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| Policy/Guideline Title: | WHISTLEBLOWING POLICY | | |
| Executive Summary: | In order to update the Policy in section 20. | | |
| Supersedes: | WHISTLEBLOWING POLICY 2017 | | |
| Description of Amendment(s): | <p>A decision was made at JCNC on 21st January 2020 to limit the representation rights at disciplinary hearings, and other hearings, to Trade Union representatives or work colleagues, except where a reasonable adjustment might allow a disability advocate to represent an employee for example where the employee has learning difficulties.</p> <p><u>Representation in Whistleblowing Policy and Other Procedures</u></p> <p><i>The amendment to the Whistleblowing Policy and Other Council Procedures to limit representation to Trade Union representatives and work colleagues is as follows:</i></p> <p><i>“You have the right to be represented by a Trade Union representative or work colleague, except where a reasonable adjustment might allow a disability advocate to represent an employee where the employee has learning difficulties”.</i></p> <p>This agreement and limitation extends to other Council procedures dealing with grievances, probationary periods including Promoting Health at Work, Flexible Working requests and any other such procedures. Noting that “reasonable adjustments” would include, for example, attendance by disability advocates to provide support and also in light of any legislative requirements.</p> | | |
| This policy will impact on: Employees and Managers | | | |
| Financial Implications: NONE | | | |
| Policy Area: | Employment Policy and Practise | Approval Date: | 21 January 2020 |
| Version Number: | 3 | Review Date: | 21 January 2023 |
| Issued By: | Senior Human Resources Manager | Expiry Date: | N/A |
| Author: | Robert Perks | Impact Assessment Date: | January 2020 |
| APPROVAL RECORD | | | |
| | Committees / Group | Date | |
| Consultation: | JCNC | 21 January 2020 | |
| Approved by Director: | Susanna Newing Director of Human Resources | | |
| Ratified by: | JCNC | 21 January 2020 | |
| Received for Information: | | | |

All individual policies will be preceded by the below information

Introduction

This Policy sets out Coventry City Council's principles around Whistleblowing matters for all employees (except teachers).

LEGAL FRAMEWORK These provisions take account of the framework of statutory rights as set out in the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002.

Procedure incorporates the provisions determined by the National Joint Council for Local Government Services in the National Agreement on Pay and Conditions of Service.

Purpose

This policy sets out Coventry City Council's approach to Whistleblowing matters. The policy aims to ensure that all employees are treated fairly and consistently and to ensure that you are aware of your rights and entitlements.

Roles and Responsibilities

Service Directors are accountable to the Director of HR & OD for the proper application of this Policy.

This policy will be reviewed no less frequently than 3 years, as a result of legislative change, or at the request of trade unions or Management.

POLICY

Introduction

1. The Council takes malpractice seriously and encourages people to speak out if they are aware of any actual or potential misconduct or wrongdoing within the organisation. The Council is committed to creating an open culture, where concerns can be raised without fear of suffering a detriment.
2. The whistleblowing policy is crucial in order to maintain high standards of openness and accountability and encourages those who have legitimate concerns to raise them using this policy.
3. Employees are encouraged to contact their supervisor, line manager or head of service in order to report their concerns. Any concerns will be addressed appropriately by the individual.

What is Whistleblowing?

4. Whistleblowing is the making of a protected disclosure i.e. 'blowing the whistle' on actual or potential wrongdoing. It is a way to raise a concern over such wrongdoing. It is

not a way to raise personal grievances and any such concerns should be raised through the Council's grievance procedure.

5. It may be appropriate for your concern to be dealt with under another Council procedure e.g. safeguarding, grievance, etc. If this is the case then you will be notified accordingly.

6. Whistleblowing is covered by the Employment Rights Act 1996 Part IVA, as amended by the Public Interest Disclosure Act 1998.

When can a concern be raised?

7. To be covered by this policy the wrongdoing must fall within one of the following grounds:

- a. A criminal offence
- b. Breach of any legal obligation
- c. Miscarriages of justice
- d. Danger to health and safety
- e. Damage to the environment
- f. The deliberate concealing of information about any of the above

8. If the concern relates to one of the above grounds then you should raise the issue if you have a reasonable belief that the disclosure is in the public interest. A concern is of public interest if the matter goes beyond those which are of personal concern to you. You should reasonably believe that the allegation raised is substantially true.

Who can use this policy?

9. All employees of the Council may use this policy. This includes permanent and temporary employees. It also covers agency workers and employees seconded to and from a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this policy. Contractors working for the Council may use this policy to make the Council aware of any concerns that they have with the Council. The private concerns of the contractor relating to non council business should be raised with the relevant employer.

10. If you are an employee of a school please refer to your appropriate whistleblowing policy.

Who to contact?

11. If you have a concern you should report to the following: Chief Internal Auditor Coventry City Council One Friargate Coventry CV1 2GN Tel: 024 7683 4035 The Council's Monitoring Officer Coventry City Council One Friargate Coventry CV1 2GN Tel: 024 7683 3720

12. In addition, employees can make initial contact with their supervisor, line manager or head of service. The relevant person will then notify the Monitoring Officer that a concern has been raised.

13. Further advice and guidance can be obtained from Protect (formerly known as Public Concern at Work) (020 3117 2520). Protect is an independent charity that operates a

confidential helpline to provide free impartial advice for those who wish to express a concern. Further information and advice is available at <https://protect-advice.org.uk/> .

14. The Council encourages the use of this policy in order to raise whistleblowing concerns. It is anticipated that issues would be raised within the Council in the first instance to allow the Council to respond to any concern. However, if you feel that it is right to report the matter outside the Council, then there are prescribed contacts to whom disclosures can be made. Prescribed persons include: the Information Commissioner, the Environment Agency, Public Health England, Health and Safety Executive, etc. A full list of prescribed persons can be found at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-ofprescribed-people-and-bodies--2>.

15. If you report the matter outside the Council, you should ensure that you do not disclose confidential information. Disclosure to a person who is not a prescribed person or to someone who is not specified in this policy may constitute a breach of confidentiality and a breach of the employee Code of Conduct. Any breach of the Code of Conduct could lead to disciplinary action. Furthermore, disclosure to someone else will mean that the legal protection for whistleblowers is lost.

How to raise a concern

16. As much information as possible should be provided in order for your concern to be properly investigated. To allow any points to be clarified, you should provide details of how you can be contacted.

17. Appendix 1 to this document provides a standard reporting form which you can use. Appendix 1 can be used as a guide on the information that would be helpful to supply when reporting your concern. However, any reasonable method of communication is acceptable including verbal notification. When raising a concern you should state clearly that you are raising concerns under the Council's Whistleblowing Policy.

18. A concern can be raised anonymously. However, if the concern is raised anonymously then this will restrict the ability of the Council to provide feedback on how the concern has been investigated. It may also restrict the extent to which the matter can be investigated.

When should a concern be raised?

19. A concern should be reported if you have reasonable belief that wrongful activity is taking or has taken place. You do not need to obtain conclusive evidence of the wrong doing but the disclosure should have a factual basis. The earlier you report a concern, the easier it is to take the appropriate action.

What happens to the concern raised?

20. If the person dealing with the concern deems it necessary to hold any meetings with you, you have the right to be accompanied by a Trade Union representative or work colleague, except where a reasonable adjustment might allow a disability advocate to represent an employee where the employee has learning difficulties.

The meeting can be arranged away from the normal place of work, if requested.

21. You will be listened to and your concern will be taken seriously. The action taken by the Council will depend on the nature of the concern. Any concern raised under this policy,

will be acknowledged in writing within 7 days. This will: acknowledge that the concern has been received; summarise the details of the concern; and identify who is dealing with the matter. The person dealing with the matter will decide on the appropriate course of action.

22. The Council understands that individuals raising a concern need to be assured that the matter has been properly addressed and will notify them when the whistleblowing policy process has been completed. However, the information provided may be limited in accordance with other legislative provisions, such as the Data Protection Legislation.

Protection for those raising concerns

23. If you raise a concern under this policy you are protected from suffering any detriment i.e. any disadvantage on the ground that you have made a protected disclosure. A disclosure will only qualify for protection if you have a reasonable belief that it is made in the public interest.

24. The protection provided to employees raising concerns cannot be given to third parties. The Council cannot guarantee protection to employees of third party organisations. However, we expect contractors to be aware of the legal obligations in relation to whistleblowing policy and to act in accordance with the requirements.

25. The Council does not tolerate discrimination, victimisation or harassment and will take action to protect you if you have raised a concern using this policy.

Confidentiality

26. Every effort will be made to ensure confidentiality is maintained as far as is reasonably practical. Individuals should be aware that actions taken as a result of their report may lead to their identity being revealed, either by inference or as a result of disciplinary or legal proceedings. If this should happen, the Council will not tolerate you being subjected to any detriment because you have made a protected disclosure.

Monitoring

27. Monitoring of the Whistleblowing Procedure will be undertaken by the Council's Audit and Procurement Committee in accordance with the Constitution.

28. The Monitoring Officer will maintain a record of all concerns brought to his/her attention and any action taken. All officers who investigate a concern should provide the Monitoring Officer with sufficient information to enable him/her to complete the record.

29. The Monitoring Officer will produce an annual report for the Audit and Procurement Committee which will comprise of a summary of the concerns raised and lessons learned with the aim of ensuring best practice across all services. The report will not disclose any names and will not undermine confidentiality or data protection.

Appendix 1

– Raising Concerns at Work – Whistleblowing

Data Protection

We will use the information you provide to meet our contractual obligations under your employment contract. As part of this we will share your personal information with internal service areas and external organisations who provide services on our behalf.

More information on how we handle personal information and your rights under the data protection Law can be found in our Privacy Notice. We will keep all information you provide confidential and treat it in accordance with the requirements of Data Protection Law.

Name of person reporting concern Job title Contact details Date form completed
 Summary of concern: (Please set out the details of your concern. If possible, provide examples, dates, times, locations and details of those who are involved. Please continue on a separate sheet if necessary) Please state why you believe this concern falls under the Whistleblowing policy: Declaration I confirm that the information entered on this form is true to the best of my knowledge and belief, and that I have made this disclosure in the public interest. Print name Signature For Council use Date form received Name of recipient and job title Signature Date to notify individual (within 7days). Please return this form to one of the contacts listed in section 11 or 12 of this policy.

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| Name of person reporting concern | |
| Job title | |
| Contact details | |
| Date form completed | |
| Summary of concern: (Please set out the details of your concern. If possible, provide examples, dates, times, locations and details of those who are involved. Please continue on a separate sheet if necessary) | |

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| Please state why you believe this concern falls under the Whistleblowing policy: | |
| Declaration I confirm that the information entered on this form is true to the best of my knowledge and belief, and that I have made this disclosure in the public interest. | |
| Print Name | Signature |
| For Council Use | |
| Date form received | |
| Name of recipient and job title | |
| Signature | |
| Date to notify individual (within 7days) | |

6. Definitions

N/A

7. Training

No further training is required.

8. Monitoring Compliance with the Document

This policy will be reviewed no less frequently than 3 years, as a result of legislative change, or at the request of Trade Unions or Management.

9. References

N/A