

Appendix A

Whistleblowing Policy

Whistleblowing Policy contents

| Table of contents | Page |
|--|-------------|
| 1 Introduction | 3 |
| 2 Aims and scope | 3-4 |
| 3 What are whistleblowing and qualifying disclosures | 4-5 |
| 4 Safeguards | 5-6 |
| 5 How concerns can be raised | 6-7 |
| 6 How the Council will respond | 7-8 |
| 7 Monitoring of whistleblowing referrals | 8 |
| 8 How the matter can be taken further | 8-9 |
| Appendix A How to raise a concern, do's and don'ts | 10-11 |
| Appendix B Other contacts | 12 |
| | |

1 Introduction

- 1.1 Leeds City Council is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage Council employees and workers¹ who have legitimate concerns about any aspect of the Council's work, to come forward and voice those concerns through accessible channels rather than overlooking the issues or discussing them externally. Making your disclosure under this policy will enable the Council to address any concerns and risks as early as possible.
- 1.2 As an employee or worker of the Council, you are often the first to realise that there could be something seriously wrong with the way we are operating. This policy sets out the principles that enable you to raise concerns without the fear of adverse consequences.
- 1.3 The Council recognises that you may wish to raise your concern confidentially and in such cases the Council will make every effort to protect your identity.

2 Aims and scope of the policy

- 2.1 This policy seeks to cover all disclosures and allegations made by employees, and workers including temporary and agency staff. It also extends to any other individual who wants to raise an allegation of perceived wrongdoing such as consultants, contractors, sub-contractors or a partner organisation who are engaged in work for the Council.
- 2.2 Whistleblowing law does not protect employees of external organisations in the same way as Council employees and workers.
- 2.3 This policy has a specific section detailing the process that schools based staff should follow when raising concerns (section 5.6-5.8).
- 2.4 The aim of this policy is to:
- provide a means for you to raise a concern about suspected wrongdoing
 - set out the safeguards you can expect when raising concerns under this policy
 - reassure you that reprisals or victimisation for whistleblowing in the public interest will not be tolerated even if you turn out to be mistaken
 - demonstrate the Council's zero tolerance commitment to tackling fraud and corruption
 - demonstrate the Council's commitment to treat all disclosures consistently and fairly

¹ For the definition of a worker see <https://www.gov.uk/employment-status/worker>

- 2.5 This policy does not form part of a contract of employment. It is regularly reviewed and may be amended from time to time.

3 What are whistleblowing and qualifying disclosures?

- 3.1 Whistleblowing is the term used when a worker passes on information regarding wrongdoing. To be covered by whistleblowing law the disclosure must be a 'qualifying disclosure'. Qualifying disclosures are disclosures of information about wrongdoing which include criminal offences, failure to comply with legal obligations, miscarriages of justice, threats to health and safety of an individual, damage to the environment and a deliberate attempt to cover up any of the above.
- 3.2 The law is designed to protect whistleblowers from detrimental treatment or victimisation from their employers after they have made a qualifying disclosure.
- 3.3 To be protected, the disclosure must be in the public interest, the worker must have reasonable belief that the information shows that one of the categories of wrongdoing listed in the legislation has occurred, or is likely to occur, and the concern must be raised in the correct way.
- 3.4 Qualifying disclosures covered by whistleblowing law include:-
- A criminal offence has been committed, is being committed or is likely to be committed e.g. financial fraud;
 - A person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
 - A miscarriage of justice has occurred, is occurring or is likely to occur;
 - The health and safety of any individual had been, is being or is likely to be endangered;
 - The environment has been, is being or is likely to be damaged;
 - The information tending to show any of the above is being or is likely to be concealed.
- 3.5 Disclosures relating to the following matters may fall into the categories of qualifying disclosures above:
- Something amounts to improper conduct, including serious misuse or abuse of authority;
 - Something is contrary to the Council's Contract Procedure Rules, Financial Regulations or other policies (these can be found on the intranet on the following links ;
<http://insite.leeds.gov.uk/PoliciesAndProcedures/Documents/Financial%20Regulations.pdf>
<http://insite.leeds.gov.uk/PoliciesAndProcedures/Documents/Contracts%20procedure%20rules.pdf>
 - Something falls below established standards or practice;

- Gross waste or mismanagement of funds has occurred, is occurring or is likely to occur.

- 3.6 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures and which involve an issue in the public interest, although the Council reserves the right to determine which procedure is appropriate. Concerns relating to the way you are being treated at work (bullying, harassment, discrimination) do not fall under the remit of whistleblowing and should be dealt with under the Council's Grievance Procedure. Further advice can be found at <http://insite.leeds.gov.uk/toolkits/Pages/Grievance.aspx>
- 3.7 A confidentiality clause in a settlement agreement does not prevent a worker from making a disclosure in the public interest.
- 3.8 If your concern relates to the conduct of an elected Member, safeguarding or benefit fraud then there are specific procedures in place to address these. Details on how to make a referral can be found at Appendix B.

4 Safeguards

Confidentiality

- 4.1 The Council will make every effort to treat the source of all whistleblowing referrals in confidence and will endeavour not to divulge your identity, unless required by law.

Protection from reprisal

- 4.2 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 the wrongdoing. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you reasonably believe to be true. This may include disciplinary action against those that subject an individual to detriment as a result of a whistleblowing referral.
- 4.3 If you are already the subject of procedures such as disciplinary, improving performance, grievance or improving attendance, these will not be halted as a result of your whistleblowing referral.
- 4.4 If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing referral you should contact Internal Audit. Details will be considered and where action is required this will be led by HR and will be conducted in accordance with the Disciplinary Policy.

Anonymous allegations

- 4.5 Allegations can be made anonymously. Anonymous reports may be more difficult or even impossible to investigate if further information cannot be obtained from you. This policy encourages you to provide your name and contact details when making your allegation.

Untrue allegations

- 4.6 If you make an allegation which is either malicious and/or false, and/or one which you could not have reasonably believed to be true, then this may be considered an abuse of the whistleblowing policy and disciplinary action may be taken against you.

5 How concerns can be raised

- 5.1 Concerns can be raised with your line management or a senior manager within your service. They should consider any information received which should be addressed in accordance with the requirements of this policy.
- 5.2 If you would prefer to report your concerns directly to Internal Audit then a referral can be made as follows:-

| | |
|-------------|---|
| Telephone: | (0113) 3788008 (dedicated hotline answered by a member of the Internal Audit team or an answerphone). |
| E-mail: | concerns@leeds.gov.uk |
| In writing: | Internal Audit, 3rd Floor West, Civic Hall, Leeds, LS1 1JF |
| Online: | http://insite.leeds.gov.uk/DoltOnline/Pages/default.aspx?ItemId=733 |

Independent advice

- 5.3 If you are unsure whether to raise your concerns under this policy, or if you wish to obtain independent advice at any time you may contact:
- Your union
 - The independent charity Public Concern at Work

Contact details can be found at the end of this policy.

External contacts

- 5.4 The aim of this policy is to provide an internal mechanism for reporting any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report your concern to certain 'prescribed' people and bodies. It is strongly recommended that you seek advice before reporting a concern to anyone external. If you tell a prescribed person or body, it must be one that you reasonably believe deals with the issue you are raising. A list of prescribed people and bodies can be found at the link below:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>.

- 5.5 In order to raise your concern externally it still must be a qualifying disclosure which meets the criteria for protection as outlined in paragraph [3] above. This means that you must have a reasonable belief that the information disclosed is substantially true, the disclosure is being made in the public interest and the matter falls within the remit of the prescribed person or body.

Whistleblowing by individuals employed in schools

- 5.6 Individuals employed in schools maintained by the Council such as community schools, community special schools, voluntary controlled or maintained nursery schools and pupil referral units where the Council is the legal employer, fall under the Council's Whistleblowing Policy.
- 5.7 Each of the above schools should have their own Whistleblowing Policy and reporting arrangements in place which reflect the requirements of and principles within this policy.
- 5.8 Schools based staff are encouraged to raise concerns in accordance with the schools own Whistleblowing Policy. This Leeds City Council policy recognises that in some cases, the employee may not feel they are able to discuss the concerns with management, the Headteacher or Chair of Governors at the school. In these instances you may report your concerns to Leeds City Council who will respond in accordance with this policy.

6 How the Council will respond

- 6.1 The Council is committed to treating all concerns raised consistently and fairly. Where a referral is made to Internal Audit an initial assessment of the information received will be completed. This will determine if further investigation will be undertaken and if so who is best placed to complete this considering any skills, knowledge and areas of expertise felt to be necessary.

Details of all referrals received by managers under this policy should be notified to Internal Audit to allow a central record to be maintained. A regular review of referrals notified and actioned by management will be undertaken to ensure all concerns are being dealt with on a consistent basis.

- 6.2 The matters raised may:
- be investigated internally (this is the most likely option). This may be via a referral to the relevant Director, Chief Officer, HR or Internal Audit. Where referrals are made every effort is made to maintain confidentiality;
 - be referred to the external auditor;

- form the subject of an independent inquiry; or
- any combination of the above.

- 6.3 Where the allegation is of a criminal nature then a referral may be made to the Police but this will only be following an assessment of the information provided.
- 6.4 Some concerns may be resolved by agreed action without the need for investigation. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under the relevant procedures.
- 6.5 Within ten working days of a concern being received, where practicable, the Council will contact you to acknowledge receipt of your concern. Where feasible we will advise you how we propose to deal with the matter. If it is decided that further investigation is not to take place then the reason for this decision will be provided.
- 6.6 The amount of contact between yourself and those considering the issues will vary depending on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. We may contact you for further details during the investigation if you have provided your contact details.
- 6.7 When any meeting is arranged, you may, if you wish, be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 6.8 The Council acknowledges the need to provide you with assurance that the matter has been properly addressed. You will be notified once any investigation has concluded and, subject to legal constraints, you will receive appropriate information about the outcomes of any investigation.

7 Monitoring of whistleblowing referrals

- 7.1 All referrals received by managers should be notified to Internal Audit upon their receipt. Internal Audit will maintain a log of all concerns received and the action taken. This will help to ensure that all referrals received are addressed on a consistent basis no matter where they have been initially reported or investigated.
- 7.2 The Head of Internal Audit is the person within the Council with overall responsibility for this policy. The overall outcomes and effectiveness of the policy will be reported in anonymised form to the Corporate Governance and Audit Committee.

8 How the matter can be taken further

- 8.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with the response provided. If you are

not, and if you feel it is right to take the matter further, the following are possible contact points.

| | |
|--|---|
| The external auditor-KPMG Leeds | 0113 231 3000 |
| Public Concern at Work (independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice) | 020 740 46609 http://pcaw.org.uk/contact-us |
| A prescribed person or body | https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies . |
| Your trade union | http://insite.leeds.gov.uk/staffroom/Pages/Trade-unions.aspx |

8.2 Further contact points are included below:-

| | |
|---|---|
| The Advisory, Conciliation and Arbitration Service (Acas) | https://www.gov.uk/acas |
| Citizens' Advice | https://www.adviceguide.org.uk |
| Legal advice | https://www.gov.uk/find-a-legal-adviser |

Appendix A

How to raise a concern (Do's and Don'ts)

DO NOT ignore the concern. It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the Council with an opportunity to address the associated issues as early as possible.

DO report your suspicions in line with this policy to your line management, the relevant service management, or to Internal Audit using the contact details provided in this policy. The decision on who to report your suspicions to will depend on the seriousness and sensitivity of the issues concerned, and who is thought to be involved in the wrongdoing. For example, if you believe that management is involved then Internal Audit can give advice and guidance on how the matter can be pursued.

DO make an immediate note of your concerns and deal with the matter promptly.

The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.

You will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, but not limited to;

- the background and history to the case;
- the reason why you are particularly concerned;
- any specific details available including names, dates, times and places;
- details of any particular conversations that support the concerns;
- details any personal interest that you may have in the matter; and
- how you think that things may be put right, if possible.

DO NOT be afraid of raising your concerns, and if a manager, DO be responsive to staff concerns.

We want to encourage people to voice any reasonably held suspicions to help us develop a culture of openness, honesty and accountability. All concerns should be treated sensitively and seriously, and be subject to the necessary investigation and follow up communication where possible. If you are a manager receiving a concern you also need to make sure you send details of all referrals to Internal Audit for monitoring and action.

DO NOT approach or accuse any individuals directly or tell anyone about your suspicions other than those with the proper authority.

If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed.

Concerns should not be discussed with others who are not involved in an appropriately structured investigation. Doing so may leave you open to accusations of making slanderous

or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the Council even if there is no evidence of any wrongdoing.

DO NOT try to investigate the matter yourself.

There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the investigation as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, you should contact Internal Audit for advice.

All referrals made will be treated in the strictest of confidence and you may invite your trade union or professional association to raise a matter on your behalf.

Appendix B

Other contacts

If your concern is regarding;

- **The conduct of an elected Member**

If you believe that a Member has broken the Members Code of Conduct, you can make a complaint to the Monitoring Officer using the complaints form which can be found at [http://www.leeds.gov.uk/council/Pages/Code-of-Conduct.aspx#http://www.leeds.gov.uk/docs/New regime complaints form.doc](http://www.leeds.gov.uk/council/Pages/Code-of-Conduct.aspx#http://www.leeds.gov.uk/docs/New%20regime%20complaints%20form.doc)

- **The safeguarding of children and young people**

Call the Duty and Advice team on 0113 3760336 (Monday to Friday 8am to 6pm) or the Children's Emergency Duty Team on 0113 3760469 if outside of office hours. Alternatively you can e-mail them at childrensedt@leeds.gov.uk

Members of the public should report concerns on 0113 222 4403 (Monday to Friday 9am to 5pm).

Further details can be found at <http://www.leeds.gov.uk/residents/Pages/report-a-child-protection-concern.aspx>

- **The safeguarding of vulnerable adults**

Call 0113 222 4401 (Minicom: 0113 222 4410) during office hours and 0771 210 6378 outside of office hours. Alternatively you can e-mail them at edt.ss@leeds.gov.uk.

Further details can be found at <http://www.leeds.gov.uk/residents/Pages/Safeguarding-adults.aspx>

- **Suspected benefit fraud**

Report this to the DWP.

Online - <https://secure.dwp.gov.uk/benefitfraud/>

Telephone – 0800 854 440

Textphone – 0800 328 0512 (Monday to Friday 8am to 6pm)

Write – NBFH, PO Box 224, Preston, PR1 1GP

- **Workplace disputes**

Contact the Advisory, Conciliation and Arbitration Service (Acas) for help and advice

Online <https://www.gov.uk/acas>

Telephone 0300 123 1100