

# **GUILDFORD BOROUGH COUNCIL WHISTLEBLOWING POLICY**

## **1. Aims and scope of policy**

- 1.1 We are committed to delivering high quality and value for money services and to the highest standards of openness, honesty and accountability. We have rules, policies and procedures to ensure that we maintain the highest standards of conduct, but malpractice can occur. We will not tolerate any such malpractice.
- 1.2 We believe that knowing that any malpractice will be reported and thoroughly investigated and that we will take prompt and appropriate action against those responsible acts as the best deterrent.
- 1.3 This policy covers any malpractice by our councillors and staff, including agency staff and casual employees, and organisations and individuals providing goods or services or carrying out works for us.
- 1.4 Our staff, councillors or others working with us are often the first to realise that there may be something wrong. We encourage them to raise concerns that are in the public interest as soon as there is a reasonable suspicion of wrongdoing.
- 1.5 This policy aims to give staff, councillors and others the confidence to raise concerns by assuring them that they can do so without fear of harassment, victimisation or reprisals. It also confirms our commitment to investigate and rectify any malpractice reported to us swiftly and thoroughly. The policy does not cover complaints or reports from members of the public. We will consider these under our complaints procedure or deal with them through our anti-fraud and corruption procedures.

## **2. Whistleblowing and the public interest**

- 2.1 Whistleblowing is a report about suspected wrongdoing, which is in the public interest. It allows serious concerns about malpractice to be identified and resolved quickly. We encourage employees, councillors and others working with us to report any malpractice.
- 2.2 If you have a reasonable belief that the disclosure you are making is in the public interest, you will be protected against recriminations, victimisation or harassment. This still applies even if, after investigation, your disclosure is found to be incorrect or unfounded.
- 2.3 Complaints of a personal nature, such as the terms of your employment, should be raised via the grievance procedure rather than through this whistleblowing policy.
- 2.4 We will not tolerate any attempt on the part of any employee, worker, councillor, contractor or supplier to apply any sanction or detriment (including informal pressure) to any person who has reported any serious and genuine concern of malpractice to us and will take all reasonable measures to protect you. Anyone who victimises a whistleblower will be personally liable as the whistleblower can bring a direct claim against the culprit. If you feel victimised or harassed as a result of raising a concern, you should notify the Monitoring Officer or Deputy Monitoring Officer.

- 2.5 The Council will be vicariously liable for an employee's conduct in victimising a whistleblower. We will treat any recriminations, victimisation or harassment by an employee as a serious disciplinary matter.
- 2.6 Where a councillor carries out any such recrimination, victimisation or harassment, we will regard this as a serious breach of the Code of Conduct and appropriate action will be taken against the perpetrator in accordance with the Arrangements for Dealing with Allegations of Misconduct by Councillors, as set out in Part 5 of the Constitution.
- 2.7 Where a contractor or supplier carries out any such recrimination, victimisation or harassment, we will regard this as a serious breach of contract and instigate necessary action.
- 2.8 If you are unsure as whether to raise a concern, you should discuss the issue with your line manager, head of service or Human Resources.

### **3. Malpractice**

- 3.1 Malpractice includes the following:
- (a) any unlawful act, whether criminal or a breach of civil law
  - (b) maladministration
  - (c) breach of any statutory code of practice
  - (d) serious breach of or failure to implement or comply with a Council policy
  - (e) failure to comply with appropriate professional standards
  - (f) corruption or fraud
  - (g) breach of any Council code of conduct
  - (h) actions which are likely to cause physical danger to any person or to give rise to a risk of significant damage to property
  - (i) an act that creates risk to health and safety
  - (j) an act causing damage to the environment
  - (k) failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost or loss of income to the Council or would otherwise seriously prejudice the Council
  - (l) abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose
  - (m) a miscarriage of justice
  - (n) concealment of any of the above

3.2 This is not a comprehensive list, but an illustration of the sorts of issues that may be raised under this policy.

#### **4. Confidentiality and anonymous allegations**

4.1 You are encouraged to raise concerns openly wherever possible. This will enable you to exercise your right of protection under the law and help with subsequent investigations.

4.2 We will do our best to protect your identity when you raise a concern and do not want your name disclosed. During the investigation, we will keep the number of people aware of who raised the matter to a minimum. However, you must appreciate that the investigation process may reveal the source and you may be required to make a statement as part of the evidence.

4.3 We encourage staff to put their name to their allegation whenever possible.

4.4 The Council will take all concerns raised seriously. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### **5. False allegations**

5.1 There is no requirement for disclosures to be true in order for whistleblowers to receive statutory protection. For example, if you suspect malpractice and report it, you will be protected under this policy even if your suspicions are found not to be substantiated following an investigation.

5.2 However, any allegation that you make which you know to be false is not protected as the disclosure would not be in the public interest. To ensure the protection of all our employees, those who make an allegation they do not reasonably believe to be true and/or made in public interest will be liable to disciplinary action.

#### **6. Making a complaint**

6.1 You should submit your complaint to the Monitoring Officer by:

(a) writing to him or her in a sealed envelope marked “private and confidential” and addressed to:

Monitoring Officer  
Guildford Borough Council  
Millmead House  
Millmead  
Guildford  
GU2 4BB

(b) telephoning on 01483 444042; or

(c) e-mailing [whistleblowing@guildford.gov.uk](mailto:whistleblowing@guildford.gov.uk).

- 6.2 In the absence of the Monitoring Officer or in cases where it would not be appropriate to submit your complaint to him or her, you should make your disclosure to the Deputy Monitoring Officer who has full authority to act in accordance with this policy.
- 6.3 Your complaint should include:
- (a) name(s) of any person you are complaining about;
  - (b) nature and details of the complaint;
  - (c) names and contact details (if known) of any witnesses;
  - (d) dates of any incidents; and
  - (e) whether you wish your name to remain confidential.
- 6.4 If you consider that you would benefit from additional support in the workplace, then you may make a request to the Monitoring Officer for this. The Monitoring Officer will consider allocating a Human Resources Officer or a senior manager not involved in the matter or investigation to provide you with support.
- 6.5 The earlier you raise the concern, the easier it will be for us to take action.

## **7. Receipt and investigation of complaints of malpractice**

- 7.1 The Monitoring Officer is responsible for the operation of this policy and will ensure that adequate resources are allocated for the investigation of any complaints. The Monitoring Officer will:
- (a) receive and record any complaints under the policy;
  - (b) take steps to protect your identity when you raise a concern and do not want your name to be disclosed;
  - (c) investigate promptly any complaint using appropriate staff from Corporate Development and Legal Services as required;
  - (d) report the outcome of the investigation to the appropriate head of service and the Managing Director and recommend the action to be taken;
  - (e) where the complaint relates to the conduct of a head of service, report to the Managing Director;
  - (f) where the complaint relates to the Managing Director, report to the Leader of the Council;
  - (g) report, as appropriate, either jointly with the Managing Director or in his or her own right, to the Council or Executive;
  - (h) recommend appropriate action to resolve a complaint; and
  - (i) report annually to the Audit and Corporate Governance Committee on the operation of the policy.
- 7.2 The Monitoring Officer will write to you within ten working days to acknowledge receipt of your complaint, confirm whether the matter will be investigated further and the nature of that investigation and advise you of your opportunity to be accompanied or represented at any later meetings or interviews.

7.3 The action we take will depend on the nature of the concern. The matter may:

- be investigated internally;
- be referred to the Police;
- be referred to the external auditor; or
- form the subject of an independent inquiry.

7.4 For the purposes of the investigation, the Monitoring Officer has a right of access to all councillors and employees and to all documents and records of the Council.

## **8. Taking the matter further**

8.1 This policy gives you the opportunity to raise concerns within the Council and assures you that we will investigate all reasonable claims promptly and thoroughly. We would encourage you to use it rather than blowing the whistle outside as premature or unnecessary publicity may damage our reputation, impede proper investigations or cause needless hurt to individuals. However, if you feel it is right to take the matter outside the Council, the following are possible contact points:

- your local councillor (if you live in the borough)
- the external auditor
- relevant professional bodies or regulatory organisations
- your solicitor
- the Police
- the charity "Public Concern at Work" (020 7404 6609)

8.2 If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged.

## **9. Employee cooperation**

9.1 We expect the full co-operation of all our employees in securing the highest standards of service delivery and conduct.

9.2 Where employees are aware of, or suspect, malpractice, we expect them to report it. We will regard the failure by an employee to report such malpractice, or the suspicion of malpractice, as a disciplinary matter.