



Ribble Valley  
Borough Council

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# WHISTLEBLOWING POLICY

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## 1 ~~PREAMBLE~~INTRODUCTION

1.1. The council has a whistleblowing policy that provides the facility to come forward and voice serious concerns about aspects of the council's work. This policy also supports the council's Counter Fraud, Bribery and Corruption Policy Statement and Strategy

1.2. You can get advice on how matters of concern can be pursued from the:

- Head of Legal and Democratic Services
- Chief Executive
- Director of Resources
- Internal Audit Manager
- Chair of Accounts and Audit Committee

~~4.1.1.3.~~ Employees are often the first to realise that there may be something seriously wrong within ~~the a~~ Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

~~4.2.1.4.~~ The Council is committed to the highest possible standards of openness, probity and accountability. In line with that ~~commitment~~commitment, we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns.

~~4.3.1.5.~~ Although in the large majority of cases staff with concerns should share those concerns with their immediate manager, it is recognised that in certain cases staff will have may wish to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals and that the policy shall apply to all employees including those designated as temporary, agency, contractors, suppliers, and casuals.

1.6. This whistleblowing policy is intended to encourage and enable staff and staff of companies or other organisations providing goods and services to the council to raise serious concerns within/to the council rather than overlooking a problem or blowing the whistle outside.

4.4.1.7. The Head of Legal and Democratic Services in their capacity as Monitoring Officer has overall responsibility for the maintenance and operation of this policy. They maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

~~4.5.1.8.~~ This policy has been discussed with the relevant trade unions ~~and professional organisations~~ and has their support.

## 2. AIMS AND SCOPE OF THIS POLICY

2.1. This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Council's response; and
- —reassure you that you will be protected from a possible detriment if you have a reasonable belief that you have made a qualifying disclosure in the public interest. ~~reprisals or victimisation for whistleblowing in good faith.~~

~~2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures.~~

~~2.32.2~~ That concern may be about something that:

- ~~is unlawful;~~~~or~~
- is unethical conduct
- is against the Council's Standing Orders, Financial Regulations~~Regulations~~, or other policies;~~or~~
- falls below established standards or practice;~~or~~
- amounts to impropriety (for example, where a decision is proposed to be taken on the basis of personal friendship rather than on merit)
- ~~places the health or safety of any person at risk~~ (this may be to the public as well as employees)
- is damage to the environment

~~2.3 For employees of the council there are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures and is not intended to replace the Council's complaints or grievance procedures.~~

### 3 SAFEGUARDS

#### ***Harassment or victimisation***

- 3.1 The Council recognises 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. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.
- 3.2 This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

#### ***Confidentiality***

- 3.3 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that ~~their an~~ investigation is conducted as a result of whistleblowing, the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. Your identity would not be disclosed without your consent or unless we are required to do so.

#### ***Anonymous Allegations***

3.4 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.5 In exercising the discretion, the factors to be taken into account would include the:

- seriousness of the issues raised;
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

3.6 Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for the council are more likely to be considered, even though made anonymously.

### **Unfounded or Untrue Allegations**

3.7 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however you make malicious or vexatious allegations, or make allegations for your own personal gain, disciplinary action may be taken against you and you may also leave yourself open to an action for defamation.

### **Public Interest Disclosure Act**

3.8 The Public Interest Disclosure Act 1998 (PIDA) protects whistle-blowers from detrimental treatment by their employer (amending the Employment Rights Act 1996) as a result of making a public interest disclosure.

## **4 HOW TO RAISE A CONCERN**

~~4.1 If you are an employee, As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.~~

~~4.2 For example, if you believe that management is involved, you should approach the Chief Executive, Director of Resources, Head of Legal and Democratic Services (who is the council's "Monitoring Officer") or the Internal Audit Manager, or any Director or a member of the internal audit section.~~

~~4.34.1 Concerns should in general be raised with the Head of Legal and Democratic Services using the details set out below, are better raised in writing, but if you do not feel able to put your concern in writing you may put forward a complaint by telephone or, in person at a meeting, through the Head of Legal and Democratic Services.~~

### **Head of Legal and Democratic Services (Monitoring Officer)**

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, BB7 2RA

Email: [whistleblowing@ribblevalley.gov.uk](mailto:whistleblowing@ribblevalley.gov.uk)

Telephone: 01200 425111 (Please ask for the Head of Legal and Democratic Services)

~~4.2 Where it is thought not to be appropriate to raise the concern with the Head of Legal and Democratic Services, a complaint may be raised with the Chief Executive, or any Director. Their contact details are as follows:~~

4.3 Chief Executive (Head of Paid Service) – [insert]

4.4 Director of Resources (Section 151 Officer) – [insert]

4.5 Director of Economic Development and Planning – [insert]

4.6 Director of Community Services – [insert]

4.7 ~~If the concern is expressed in writing, you should~~ Complaints, can be made in writing, by telephone or in person You are invited to set out the background and history of the concern, giving names, dates and places (if known) ~~when it would be helpful to do so to establish the truth of the complaint, and where possible~~ and the reason why you are particularly concerned about the situation. ~~If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.~~

4.8 ~~In order to ensure the confidentiality of your expression of concern it is suggested that you send your letter or written note in a sealed envelope addressed to the Head of Legal and Democratic Services and clearly mark it "Strictly Private and Confidential – To be Opened by Addressee Only".~~

4.9 ~~You do not have to sign or give your name although, as advised in the section above on "Anonymous Allegations". However, if you do so the Head of Legal and Democratic Services may exercise their discretion not to investigate an anonymous complaint (i.e. due to the level of seriousness of the issues raised or due to likelihood of being able to confirm the allegation).~~

4.44.10 ~~It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching the Head of Legal and Democratic Services or to impede any investigation which they or anyone on their behalf may make.~~

4.54.11 ~~The earlier you express the concern, the easier it is to take action.~~

4.64.12 ~~Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted~~ Head of Legal and Democratic Services or the person they appoint to investigate the matter that there are sufficient grounds for your concern.

4.7 ~~Advice and guidance on how matters of concern may be pursued can be obtained from:~~

- ~~—~~ Head of Legal and Democratic Services
- ~~Chief Executive~~
- ~~Director of Community Services~~
- ~~Director of Resources~~
- ~~Principal Auditor~~ Internal Audit Manager
- ~~Chairman of Accounts and Audit Committee~~

4.84.13 ~~You may invite your trade union or professional association to raise a matter on your behalf.~~

## 5 HOW THE COUNCIL WILL RESPOND

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

- be investigated internally;
- be referred to the Police;
- be referred to the External Auditor;
- form the subject of an independent inquiry.

5.2 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. Should the need for an investigation be progressed, the Head of Legal and Democratic Services will discuss this with the Director of Resources. The Director of Resources will then designate the Head of Financial Services, the Head of HR, the Internal Audit Manager or such other appropriate officer to make initial enquiries and to conduct subsequent investigation (unless it is inappropriate for them to do so).

5.3 Concerns or allegations which fall within the scope of specific procedures (for example, ~~child protection~~safeguarding or discrimination issues) will normally be referred for consideration under those procedures.

5.4 Some concerns may be resolved by agreed action without the need for investigation.

5.5 The Head of Legal and Democratic Services or the person they have designated to investigate the complaint will write to you (save where the disclosure is submitted anonymously) wherever practicable. Within ten working days of the concern being received, the Council will write to you:

- 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.
- Asking you for further information if required

~~5.6~~ The amount of contact between the officers considering the issues and will depend on the nature of the matters raised, the potential difficulties ~~involved and the clarity of the information provided. If necessary, further information will be sought from you.~~

~~5.85.6~~ ~~When~~ any meeting is arranged, you have the right, if you so wish, to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

~~5.95.7~~ 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, the Council will advise you about the procedure.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

5.8 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

5.9 Where any whistleblowing allegation/complaint is upheld, such matters, if appropriate, would be reported to the Council's Accounts and Audit Committee and would also be reported as part of the Annual Governance Statement review.

## 6 HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied that the Whistleblowing Procedure is a satisfactory way of dealing with concerns. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the External Auditor
- relevant professional bodies or regulatory organisations (including the Ombudsman)
- your solicitor
- the Police (if there is a belief that a criminal offence has been committed)
- Trade Union

6.2 The disclosure of confidential information will be taken seriously and may result in disciplinary action leading to dismissal.~~would normally constitute a grave disciplinary office which would result in dismissal or other disciplinary action. Accordingly, if you do take the matter outside the Council, you need to ensure that you do not disclose either no confidential information is disclosed or that there are wholly exceptional circumstances which the council would consider justified the disclosure. or that disclosure would be privileged. Check with the contact point about that.~~

6.26.3 Due regard should be given to the Data Protection Act 2018 and the Council's Codes of Conduct if you propose to disclose any information outside of the Council.

## ~~7 THE RESPONSIBLE OFFICER~~

~~7.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.~~

Signatures:

..... Chief Executive

..... Head of HR

..... Unison Branch Secretary