APPENDIX D

Whistleblowing Policy and Procedure

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Change History

Version	Date	Description
1	September 2006	New Policy
2	August 2013	Revised version following amendments arising from the Enterprise and Regulatory Reform Bill 2013
3	December 2019	Note added referring to structure arrangements in HR.
4	July 2021	New HR Service Lead details added
5	July 2024	General review of content but also to reflect ownership has moved to Internal Audit. Content also amended to include reference to external sources of whistleblowing.
6	October 2026	Amended for updated post titles and change in legislation re Employment Rights Act 2025 and new protected disclosure of Sexual Harassment

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1. Purpose

1.1 It is important to the Council that any fraud, misconduct or wrongdoing by employees, workers, members or volunteers of the Council, or by those providing services on behalf of the Council is reported and properly dealt with.

1.2 The Public Interest Disclosure Act 1998 (PIDA), which updated the Employment Rights Act 1996, enables individuals to raise concerns where they have a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- A breach of other legal obligation;
- Damage to the environment;
- Concealment of any of the above;

is being, has been or is likely to be committed, and it is in the public interest to disclose it, without fear of dismissal, victimisation or detriment. This policy and procedure set out how such concerns should be raised and managed within the Council.

The Employment Rights Act 2025 which came into effect on 6 April 2026 added sexual harassment as a "qualifying disclosure" under whistleblowing law. Where any such instances are reported via the routes set out in this policy, they will be referred to HR for them to investigate.

1.3 PIDA protects employees who make a whistleblowing disclosure from harassment or victimisation as long as when making a disclosure they believe they are acting in the public interest. If the matter only affects the individual, then it is not a disclosure covered by PIDA. However, it is likely to be covered by one of the other Council policies listed below:-

- Individual employee's work related issues – Grievance Procedure;
- Concerns regarding member conduct – Members Code of Conduct;
- Concerns about Council service provision – Complaints Policy and Procedure;
- Concerns regarding safety of vulnerable adults or children – Safeguarding Policy and Procedure.

1.4 Whistleblowing usually refers to issues being raised internally by members of staff who have become aware of a potential wrongdoing. There may however, be occasions where a member of the public has a concern about a possible wrongdoing involving a Council employee/contractor/volunteer and wishes to report it. Members of the public can contact the Council using this Policy to report any serious concerns or disclosures over wrongdoing.

1.5 Where this policy refers to a "whistleblower", it refers to both internal and external disclosures. Unlike disclosures made by employees, PIDA does not provide legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect the anonymity of members of the public when they make a disclosure.

2. Applicability

This Policy applies to:

2.1 All employees working for the Council, except those working in schools, as schools should have their own whistleblowing policy or formally agreed to adopt the Council's.

2.2 Other persons including elected members, consultants, agency staff, volunteers and contractors working for the Council, external organisations working with or providing services on behalf of the Council.

2.3 For the purposes of this policy and procedure those specified in 2.1 and 2.2 will be referred to collectively as 'workers'.

2.4 This Policy and Procedure is in addition to/supports the Council's Anti-Fraud and Corruption Policy, Anti-Bribery Policy and Anti Money Laundering Policy (published on the Council's Intranet and Internet), copies also available from the Council's Internal Audit Team.

3. Roles and Responsibilities

3.1 The overall responsibility and ownership of this policy and procedure within the Council rests with the Chief Executive.

3.2 The Audit Manager has overall responsibility for the maintenance and operation of this policy and procedure.

3.3 It is the responsibility of each worker to familiarise themselves with and adhere to this Policy. It is the responsibility of managers to ensure that volunteers/agency workers/ contractors and partner organisations are made aware of the existence of this policy and procedure (as part of inductions/contract terms and conditions etc).

4. Policy

4.1 The Council is committed to the highest standards of openness, probity and accountability.

4.2 The Council encourages all employees, members and volunteers to be aware of the importance of preventing and eliminating wrong-doing at work, and to raise serious concerns using the procedure set out in this document.

4.3 The Council will ensure these concerns are taken seriously and investigated thoroughly, promptly and confidentially, and that appropriate remedial action is taken.

4.4 The Council will protect workers who, based on a reasonable belief, raise concerns under this procedure from dismissal, victimisation or detriment because they have made a disclosure.

5. Types of Concerns Covered by this Policy

5.1 As a worker you may be the first to realise that there could be something seriously wrong taking place/about to take place. It may be tempting to do nothing as you may feel that voicing your concerns would appear disloyal to colleagues or the Council. You may also be afraid that it could lead to repercussions against you. However, it is important that you raise your concerns promptly so that the Council can take action to rectify them, and that the risk of adverse outcomes is minimised.

5.2 Concerns covered by the Public Interest Disclosure Act are listed in section 1.2 above, and may be something that makes you feel uncomfortable in terms of something that:

- Is against the law;
- Puts someone at risk;
- Breaches the Council's standards, policies or procedures;

- Is against the Council's Rules of Procedure, or policies and procedures;
- Falls below established standards of practice;
- Amounts to improper conduct.

6. How are You Protected when Raising a Concern?

6.1 The Council will not dismiss you because you have raised a concern under this procedure, and will protect you against victimisation or other detriment, so long as you have a reasonable belief that the wrong-doing is being, has been, or is likely to be committed, and it is in the public interest to disclose it. The information that you give should be true to the best of your knowledge, information and belief.

6.2 You are not expected to investigate the concern yourself, just to be able to explain the reasons for your concern. It is not necessary for a worker to have proof/evidence that wrong doing is being, has been, or is likely to be committed; a reasonable belief is sufficient.

6.3 Any investigation into concerns of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect you.

6.4 The Council will keep the matter confidential as far as possible. Where an investigation confirms the allegations, workers may be required to attend hearings as witnesses.

6.5 Anyone (including managers and co-workers) found to subject a worker who has made a protected disclosure, to inappropriate action under a formal procedure, bullying, harassment, victimisation or detriment, may be subject to disciplinary or other appropriate action.

6.6 An instruction to cover up wrongdoing is a disciplinary offence. Workers should report any instances in which they are told not to raise or pursue any concern, even where they are told not to by a person in authority such as a manager.

7. Malicious allegations

7.1 Information given should be true to the best of your knowledge, information and belief. Maliciously making a false allegation is a disciplinary offence and as such would be handled under the Council's Disciplinary Procedure.

8. How to Raise a Concern - General

8.1 Concerns may be raised verbally or in writing. In order for the issue to be fully investigated the following information is needed:

- The background history of the concern/events that have taken place (giving relevant names, post titles and dates);

- The reason the whistleblower is concerned about the situation.

A form is provided at **Appendix A to this document** that can be used by anyone within or outside of the Council to raise concerns, use of the form is not obligatory to raise a concern but helps the whistleblower to consider the key information that will be requested once the issue is raised.

8.2 Individuals raising a concern are encouraged to put their name to their allegation as anonymous allegations are much harder to investigate, especially if there is very limited information provided.

8.3 Where an anonymous concern is received by email, contact will be made via this route,

requesting whether the person is willing to provide further details of their concerns/whether they are willing to engage in an investigation process. The email from the Council will make it clear that it may be very difficult/not possible to investigate an issue, if the person has given very limited information and is not willing to provide anything further.

8.4 Where allegations are raised anonymously, they will be considered at the discretion of the Audit Manager in consultation with at least one senior officer set out in Section 10.5. Decisions taken not to investigate, together with the reasons why, will be fully recorded.

8.5 Where a person asks to remain anonymous, the Council will aim to respect this request, but cannot guarantee that it will be able to do so once an investigation is instigated, especially if the issue needs to be reported externally, for example to the police. Also, reporting issues externally for investigation could result in a whistleblower being enforced to participate in an investigation/provide the required information.

8.6 Where the Chief Executive is the subject of the allegation, the allegation will be considered by the Audit Manager in consultation with the Leader of the Council.

Raising a Concern (Within the Council)

8.7 Workers should initially report concerns to their line manager, or where they are concerned that their manager is involved in the wrong-doing, to their manager's manager, or via the whistleblowing helpline as specified in section 9. below.

8.8 Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their main contact within the Council, which is usually the person to whom they directly report.

8.9 A worker may request that the meetings are held away from his/her normal place of work. Where possible you should agree with the worker where the meeting will be held. They also have the right to be accompanied at meetings by a trade union representative or work colleague.

8.10 Managers should not ignore anonymous disclosures but seek advice from the Audit Manager in such cases.

Raising a Concern Externally (e.g. Members of the Public)

8.11 Contact details for reporting a concern are set out in the next section.

8.12 For any external concerns received by any other officer/manager within the Council, they should then notify the Audit Manager of all such cases as soon as possible so that they can be dealt with in a timely manner.

9. Whistleblowing Help Line

9.1 Where a worker has concerns but is unsure whether to raise them, or where he/she believes that senior management is involved in the wrong doing, he/she should seek advice from the Council's Audit Manager.

9.2 The Audit Manager should be notified of all externally raised issues that may need to be treated under this Whistleblowing Policy/Procedure.

9.3 The Council's Internal Audit Team is responsible for investigating any whistleblowing complaints/concerns received by the Council. Any such issues can be raised with the Council by email (Whistleblowing@westberks.gov.uk), or telephone (direct line number 01635 519455).

10. Procedure for Dealing with Concerns

10.1 The manager who was initially made aware of the concern will hold a meeting with the worker as soon as possible to acknowledge the concern has been raised and clarify the details, with the aim for this to take place within 10 working days of the concern being raised with them.

10.2 Where the matter can be resolved simply, for example where there has been a misunderstanding or misinterpretation of an event, the manager will explain this to the employee, check that the employee is satisfied that the matter is resolved and keep a record of the outcome. The manager should make a full record of the issue raised, how it was resolved and when the issue was discussed/clarified with the worker.

10.3 Where the manager believes the matter should be taken further, or is not clear if this may be required, he/she should seek advice from the Audit Manager within 10 working days of being made aware of the issue by the worker, who will advise on the next stages.

10.4 The Audit Manager will assess the potential seriousness of the issue that has been raised with them, whether it falls within the Council's Whistleblowing Policy or should be dealt with under another more appropriate route, and determine who is best placed to investigate the matter e.g. the Internal Audit Team.

10.5 The Audit Manager will notify one or more of the senior managers listed below about the matter (depending on the nature of the allegation), and liaise with them on how to proceed with investigating the concern:

- Chief Executive
- Monitoring Officer (Executive Director, Resources)
- S151 Officer (Service Director Finance, Property and Procurement)
- HR Service Lead

10.6 Within 10 working days of the Audit Manager being notified of a concern, he/she will contact the person who raised the query to:

- Confirm receipt of the information provided/request further information where applicable;
- Mention how it is proposed to deal with the matter/whether further investigation will take place, and if not, why this is;
- If the whistleblower is a worker, inform them of staff support mechanisms.

10.7 No-one implicated in the allegations will be involved in conducting the investigation, and if urgent action is required this will be taken before a formal investigation is instigated.

10.8 Where investigation confirms that wrong doing has occurred the worker may be required to attend hearings to give evidence.

10.9 The process for dealing with external concerns will follow the same stages as set out in 10.4 to 10.6 above.

11. Recording and Monitoring Concerns Raised

11.1 The Audit Manager will maintain a log of all allegations of wrongdoing that are raised with them and be responsible for monitoring progress/outcomes of all investigations instigated under this whistleblowing Policy/Procedure.

11.2 The Audit Manager, in consultation with relevant senior officers set out in section 10.5 will determine whether the issue needs to be reported externally:-

- referred to the police;
- form the subject of an independent inquiry;
- referred to a regulatory agency;
- referred to a government department.

11.3 Where a manager has referred an issue to the Audit Manager, and it has been agreed further investigation is required, the Audit Manager will, subject to any legal constraints, update the manager of the outcome of any investigation.

11.4 The whistleblower will also be informed of the outcome of the investigation and any action that will be taken as a result, subject to any legal constraints.

12 Taking the Matter Further

12.1 Where the whistleblower who raised the concern is not satisfied with the action that has been taken, he/she should contact the Audit Manager setting out why they believe this is the case. The Audit Manager will consider what, if any, further action is required, seeking advice from those listed in 10.5 above as appropriate. The whistleblower will be notified of how the matter will be taken forward.

12.2 If a whistleblower is still not satisfied, he/she has the option to report the matter to a relevant external body/authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenues and Customs
- The Financial Conduct Authority
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office

You should make sure you do not disclose sensitive personal information about an individual/individuals, or sensitive business information. If in doubt you should contact the whistleblowing help line (section 9).

13 Failure to Comply with the Council's Whistleblowing Policy and Procedure

13.1 Workers are expected to report concerns. For some categories of employees, failing to report a concern may be failing in their professional duty and be in breach of legislation; this may result in disciplinary action being taken.

14 Ensuring Remedial Action is Taken

14.1 The Audit Manager in consultation with one of the senior managers set out in 10.5 will identify the relevant manager(s) who will be responsible for ensuring that any remedial action deemed necessary is implemented. This may include reporting the matter to an appropriate government department, regulatory agency and/or the police.

15 Requests for Information Regarding Whistleblowing

15.1 Under the UK GDPR and Data Protection Act 2018, a person has a number of rights which they can exercise in relation to personal information. A person has the right to access the personal information which the Council holds about them, but it does not entitle a person to access information about other people.

15.2 If a subject access request is received regarding a whistleblowing matter then the Council will consider the request in line with its duties under data protection legislation and in line with its established processes. Please note, a subject access request does not give a person the right to access non-personal information, such as Council business or processes. Any requests regarding other subject rights such as restriction, rectification or erasure will be considered in line with our processes.

15.3 Any request for information on whistleblowing matters under the Freedom of Information Act (FOIA) will be considered in the same way as any FOIA request received. Whilst there is a presumption of disclosure under FOIA, given the potential sensitivities of a matter, the Council will need to consider the information requested and what information may be disclosable in relation to any actions taken, outcomes and reports produced.

Appendix A **Whistleblowing Disclosure Form**

This form is intended for use by any individual working for the Council (including elected members, contractors, agency workers and volunteers), and members of the public who wish to raise an issue about potential fraud, misconduct or wrong-doing with the Council. You must have a reasonable belief in any allegations that you make, and raising the issue must be deemed to be made in the public interest.

This form in intended to be used to report wrong-doing within the organisation (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance. There are occasions where an issue is raised which may fall under both the Council's Whistleblowing Policy and Grievance Policy, if, after reading both of these policies you are unclear as to which applies, the Audit Manager will be able to advise.

Once you have submitted this form, the Council's Whistleblowing Procedure will be invoked. This will result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated in the details provided below.

In certain circumstances, you can request that your complaint is kept anonymous. Where possible, the Council will respect such a request, but cannot guarantee that it will be able to do so once an investigation is instigated.

For Workers - This form should be completed and sent to your line manager/manager's manager or the Audit Manager by email stating "confidential" in the subject line.

For Issues Raised Externally - This form should be sent to the Council's Audit Manager (contact details set out in 10.5).

Name of person raising the concern (not a mandatory requirement but will assist with any investigation)	
In what capacity you have become aware of the issue – (worker/member/contractor/volunteer/ member of the public)	
If an employee - post title/service	
Date concern submitted	
If an employee concern, does it relate to your line manager?	Yes/No

Please Set out Details of the Potential Fraud, Misconduct or Wrongdoing you Wish to Raise
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations of events and the identities of those involved. You may attach additional sheets if required.
Please Set Out How you Consider Raising the Issue is in the Public Interest
Declaration (for workers)
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the Council taking disciplinary action against me.
Form completed by (not a mandatory requirement)
For completion by the Council
Date form received by the Council
Name of recipient/post title