

Southampton City Council Whistleblowing (Duty to Act) Policy



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Whistleblowing (Duty to Act) Policy			
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Lead officer	Elizabeth Goodwin, Chief Internal Auditor	Review date	19/07/2020
Contact	elizabeth.goodwin@southampton.gov.uk	Effective date	23/04/2018

Introduction

1. Whistleblowing is a way for employees of an organisation to raise reasonably and honestly held concerns they may have about serious matters that could put the council and/or the wider public at risk. Whistleblowing usually involves bringing forward concerns that is in the public interest to investigate and resolve. Examples are crime, fraud, the giving or taking of bribes, financial malpractice, or practices that might endanger individuals or the environment. The aim of this policy is to outline what you can do if you believe you need to raise an issue of this nature, and how you will be protected if you do.
2. All of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, illegality, financial malpractice, endangering an individual's health or safety, or dangers to the public (including care users and clients), employees, pupils or the environment, it can be difficult to know what to do.
3. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
4. Southampton City Council has introduced this policy, which reflects the legal framework and the legal obligations placed upon the council, to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.
5. If something is troubling you which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use the Resolution of Grievances Policy - which you can get from your manager, HR Pay / Human Resources, your trade union or from the council's Intranet site. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. **If in doubt – raise it!**

Legislative Context

6. The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures about malpractice. The Act makes it unlawful for the council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Our Assurances to You

7. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you reasonably believe what you are reporting is true, and that the disclosure is in the public interest, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. In that case, disciplinary action may be taken against you.
8. We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Taking reprisals against an employee who has raised a concern in good faith is unacceptable, and may

give rise to disciplinary proceedings. If you have raised a concern and feel at any stage subsequently that you are suffering as a result of doing so, please let the Service Director: Legal & Governance know so that appropriate action can be taken.

9. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.
10. Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

How We Will Handle the Matter

11. Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.
12. When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Resolution of Grievances Policy we will tell you.
13. While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

How to Raise a Concern Internally

14. Step one:
 - If Officers (or staff in schools) have a concern about malpractice, wherever possible please raise it with your manager first. This may be done orally or in writing.
 - For Members, we hope you will feel able to raise it first with the relevant Service Director. This may be done orally or in writing.
15. Step two:
 - If Officers (or staff in schools) feel unable to raise the matter with their manager, for whatever reason, please raise the matter with the appropriate Service Director or Headteacher. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.
 - If you feel unable to raise the matter with the relevant Service Director or Head teacher, for whatever reason, please raise the matter with the appropriate Senior Director. Members should also raise the matter with the appropriate Senior Director if they feel unable to refer to the relevant Service Director, for whatever reason.

16. Step three:

- For officers (or staff in schools) and Members, if these channels have been followed and you still have concerns, or the above are not appropriate to you (for example, you are a contractor or consultant) or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Richard Ivory	
Service Director Legal & Governance	Telephone: 023 8083 2794 Email: richard.ivory@southampton.gov.uk

John Harrison	
Chief Financial Officer Finance & Commercialisation	Telephone: 023 8083 4897 Email: john.harrison@southampton.gov.uk

Elizabeth Goodwin	
Chief Internal Auditor Internal Audit	Telephone: 023 8083 4616 Email: elizabeth.goodwin@southampton.gov.uk

Any member of school staff or of a school's governing body nominated by the governing body as a contact.

17. Step four:

- For officers (or staff in schools) and Members, if for whatever reason, you feel uncomfortable in reporting your concerns direct to the named officers above then there is a facility to submit a report via email to the following generic in-box: Duty.to.act@southampton.gov.uk

Independent Advice

18. If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:

- if applicable, your union; *or*
- your professional body (e.g. British Association of Social Workers, National College for Teaching and Leadership etc); *or*
- the independent charity Protect on 020 3117 2520 or www.protect-advice.org.uk Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

External Contacts

19. While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. Protect (or, if applicable, your union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

20. If you choose not to raise the matter internally, we would rather you raised the matter with the appropriate "regulator" than not at all. Provided you reasonably believe what you are reporting is true, that it is in the public interest and you have evidence to back up your concern, you can also contact certain external bodies. However, not all disclosures to external bodies or individuals benefit from the protection set out in this policy. Raising a matter with a third party who you reasonably believe is responsible for the wrongdoing, or a legal adviser, or a person prescribed by Parliament (such as HMRC, the Health and Safety Executive, Office of Fair Trading) will still be protected. Any further disclosure will only be protected if you reasonably believe that your concern is substantially true, you are not acting for any gain, and it is so serious that you could not disclose it to the council or one of the prescribed bodies first.

If you are Dissatisfied

21. If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.
22. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. By using this policy, you will help us to achieve this

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