
WHISTLEBLOWING PROTOCOL

1.0 INTRODUCTION

- 1.1 In this Protocol 'Whistleblowing' means the reporting by staff of suspected misconduct, illegal acts or failure to act within the Councils.
- 1.2 The aim of this Protocol is to encourage employees and others who have serious concerns about any aspects of the Council's work to come forward and voice those concerns.

This Protocol intends 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, as far as possible.
 - Encourage and enable staff to raise concerns within the Council rather than ignoring a problem or blowing the whistle externally.
 - Provide staff with guidance as to how to raise those concerns.
 - Reassure staff that they should be able to raise genuine concerns without fear of reprisals, victimisation, subsequent discrimination, disadvantage or dismissal, even if they turn out to be mistaken, provided the disclosure is made in the public interest.
- 1.3 The Councils are committed to conducting business with honesty and integrity, and we expect all staff to maintain high standards of conduct, in accordance with the Council's Officer Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

Staff are often the first to realise that there may be something seriously wrong within an organisation. 'Whistleblowing' is viewed by the Council as a positive act that can make a valuable contribution to the Council's efficiency and long-term success. It is not disloyal to colleagues or the Council to speak up. The Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

2.0 WHAT IS WHISTLEBLOWING?

2.1 Any serious concerns that staff have about service provision or the conduct of Officers of the Council, or others acting on behalf of the Council, that make them feel uncomfortable in terms of known standards, are not in keeping with the Constitution or Council policies, fall below established standards of practice or are improper behaviour, should be reported.

This may relate to:

- Criminal activity;
- Miscarriages of justice;
- Racial, sexual, disability or other discrimination;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal, or professional, obligation or regulatory requirements;
- Unauthorised use of public funds or other assets;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;
- Breach of our internal policies and procedures, including our Officer Code of Conduct;
- Conduct likely to damage our reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

2.2 A whistleblower is a person who raises a genuine concern relating to any of the above, where he/she honestly and reasonably believes it to be in the public interest to raise the concern.

2.3 This Protocol should not be used for complaints relating to an individual's own personal circumstances, such as the way they have been treated at work. In those cases the Grievance Procedure should be used.

2.4 If a staff member is uncertain whether something is within the scope of this Protocol they should seek advice from the Monitoring Officer, whose contact details are at the end of this Protocol.

2.5 This Protocol does not form part of any employee's contract of employment and it may be amended at any time.

2.6 If an individual has a concern about services provided to him/her, it should be raised through the Council's complaints procedure.

2.7 Complaints of misconduct by Councillors are dealt with under a separate procedure and should be referred to the Council's Monitoring Officer.

3.0 WHO CAN RAISE A CONCERN UNDER THIS PROTOCOL?

3.1 This Protocol applies to all individuals working at all levels of the organisation, including Senior Managers, Officers, Directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this Protocol).

4.0 RAISING A WHISTLEBLOWING CONCERN

4.1 It is hoped that in many cases staff will be able to raise any concerns with their line manager or Director. Staff may tell them in person or put the matter in writing if preferred. They may be able to agree a way of resolving concerns quickly and effectively.

4.2 However, where the matter is more serious, or staff feel that their line manager or Director has not addressed the concern, or if they prefer not to raise it with them for any reason, they should contact one of the following:

- (a) The Monitoring Officer;
- (b) The Chief Executive;
- (c) The Chairmen of the Joint Governance Committee;
- (d) The Chief Financial Officer (S.151 Officer).

Contact details are set out at the end of this protocol.

4.3 The Council will arrange a meeting with the whistleblower as soon as possible to discuss their concern. The whistleblower may bring a colleague or Union representative to any meetings held under this Protocol. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

4.4 The Council will take down a written summary of the whistleblower's concern and provide them with a copy after the meeting. The Council will also aim to give an indication of how it proposes to deal with the matter.

4.5 Whoever internally, within the Councils, receives a whistleblowing disclosure, they are obliged to notify the Monitoring Officer, in writing, within 2 working days of the nature of the disclosure made.

5.0 CONFIDENTIALITY

- 5.1 The Council hopes that staff will feel able to voice whistleblowing concerns openly under this Protocol. However, if a whistleblower wants to raise a concern confidentially, the Council will make every effort not to disclose their identity. If it is necessary for anyone investigating the concern to know the whistleblower's identity, this will be discussed with the whistleblower in advance.
- 5.2 The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Investigating Officer cannot obtain further information from the whistleblower. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed in Annex 1 and appropriate measures can then be taken to preserve confidentiality.
- 5.3 If a whistleblower is in any doubt, they can seek independent advice from the independent charity, Public Concern at Work, who offer a confidential helpline. Their contact details are at the end of this Protocol.

6.0 EXTERNAL DISCLOSURES

- 6.1 The aim of this Protocol is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases a whistleblower should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for a whistleblower to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The Council strongly encourages whistleblowers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this Protocol.
- 6.3 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect a whistleblower if they raise the matter with the third party directly. However, the Council encourages whistleblowers to report such concerns internally first.

7.0 INVESTIGATION AND OUTCOME

- 7.1 Once a whistleblower has raised a concern, the Council will carry out an initial assessment to determine the scope of any investigation. The Council will then inform the whistleblower of the outcome of the assessment. The whistleblower may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases the Council may appoint an Investigating Officer or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Council to minimise the risk of future wrongdoing.
- 7.3 The Council will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the giving of specific details of the investigation or any disciplinary action taken as a result. Any information given about the investigation should be treated as confidential.
- 7.4 If the Council concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

8.0 IF THE WHISTLEBLOWER IS NOT SATISFIED WITH THE OUTCOME

- 8.1 While the Council cannot always guarantee the outcome the whistleblower is seeking, it will deal with the concern raised fairly and in an appropriate way, and in compliance with Human Rights and Equalities legislation.
- 8.2 If a whistleblower is not satisfied with the way in which their disclosure has been handled, they can raise it with one of the other key contacts in paragraph 4.2 of this Protocol. Alternatively they may contact the Council's Auditors (contact details are set out at the end of this Protocol) or seek independent advice from Public Concern at Work.

9.0 PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support staff who raise genuine concerns under this Protocol, if they reasonably believe it to be in the public interest to do so, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a concern or making a disclosure, provided it is made in the honest belief that it is in the public interest to do so. Detrimental treatment includes dismissal, disciplinary action, threats

or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer immediately. If the matter is not remedied you should raise it formally using the Council's Grievance Procedure.

- 9.3 Staff must not threaten or retaliate whistleblowers in any way. Any staff member involved in such conduct is likely to be subject to disciplinary action. In some cases the whistleblower could have a right to sue them personally for compensation in an Employment Tribunal, and also for the Council to potentially be vicariously liable for their actions.

10.0 RESPONSIBILITY FOR THE SUCCESS OF THIS PROTOCOL

- 10.1 The Council's Corporate Leadership Team has overall responsibility for this Protocol, and for reviewing the effectiveness of actions taken in response to concerns raised under this Protocol.
- 10.2 The Monitoring Officer has day-to-day operational responsibility for this Protocol, and must ensure that all managers and other staff who may deal with concerns or investigations receive regular and appropriate training.
- 10.3 The Monitoring Officer should review this Protocol at least every 3 years in conjunction with the Councils' Joint Governance Committee and with the Strategic Head of Human Resources who shall consult with UNISON.
- 10.4 All staff are responsible for the success of this Protocol and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this Protocol and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

Contacts

Monitoring Officer	Susan Sale 01903 221119 Susan.sale@adur-worthing.gov.uk
Chief Financial Officer	Sarah Gobey 01903 221221 Sarah.gobey@adur-worthing.gov.uk
Chief Executive	Alex Bailey 01903 221001 alex.bailey@adur-worthing.gov.uk
Worthing Borough Council Chairperson of Joint Governance Committee	Councillor Lionel Harman Lionel.Harman@worthing.gov.uk
Adur District Council Chairperson of Joint Governance Committee	Councillor George Barton George.Barton@adur.gov.uk
Council's Auditors	Suzanne Smith (Mazars) 01903 221255 Suzanne.Smith@mazars.co.uk
Public Concern at Work (Independent whistleblowing Charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk