disclosure of information made to the Council or other prescribed person, which in the reasonable belief of the individual making the disclosure, is made in the public interest and tends to show one or more of the following:
- (a) that a criminal offence has been committed, is being committed, or is likely to be committed;
 - (b) that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject;
 - (c) that a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - (d) that the health or safety of any individual has been, is being, or is likely to be endangered;
 - (e) that the environment has been, is being, or is likely to be damaged; or
 - (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being, or is likely to be deliberately concealed.
- 2.6 A disclosure of information is not a qualifying disclosure if the person making the disclosure commits an offence by making it.
- 2.7 A prescribed person is someone identified in regulations who is independent of the employee's organisation, but usually has an authoritative relationship with the organisation, such as a regulatory or legislative body (see paragraph 3.8).
- 2.8 Whilst protection under the PIDA covers employees and most workers it is not extended to partners, non-executive directors, volunteers or the self-employed. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than employees and workers of the Council. As with internally reported cases, particular consideration needs to be given to matters of confidentiality.

3. Making a Disclosure or Raising a Concern

Making an Internal Disclosure

- 3.1 Where possible employees or workers should raise concerns in writing, however raising a concern verbally also counts as whistleblowing. Wherever possible, the information provided should include the background and history of the concern, provide names, dates and places where possible, and the reason why the individual is particularly concerned about the situation.
- 3.2 The earlier an employee or worker expresses a concern, the easier it will be to take action. Individuals should raise a concern as soon as there is reasonable suspicion; they are not expected to investigate the concern themselves to prove the suspicions

are well-founded. Providing genuine concerns are being raised it does not matter if the employee or worker is mistaken.

- 3.3 It is the hope and intention of the Council that any employee or worker with a concern about any aspect of the Council's operations or its conduct, feels able to first raise those concerns internally with line management or with one or more of the officers listed below. This includes where an employee wants to make a protected disclosure about their manager.
- Head of Audit and Risk Management
 - The Chief Officer of the Directorate
 - The Director of Corporate Resources (Section 151 Officer)
 - The Borough Solicitor (Monitoring Officer)
 - The Chief Executive
- 3.4 Details of all concerns received by managers should be reported to the Internal Audit Section to be logged; allowing a central record of whistleblowing cases to be maintained. This includes concerns received in relation to Foundation and Voluntary Aided Schools, Academy Schools, Sixth Form Colleges and Free Schools.
- 3.5 Where allegations are made against Internal Audit, in order to ensure impartiality and integrity of the investigation, these allegations will be immediately referred to the Borough Solicitor who will make appropriate arrangements for an independent investigation to take place. Where allegations are made which may relate to both Internal Audit and Borough Solicitors, those allegations will immediately be referred to the Chief Executive, who will make arrangements for an independent investigation to take place.
- 3.6 To ensure transparency where any allegations are made in respect of Internal Audit, it may be appropriate that the Chair of Audit Committee and External Audit are made aware, on a confidential basis, that such allegations have been made and the arrangements that have been put in place to investigate them.

Making an External Disclosure to the Regulator

- 3.7 Under whistleblowing law, if an employee or worker does not feel comfortable making a disclosure internally within the Council, or if they are not satisfied with the response they have received, they have the right to take their concerns outside the Council to certain 'prescribed regulators' for example the Care Quality Commission, Ofsted etc.
- 3.8 Below is a list of other 'prescribed regulators' to whom an employee or worker may make a protected disclosure:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf
- 3.9 Before making a disclosure, an employee or worker may first wish to discuss the concern on a confidential basis with a manager, trade union representative, solicitor or professional body and seek advice on how to proceed. These discussions may help assess how justified the concern is, and if they then wish to proceed, the most

appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the PIDA.

- 3.10 Additional information about the PIDA can be obtained from the whistleblowing charity Protect (formally Public Concern at Work (PCaW)). For information visit www.protect-advice.org.uk or telephone the independent and confidential advice line 0800 1124409.
- 3.11 Employees and workers are protected when they make a disclosure. In making a protected disclosure to a regulator the employee or worker must:
- reasonably believe that the disclosure they are making is in the public interest;
 - reasonably believe that the information detailed and any allegation in it are substantially true; and
 - the matter disclosed must fall within the matters prescribed for that regulator.

Whistleblowing by Individuals Employed in Schools

- 3.12 The Council is the legal employer of individuals who are employed in schools maintained by the Council such as community schools, community special schools, voluntary controlled or maintained nursery schools, and pupil referral units.
- 3.13 Each such school should have their own whistleblowing policy and reporting arrangements, which reflect the principles and requirements set out in this policy. In most cases, employees and workers are encouraged to raise their concerns in accordance with the school's own reporting procedures, rather than directly to the Council.
- 3.14 However, if the employee or worker has a concern which they feel they cannot discuss with the management of the school or have good reason to believe that their complaint or disclosure will not be properly handled, then they may report their concerns directly to the Council or to a prescribed regulator using the Council's whistleblowing reporting procedures (see section 4).
- 3.15 Safeguarding concerns - if the concern raised relates to a child protection issue, these should be reported to the Local Authority Designated Officer (LADO) and in line with specific guidelines outlined in the school's safeguarding policy.
- 3.16 The whistleblowing policy is not to be used where other more appropriate reporting procedures are available within school, for example, in relation to any grievance relating to employment matters or to make a general complaint in relation to the school.
- 3.17 The Council expects schools (as identified in paragraph 3.12) to respond to a disclosure or allegation in the same way as the Council would respond. The Headteacher or Chair of Governors would be expected to seek advice as necessary from the Council.
- 3.18 The Council's Internal Audit Section can offer advice and support to schools on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.

- 3.19 The action taken by schools in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:
- investigated by school management, or the Council's Internal Audit Service;
 - referred to the Police;
 - referred to the External Auditor; or be
 - subject of an independent enquiry.
- 3.20 For monitoring purposes, the Headteacher or Chair of Governors must report (at the earliest opportunity) details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within the school to the Council's Head of Audit and Risk Management. Internal Audit will monitor the outcome of all cases, including action taken to reduce the risk of reoccurrence.
- 3.21 Employees or workers who wish to raise concerns over practices in schools outside of their place of employment should report these directly to the Council.
- 3.22 This policy does not extend to Foundation and Voluntary Aided Schools as the respective governing body is the employer, not the Council. Each such school should have their own whistleblowing policy and arrangements for reporting, logging and investigating concerns. The governing body must decide how employees and workers may make a qualifying disclosure under the PIDA or raise an allegation of wrongdoing.
- 3.23 The Council's ability to legally investigate disclosures of serious wrongdoing in foundation and voluntary aided schools is reduced unless the allegations relate to safeguarding matters, Special Educational Needs and/or financial mismanagement. The Council should be notified of all concerns reported in relation to these matters.
- 3.24 Academy Schools, Sixth Form Colleges and Free Schools should adopt their own whistleblowing policy and procedures as the Council has no legal power to investigate, except for those concerns relating to safeguarding issues and Special Educational Needs.
- 3.25 The Council will acknowledge receipt of any disclosures received relating to these institutions and advise whistleblowers accordingly on an appropriate course of action regarding the concerns raised. If the disclosure relates to serious wrongdoing in respect of safeguarding issues involving children or vulnerable adults the Council has a legal obligation to investigate and will do so irrespective of the status of the school.
- 3.26 The Council will log all concerns of wrongdoing received in relation to schools. Whilst the Council may not investigate every concern raised (as this may be undertaken by the individual school concerned), logging the issues enables the Council to monitor progress and where possible deal with the concerns having regard to any legal obligations or duty of care in relation to the school.
- 3.27 The Council will work with the Regional School Commissioner and Department for Education to review any matter referred to them in relation to schools in Bolton.
- 3.28 Employees or workers who have major concerns about other schools or about other Council services can report these matters to Bolton Council as a member of the public. These reports would not be covered by the protection of whistleblowing law.

Concerns Raised by Members of the Public

- 3.29 If you are not a Council employee or worker you can still contact the Council to report any concerns or disclosures over wrongdoing (see section 4) and these will be treated in the same way. Unlike disclosures made by employees, protection under PIDA law does not extend to disclosures made by members of the public.

4. How to Report a Whistleblowing Concern

- 4.1 Whistleblowing concerns can be reported to Internal Audit as follows:

- E-mail at: whistleblowing@bolton.gov.uk
- Whistleblowing hotline (managed by Internal Audit): 01204 331310
- Concerns can also be reported in writing to:

Head of Audit and Risk Management

Confidential

Bolton Council

Town Hall, Victoria Square

Bolton, BL1 1RU

- 4.2 Employees and workers can raise concerns through their manager if they feel confident to do so. The manager must then follow the obligation of confidentiality and reporting procedures in accordance with Section 5.
- 4.3 For monitoring purposes, all whistleblowing cases referred to managers must be reported upon receipt to Internal Audit. This may be done by the whistleblower, receiving manager, or the senior manager investigating the allegations. Internal Audit will also offer advice and support to the appointed investigator.
- 4.4 Any person reporting a concern should provide as much information as possible, including:
- who the allegations are against;
 - full details on the nature of the alleged wrongdoing;
 - provide any evidence they have in support of the allegation;
 - whether the person making the disclosure is a Council (or school) employee or worker;
 - name and contact details, unless the individual wishes to remain anonymous (if contact details are provided the investigating officer may get in touch to seek further information).
- 4.5 In the event that an employee or worker does not feel comfortable making a disclosure to the Council then a protected disclosure may be made to one of the appropriate prescribed organisations from those listed below.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf

5. How the Council will Respond

- 5.1 The Council will formally respond to acknowledge receipt of a disclosure within 5 working days of the concern being received.
- 5.2 A further acknowledgement will be sent within a further 10 working days to indicate:
- how the Council proposes to deal with the matter, and the policy under which it will be investigated;
 - whether the Council considers it to be a protected disclosure;
 - contact details for the officer handling the investigation;
 - arrangements for confidentiality;
 - an estimate of how long it will take to provide a response on the outcome;
 - any initial enquiries which may have been made; and
 - if no action is planned, why not.
- 5.3 All proposed action should be notified and agreed with Internal Audit on behalf of the Director of Corporate Resources and in consultation with the relevant Chief Officer.
- 5.4 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigation process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.
- 5.5 If necessary, further information will be sought from the whistleblower. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
- 5.6 At any meeting arranged to discuss an employee or worker's concerns, the individual has the right, if they so wish, to be accompanied by their Trade Union representative or a friend who is not involved in the area to which the concern relates.
- 5.7 The Council will do what it lawfully can to minimise any difficulties that an employee or worker may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will advise the employee about the procedures in terms of what will happen and what will be expected of them.

Investigation Approach

- 5.8 Section 6 of the Council's Anti-Fraud and Corruption Policy outlines the main steps in assessing, investigating and reporting allegations of wrongdoing. In particular, this steps out the principles in relation to interviewing, providing feedback, evaluation and reporting.

Anonymous Allegations

- 5.9 The Council recognise there may be circumstances where employees and workers are worried about being identified when reporting concerns about their employer. Concerns expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. It is also difficult for an anonymous whistleblower to be protected by the law if they subsequently suffer detrimental treatment.
- 5.10 Both anonymous allegations and named referrals which include contact details are treated seriously and are considered on the basis of individual merits. Factors that will be taken into consideration when assessing the allegation will include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegations from attributable sources.

6. Outcomes

- 6.1 The Council will, subject to legal constraints, seek to advise the whistleblower on the outcomes of the investigation in order to assure them that the matter has been properly addressed. The Council will not usually provide the whistleblower with all the details of investigation outcomes as this could breach others' rights to confidentiality e.g. if disciplinary action has been taken against an individual. Some concerns raised may be resolved by agreed action, once the whistleblowers concerns have been explained, without the need for investigation.
- 6.2 Investigation reports will be required for all cases. These will usually be issued by the Investigating Officer in confidence under restricted circulation including the Chief Officer of the department involved and the Chief Executive, Borough Solicitor, Director of Corporate Resources and External Auditor.
- 6.3 Reporting is restricted as the content of investigation reports could include personal information of others, commercially sensitive information or details of investigation processes and practices the publication of which could prejudice the effective conduct of future investigations.
- 6.4 Where investigations are completed by managers from within a department, Internal Audit will require confirmation of the outcome from the work undertaken, details of any system risk issues and actions to be taken to mitigate future reoccurrences (see Appendix A). Internal Audit may carry out follow up work as a result of any identified areas of risk.

7. Safeguards

- 7.1 In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied in all cases.

Confidentiality and Anonymity

- 7.2 The Council's Whistleblowing Policy seeks to protect the identity of the employee or worker making a disclosure wherever possible.
- 7.3 Records of employee or worker's disclosures held by Internal Audit are stored securely; access to whistleblowing and related investigation records is restricted to specific officers assigned to examine the concerns being raised.
- 7.4 Wherever possible the identity of an employee or worker raising a concern will not be revealed as part of an investigation. Should this not be possible the employee or worker will be notified and consent will be sought beforehand. Such circumstances which may require the disclosure of an employee or workers identity, and override their request for confidentiality, include disclosures relating to any child at risk or abuse of a vulnerable adult. The Council is required to investigate these matters under separate procedures which take priority over any request for confidentiality.
- 7.5 The Council cannot guarantee to protect the identity of an employee or worker raising allegations of serious wrongdoing where a criminal offence has been committed, and legal/prosecution action results from the disclosure. In some cases an employee may have to act as a witness and/or provide evidence in relation to offences which are referred to the Police.
- 7.6 Progress reports are submitted periodically to the Statutory Officers and Audit Committee which may include details of investigations. In such circumstances these reports are anonymised.

Harassment and Victimisation

- 7.7 The Council acknowledges that the decision to report a concern can be a difficult one for an employee or worker to make, not least because of the fear of reprisal from those responsible for the malpractice. It is unlawful for an employee or worker to suffer victimisation or harassment for whistleblowing.
- 7.8 The Council will not tolerate harassment or victimisation against an employee who has raised a genuine concern under the whistleblowing policy. Victimisation may include an attempt to identify the person raising the concern. Any employee who victimises a whistleblower will be subject to disciplinary action which may lead to dismissal. An individual may also be personally liable for treating a colleague detrimentally on the grounds that they have raised public interest concerns.
- 7.9 Chief Officers and Heads of Service should monitor how whistleblowers are subsequently treated after raising a matter of concern. They should ensure that any harassment or victimisation is dealt with under disciplinary arrangements.
- 7.10 Any employee who believes they have been victimised as a result of making a disclosure or blowing the whistle should report their concerns to the Borough Solicitor.

Malicious Allegations

- 7.11 While encouraging employees and workers to bring forward matters of concern, the Council must guard against claims which are malicious. This is because of the risk of claims made to deliberately damage the reputation of other employees, workers or the Council as a whole and not least because the cost of investigation is high.
- 7.12 If an employee makes an allegation which they reasonably believe is a whistleblowing concern, but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken. The PIDA only offers protection from dismissal or detriment if the employee or worker reasonably believes their disclosure was made in the public interest.

Misuse of the Policy

- 7.13 The policy is not designed to allow:
- individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
 - employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing; or
 - an individual to raise a concern for some private or purely personal motive.

8. Data Protection and FOI

- 8.1 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. As such the Council often receives requests for information under the Freedom of Information Act.
- 8.2 The Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.
- 8.3 The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:
- Section 40 Personal Data; and
 - Section 41 Information which, if disclosed, would give rise to an actionable breach of confidence.
- 8.4 Many people making a disclosure to the Council will wish to protect their identity and the Council will always seek to protect the identity of individuals during the course of progressing an investigation. If the Council receives a request for information identifying a whistleblower, the Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.

- 8.5 The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.
- 8.6 When processing personal data as part of a whistleblowing investigation, the Council will take all necessary precautions to protect such data and not to share it more widely than is necessary as part of the investigation. The Council will apply the General Data Protection Regulations and the Data Protection Act 2018 in all aspects of any whistleblowing investigation.

9. Monitoring of Whistleblowing Complaints

- 9.1 Internal Audit will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. The collection, monitoring, review and storage of these records will at all times be carried out within the safeguarding principles set out at Section 7 of this policy.
- 9.2 As such, details of any allegation should be reported to Internal Audit by the receiving manager on receipt. Internal Audit will log and allocate each case a reference number whether or not Internal Audit are involved in the investigation work. The outcome of the investigation should be notified to Internal Audit by the Investigating Officer.
- 9.3 The records held by Internal Audit will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms, and records held in HR sections may be subject to review. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any matters raised under the Public Interest Disclosure Act. This information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit Committee by the Head of Audit and Risk Management as part of this process.
- 9.4 The Director of Corporate Resources is responsible for monitoring the effectiveness of the Council's Whistleblowing Policy and process.
- 9.5 A Whistleblowing Case Record sheet (Appendix A) should be used by the investigating officer to record a summary for each case. A copy should be sent to Internal Audit and one retained with the investigation paperwork on completion.

10. Training and Awareness

- 10.1 Chief Officers and Heads of Service are responsible for ensuring that their employees are aware of the whistleblowing policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the Council's Whistleblowing Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.
- 10.2 Employees and workers have a responsibility to ensure that they are aware of and understand the Council's policy in relation to whistleblowing.

11. Frequently Asked Questions

What is the difference between whistleblowing and making a complaint or a grievance?

In general terms, whistleblowing occurs when an employee raises a concern about danger or illegality that affects others and which has a public interest dimension to it. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concerns. As a result, the whistleblower should not be expected to prove their case; rather he or she raises the concern so others can address it.

A grievance or private complaint is, by contrast, a dispute about the employee's own employment position and has no additional public interest dimension. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint, and, for this reason, is expected to be able to prove their case.

For example, bullying and discrimination issues should be dealt with under the respective policy or under grievance procedure.

Can concerns be raised confidentially or anonymously?

The Council encourages whistleblowers to identify themselves and raise concerns openly. Openness makes it easier for the Council to assess the issue, work out how to investigate the matter and get more information. The effectiveness of any whistleblowing investigation may be limited where an individual chooses not to be identified.

An individual raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without their consent. An individual raises a concern anonymously if he or she does not give his or her name at all. Clearly, if the Council does not know who provided the information, it is not possible to reassure or protect them.

Does the Public Interest Disclosure Act (PIDA) require an employer to keep a whistleblower's identity secret?

The simple answer is no. PIDA contains no specific provision on confidentiality. The protections within the Act can be deemed to encourage employees and workers to raise issues openly. The Council recognises the need for a confidential port of call for any worried employee or worker and will respect a request for confidentiality; however in some cases it may not be possible. For example if the matter was about safeguarding or related to a criminal offence and had to be referred to the police. If this is the case the Investigating Officer would confirm this before a name is disclosed.

Am I protected from dismissal if I blow the whistle?

It is unlawful to dismiss an employee for the reason they have blown the whistle: this would be an unfair dismissal and applies from day one of employment. As long as disclosures meet the legal tests an employee should not be dismissed for raising concerns.

Workers who are not employees cannot claim unfair dismissal because of whistleblowing, but they are protected and can claim detrimental treatment.

The types of whistleblowing eligible for protection as qualifying disclosures are provided at Section 2.

Who is protected?

The Public Interest Disclosure Act (PIDA) only protects employees and workers who raise concerns. Those who are genuinely self-employed workers, volunteers or public appointees cannot bring claims in Employment Tribunals if they are treated badly or dismissed because they have raised whistleblowing concerns. As such, School Governors and Councillors are not currently covered by PIDA.

However, the Council wants to hear from any worker if they have a concern about wrongdoing at work. As far as possible the individual will be treated in a similar way to a whistleblower even if they fall outside of the legal definition.

A worker will be eligible for protection if:

- They reasonably believe that there is wrongdoing that falls within one of the categories of concerns and they are telling the right person.
- They believe that their disclosure is in the public interest.

Who is not protected?

An employee or worker will not be afforded protection if:

- they break the law when they report something, for example because they signed the Official Secrets Act;
- they were part of the wrongdoing;
- they found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), for example if they are a solicitor; and
- It is not in the public interest.

What information should a whistleblower provide?

Supporting evidence for the allegations, if available, is clearly helpful. However, the law does not require individuals to have evidence before reporting the matter, but it

does say that the individual must reasonably believe the information is substantially true. Individuals should report concerns to line management or other at the earliest opportunity rather than wait to collate any evidence.

Whistleblowers are encouraged to provide their contact details to allow the Council to seek further information, where necessary and advise on outcomes.

Can I withdraw my whistleblowing allegation?

Whilst an employee or worker can choose to withdraw their whistleblowing referral, this decision will not result in the automatic closure of an investigation. Each referral received within Internal Audit is assessed and the Council's exposure to the risk of fraud, both historic and ongoing, is considered along with other factors to establish whether there are grounds for investigation. As such investigations into fraud and irregularity may continue after the withdrawal of an allegation.

Once an allegation has been withdrawn the referral will be treated as an anonymous allegation and therefore the whistleblower will receive no further contracts/reports regarding the matter.

Where can I get independent advice?

Before making a disclosure, an employee or worker may first wish to discuss the concern on a confidential basis with a manager, trade union representative, solicitor or professional body and seek advice on how to proceed. These discussions may help assess how justified the concern is, and if they then wish to proceed, the most appropriate and effective way to report it.

Individuals can contact the independent charity Protect (formally Public Concern at Work) for free, independent, and confidential advice, for example to find out which concerns are legally protected and how best to raise concerns. The charity has provided a specific confidential advice line for Bolton staff, telephone number: 0800 1124409 or visit their website www.protect-advice.org.uk

Appendix A

CONFIDENTIAL
BOLTON COUNCIL
WHISTLEBLOWING CASE RECORD

Date concerns/allegations received.	
Details of individual receiving the concern/allegation (i.e. name, job title, contact details)	
Directorate involved	
How were the concerns/allegations reported – in writing /verbally	
Does the individual wish to remain anonymous?	
If not, details of officer raising concern, /allegations (i.e. name, job title, contact details)	
Was confidentiality requested and/or explained?	
A summary of the concern / allegation raised:	

<p>Has formal acknowledgement been provided in-line with the Whistleblowing Policy?</p> <p>(acknowledgement 5 working days and update within 10 further days)</p>	
<p>Date reported to Internal Audit</p>	
<p>Details of Investigating Officer (i.e. name, job title, contact details)</p>	
<p>Summary outcome of investigation:</p> <p>(Proved/unproven, details of any action plans and recommendations)</p>	
<p>Date notification of outcome provided to individual raising the concern/allegation</p>	
<p>Papers retained (location), responsible officer and review date:</p>	

Appendix B

Seven Nolan Principles

The following are the Seven Nolan Principles underpinning standards for Public Life:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services.

1. Selflessness: Holders of public office should act solely in terms of the public interest.
2. Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. Accountability: Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.
5. Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. Honesty: Holders of public office should be truthful.
7. Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Source: The Committees website is at <http://www.public-standards.gov.uk/>