**Whistleblowing Policy**

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Contents

[1. Introduction 3](#_Toc427914041)

[2. Purpose 4](#_Toc427914042)

[3. Background 5](#_Toc427914043)

[4. Scope 6](#_Toc427914044)

[5. Definitions 6](#_Toc427914045)

[6. Policy Statement 7](#_Toc427914046)

[7. Roles & Responsibilities 9](#_Toc427914047)

[8. How to Raise a Concern Internally 11](#_Toc427914048)

[9. How the Council will respond 12](#_Toc427914049)

[10. How the matter can be taken further 12](#_Toc427914050)

[11. Implementation 13](#_Toc427914051)

[12. Monitoring, Review & Evaluation 13](#_Toc427914052)

[Appendix 1 –Routemap 14](#_Toc427914053)

# Introduction

* 1. Employees are often the first to realise that there may be something seriously wrong within any organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or they may 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.
  2. Derry City and Strabane District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourage employees and others with serious concerns about any aspect of the Council’s work to come forward and voice those concerns without fear of reprisals. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that you can do so without the fear of victimisation, subsequent discrimination or disadvantage.
  3. This Whistleblowing Policy is intended to encourage and enable employees and to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle to the media or other external bodies. Whistleblowing is therefore essential to:
* Safeguard the integrity of the organisation;
* Safeguard employees;
* Safeguard the wider public; and
* Prevent damage.

# Purpose

* 1. The purpose of this policy is to promote responsible whistleblowing about issues where the interests of others, including the public, or of the Council itself are at risk. Such issues might include:
* A criminal offence;
* The breach of legal obligation;
* A miscarriage of justice;
* Bribery;
* Negligence;
* Financial impropriety;
* A danger to the health or safety of any individual;
* Damage to the environment;
* Concerns about malpractice;
* Any other matter that may be of public concern; or
* Deliberate covering up of information tending to show circumstances of this kind.
  1. This policy aims to:
* Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
* Make staff feel confident to raise concerns within the Council rather than overlooking a problem or blowing the whistle to the media or other public bodies;
* Give staff avenues to raise concerns and receive feedback on any action taken;
* Inform staff on how to take the matter further if they are dissatisfied with the response; and
* Reassure staff that they will be protected from reprisals or victimisation for whistleblowing made in good faith.
  1. The benefits to the Council of encouraging staff to report concerns include:
* Identifying wrongdoing as soon as possible;
* Exposing weak or flawed processes and procedures which make the Council vulnerable to loss, criticism or legal action;
* Ensuring critical information gets to the right people who can deal with the concerns;
* Avoiding financial loss and inefficiency;
* Maintaining a positive corporate reputation;
* Reducing the risks to the environment or the health or safety of employees or the wider community;
* Improving accountability; and
* Deterring workers from engaging in improper conduct.

# Background

* 1. The Public Interest Disclosure (NI) Order 1998 came into operation in Northern Ireland in October 1999. The Order offers a framework of protection against victimisation or dismissal for workers within an organisation who ‘blow the whistle’ on criminal behaviour or wrong doing.
  2. The Public Interest Disclosure Act (1998) has rules for making a protected disclosure:
* You must disclose the information in good faith;
* You must believe it to be substantially true;
* You must not act maliciously or make false allegation; and
* You must not seek any personal gain.
  1. The Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 requires local authorities to publish an Annual Governance Statement. Included with the requirements of the Annual Governance Statement is that the local government body must have adequate arrangements in place for Whistleblowing.

# Scope

* 1. This Policy is intended to cover concerns which fall outside the scope of other procedures included in or covered by other policies – *see Appendix 1* which shows the relationship between these policies. If your concern is about a possible fraud, you may also wish to refer to the Council’s Counter-Fraud Policy. A whistleblowing concern differs from a grievance, which is a personal complaint regarding an employee’s own employment situation. This Whistleblowing Policy is primarily for concerns where the interests of others or the Council itself is at risk.
  2. This Policy applies to all Council Employees (temporary, permanent, part time, full time and previous) and any agency staff, volunteers or consultants undertaking Council work. It also applies to those contractors working for the Council on Council premises.

# Definitions

* 1. Whistleblowing

“A worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally and/or externally” (i.e. regulators, media MPs). *Public Concern at Work definition.*

# Policy Statement

Derry City and Strabane District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourage employees and others with serious concerns about any aspect of the Council’s work to come forward and voice those concerns without fear of reprisals.

* 1. Harassment or Victimisation
     1. The Council is committed to good practice and high standards and wants to be supportive of employees.
     2. 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, or suspected of, the malpractice. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
     3. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly, as a result of raising a concern; you should contact the Lead Human Resources Officer
     4. Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that may already affect you.
  2. Confidentiality
     1. 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 the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, particularly if the PSNI or Local Government Auditor becomes involved. In order to take effective action, the Council will need proper evidence, which may be required to stand up to examination in Courts or Tribunals.
  3. Anonymous Allegations
     1. You can raise a concern openly, confidentially or anonymously. In most cases the best way to raise a concern is to do so openly. Openness makes it easier for the Council to address the issue, work out how to investigate the matter, understand the reasons for your concern and get more information. This policy encourages you to put your name to your allegation whenever possible. Whilst it is possible to raise such matters anonymously staff should not feel inhibited in identifying themselves. If staff request that their identity should not be disclosed, the Council will not disclose it without consent. If the situation arises where a concern cannot be investigated or resolved without revealing the employee’s identity, or if there is a legal imperative to disclose the identity, the Council will discuss this with the employee and decide how the issue will be progressed.
     2. Concerns expressed anonymously are much more difficult to investigate but they will be considered at the discretion of the Council. Factors to be taken into account by the Council in exercising discretion would include:
* The seriousness of the issues raised;
* The credibility of the concern; and
* The likelihood of confirming the allegation from attributable sources.
  + 1. Although anonymous concerns will be considered there are a number of disadvantages to raising concerns anonymously, including
* Detailed investigations may be more difficult, or even impossible, to progress if you choose to remain anonymous and cannot be contacted for further information.
* The information and documentation you provide may not easily be understood and may need clarification or further explanation.
* There is a chance that the documents you provide might reveal your identity.
* It may not be possible to remain anonymous throughout an in-depth investigation.
* It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern
  1. Untrue Allegations
     1. 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 an allegation frivolously, maliciously or for personal gain, the matter will be dealt with under the Council’s disciplinary procedures.

# Roles & Responsibilities

* 1. Employees
     1. If an employee has a concern, it is their responsibility to raise it in the first instance with their supervisor / line manager.
  2. Management
     1. Managers who receive disclosures from employees should:
* Have a positive and supportive attitude towards employees raising a concern;
* Record as much detail as possible about the concern being raised and agree this record with the employee;
* Be aware of the process following the raising of a concern and explain this to the employee;
* Make sure the employee knows what to expect, for example in relation to feedback on their concern;
* Assure the employee that their confidentiality will be protected as far as possible, if they request this;
* Make no promises and manage the expectations of the employee;
* Make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the employee to let you know if this happens;
* Refer the employee to available sources of support, for example Public Concern at Work (PCaW) or a Union; and
* Pass the information as quickly as possible to those within the organisation responsible for dealing with concerns (usually someone within senior management), so that the appropriate procedures for consideration and investigation of the concern can be initiated.
  + 1. Within ten working days of a concern being raised, the person who received it will advise the employee.
* That the concern has been received;
* How the Council proposes to deal with the matter if possible at such an early stage;
* Of how long it will take to provide a final response if possible at such an early stage;
* Whether any initial enquiries have been made; and
* Whether further investigations will take place and if not, why not.
  1. Internal Audit Manager
     1. The Internal Audit Manager will carry out an initial assessment in strictest confidence in order to establish what action requires to be taken and the results will be reported to the Lead Assurance Officer and the Chief Executive. The Internal Audit Manager will report on the following:
* That the concern has been received;
* How the Council proposes to deal with the matter if possible at such an early stage;
* Of how long it will take to provide a final response if possible at such an early stage;
* Whether any initial enquiries have been made; and
* Whether further investigations will take place and if not, why not.

# How to Raise a Concern Internally

* 1. Concerns should be raised at the earliest opportunity in order for the Council to investigate the matter. 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 information or circumstances that give rise to your concern.

*Step 1*

You should initially raise your concerns with your line manager and this can be done either verbally or in writing. Concerns are better raised in writing. You should set out the history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation.

*Step 2*

If, for whatever reason, you feel that raising it with your line manager is not appropriate or it has not worked, please raise the matter with the Internal Audit Manager, Lead Assurance Officer, Lead Human Resources Officer or the relevant Director.

*Step 3*

If the above channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with the Chief Executive.

If an employee wants independent advice at any stage, he/she may contact the independent charity Public Concern at Work on 020 7404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk).

# How the Council will respond

* 1. Once you have told us of your concern, we will look into it and assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. Within 10 working days of a concern being raised by you, the person handling the matter will write to you:
* acknowledging that the concern has been received;
* indicating how we propose to deal with the matter;
* give an estimate of how long it will take to provide a final response;
* telling you whether any internal enquiries are being made;
* Telling you whether further investigations will take place, and if not, why not.

If you request, we will write to you summarising your concern and setting out how we propose to handle it.

* 1. When you raise the concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, please tell us at the outset. If your concerns fall more properly within the Grievance Procedure we will tell you.
  2. While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we possibly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owned by us to someone else.

# How the matter can be taken further

* 1. While we cannot always guarantee the outcome that you may be seeking as a result of raising the matter with us, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this. The Council hopes that individuals will be satisfied with any action taken. If they are not, and they feel it is right to take the matter outside the Council, the following are possible contact points:
* The Northern Ireland Audit Office (NIAO)
* Trade Union
* The Commissioner of Complaints
* The Police

# Implementation

This policy applies to all Council workers (temporary, permanent, part time, full time and previous) and any agency staff, volunteers or consultants undertaking Council work. It also applies to those contractors working for the Council on Council premises.

* 1. Support & Advice

Advice and guidance on how matters of concern may be pursued can be obtained from the Internal Audit Manager or Lead Assurance Officer. You can get confidential, independent advice from the charity Public Concern at Work on 020 7404 6609. You can also email them for advice at the following address whistle@pcaw.org.uk

* 1. Guidelines & Forms

The Counter Fraud Policy will assist in the implementation of or compliance with this policy.

* 1. Communication Strategy

All Council Workers, agency staff and consultants will be provided with a copy of this policy. Staff will be advised if further information is required to relation to the policy to contact the Internal Audit Manager or Lead Assurance Officer for advice and guidance. Training will also be delivered in relation to this policy.

* 1. Risk Management

Failure to effectively implement this policy increases the risk of the Council not achieving the highest possible standards in terms of openness, probity and accountability; which in turn increases the risk of problems being overlooked or the whistle being blown to the media or other external bodies. This policy will be monitored regularly to ensure that it is being implemented.

# Monitoring, Review & Evaluation

* 1. This Policy will be reviewed in April 2019 by the Lead Assurance Officer.

# 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 agency workers are protected by whistleblowing legislation. More detail is provided in each policy.

Grievance Procedure

Whistleblowing Policy

Complaints Policy

Personal complaint relating to you and your employment?

Danger, wrongdoing or illegality that affects others including anonymous complaints?

Service complaint, including anonymous complaint?

Member of Public

Work (employees/contractors/agency)

Allegation of fraud or financial impropriety?

Counter-Fraud Policy