



# Whistleblowing Policy

## Guildford Borough Council

### **Document Information**

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## **Harmonisation**

Please be aware that this Whistleblowing policy is aligned with Waverley Borough Council's Whistleblowing Policy. This means that the policy is structured and formatted with similar language. Whilst many of the substantive provisions are similar there may be some local differences in policy as adopted by each Council's member approval process.

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## **1.0 Purpose**

Guildford Borough Council is committed to delivering high quality and value for money services to the highest standards of openness, honesty and accountability. The Council has rules, policies and procedures to ensure that it maintains the highest standards of conduct wherever possible. Where malpractice does occur, it will not be tolerated.

The Council believes that knowing that any malpractice will be reported and thoroughly investigated, and that prompt and appropriate action will be taken against those responsible, acts as a deterrent to such conduct.

We acknowledge the legal protection under the Public Interest Disclosure Act 1998 provided for employees who make disclosures about malpractice.

## **2.0 Aims**

The Whistleblowing Policy aims to encourage and enable anyone to raise issues of concern about suspected improper conduct in the way Guildford Borough Council carries out its business. It 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.

## **3.0 Policy Scope**

This policy applies to

- all Council employees (temporary, permanent, part time and full time);
- all Councillors
- all Council trainees;
- agency staff, casual staff or consultants undertaking council work;
- contractors working for the Council;
- suppliers and those providing services under contract with the Council;
- volunteers.

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.

Complaints of a personal nature, such as, about the terms of an individual's employment, should be raised via the [grievance procedure](#) rather than through this policy.

#### **4.0 Policy Definitions**

Whistleblowing is the reporting of information which relates to suspected wrongdoing at work, including possible unlawful conduct, fraud, risks to the public or malpractice.

Such concerns can be raised if there is a reasonable belief that one or more of the following has occurred:

- any unlawful act, whether criminal or a breach of civil law;
- maladministration;
- breach of any statutory code of practice;
- serious breach of or failure to implement or comply with a Council policy;
- serious breach or failure to safeguard children and vulnerable people in accordance with our policies and procedures;
- failure to comply with appropriate professional standards;
- corruption or fraud;
- breach of the Council's officer code of conduct;
- actions which are likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- an act that creates risk to health and safety;
- an act causing damage to the environment;
- 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 or its residents;
- abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose;

- a miscarriage of justice;
- concealment of any of the above.

This is not an exhaustive list, but an illustration of the sorts of concerns that may be raised under this policy.

## **6.0 Links to other Strategies, Policies, and Procedures**

The Council has adopted a number of rules and procedures to ensure the Council's business is properly monitored and controlled. They form part of the Council's internal control process and system of governance and it is important that all councillors and officers are aware of, and abide by, them.

[Appendix 1](#) sets out the linked policies and procedures that should be read alongside this policy.

## **7.0 Confidentiality**

An individual is encouraged to raise concerns openly wherever possible. This will enable them to exercise their right of protection under the law and help with subsequent investigations.

The Council will do its best to protect the identity of an individual when a concern is raised and the individual wishes to remain anonymous. In such circumstances, the Council will keep the number of people aware of who raised the matter to a minimum, although it must be accepted that sometimes an individual may be identifiable by the nature of the information they provide. If disciplinary or other proceedings follow any whistleblowing investigation, it may not be possible for the Council to take action as a result of the disclosure without the individual coming forwards as a witness. Any such witness would be offered appropriate advice and support.

## **8.0 Harassment and Victimisation**

We recognise that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the misconduct. The Council will not tolerate harassment or victimisation and will take all reasonable measures to protect those who raise a concern in good faith. This still applies even if, after investigation, the disclosure is found to be incorrect or unfounded.

The Council will not tolerate any attempt on the part of any officer, councillor, contractor, supplier or anyone under their control, to apply any sanction or detriment (including informal pressure) to any person who has reported any serious and genuine concern of malpractice and will take all reasonable measures to protect the whistleblower.

Anyone who victimises a whistleblower could be exposed to liability for a criminal offence and also to personal liability as the whistleblower may choose to issue a direct civil claim against them.

If an individual feels victimised or harassed as a result of raising a concern, they should notify the Council's Monitoring Officer, or one of the Deputy Monitoring Officers, as soon as possible.

The Council may be vicariously liable for an officer or councillor's conduct in victimising a whistleblower. The Council will treat any recriminations, victimisation or harassment by an employee as a serious disciplinary matter. Where a councillor carries out any such recrimination, victimisation or harassment, the Council will regard this as a potential breach of the Councillors' Code of Conduct and appropriate action will be taken against the councillor in accordance with the Council's standards arrangements. Where a contractor or supplier carries out any such recrimination, victimisation or harassment, the Council will regard this as a potential breach of contract and instigate necessary action.

If an individual is unsure as whether to raise a concern formally under the Whistleblowing Policy, they should discuss the issue with their line manager, Executive Head of Service, Strategic Director or with Human Resources.

## **9.0 Anonymous Allegations**

The Council encourages whistleblowers to put their name to their allegation whenever possible. If they do not, it may be more difficult for action to be taken and more difficult for the Council to protect the position of the whistleblower or provide them with information relating to the outcome of the process.

The Council will take all concerns raised seriously. Concerns expressed anonymously may be less powerful but will be considered at the discretion of the Monitoring Officer.



In exercising this discretion, the Monitoring Officer would take into account:

- the seriousness of the concern raised;
- the credibility of the concern; and
- the likelihood of being able to investigate and verify the allegation from reliable alternative sources.

## **10. False allegations**

There is no requirement for disclosures to be true in order for whistleblowers to receive statutory protection. For example, if an individual suspects wrongdoing and reports it, they will be protected under this policy even if the concern is found not to be substantiated following an investigation.

However, any allegation that the whistleblower knows to be false and/or is brought maliciously would not be afforded the statutory protection as such a disclosure would not be deemed to be in the public interest. To ensure the protection of all of the Council's officers, those who make an allegation they do not reasonably believe to be true and/or made in the public interest may be liable to disciplinary action.

## **11. Safeguarding**

Safeguarding concerns about children and vulnerable people should be raised through our [safeguarding policies and procedures](#).

However, the Whistleblowing Policy may be used in circumstances where an individual may have a concern about the conduct of an individual who may be in a position of trust within the organisation, which could be detrimental to the safety or wellbeing of children and vulnerable adults where, for whatever reason, the individual feels unable to raise such concern under the Council's Safeguarding Policy.

The designated Lead Safeguarding Specialist must be contacted to provide appropriate advice with regards to disciplinary and grievance procedures and contacting the Local Authority Designated Officer (LADO).

## **12. Data Protection**

All records relating to disclosures, subsequent investigation and action taken, will be managed in compliance with the Data Protection Act 2018, GDPR and the Council's Retention and Disposal Policy.

## **13. Learning and Improvement**

Investigations may result in recommendations for changes to procedures and systems which will be incorporated into action plans. Follow-up reviews will also be carried out to ensure that recommendations are implemented.

## **14. Review of the Policy**

The Council's Executive will be responsible for the adoption and review of this Policy. However, the Council's Corporate Governance and Standards Committee will be responsible for monitoring the operation of the Policy and will receive confidential reports from the Monitoring Officer on an annual basis of any disclosures made under the Policy and their outcome. As a result of consideration of the operation of the Policy, the Corporate Governance & Standards Committee may wish to make recommendations to the Executive upon the review of the Policy.

The Monitoring Officer is authorised to make minor and consequential amendments to this Policy in consultation with the Lead Executive Member, to ensure it remains fit for purpose. Minor amends include, but are not limited to, updating weblinks, changes in job titles, accessibility requirements, names of officers, contact details, and/or organisation names referenced in the document.

## **15. How to Report a Concern**

An individual should submit their disclosure to the Monitoring Officer by one of the following methods:

- e-mailing [monitoringofficer@guildford.gov.uk](mailto:monitoringofficer@guildford.gov.uk); or
- writing to the Monitoring Officer in a sealed envelope marked "Private and Confidential: To be opened by Address only" and addressing the envelope to the Monitoring Officer, Guildford Borough Council, Millmead House, Millmead, Guildford, GU2 4BB, or delivering by hand and leaving at reception.

In the absence of the Monitoring Officer, or in cases where it would not be appropriate to submit a disclosure to the Monitoring Officer, the individual should make their disclosure directly to one of the Deputy Monitoring Officers, who have full authority to act in accordance with this Policy.

Any disclosure should include:

- name(s) of the person, body or organisation that the concern is about;
- nature and details of the disclosure;
- names and contact details (if known) of any witnesses;
- dates of any incidents;
- whether the whistleblower wishes for their name to remain confidential and if so why.

If any whistleblower considers that they would benefit from additional support in the workplace, then they should make such request to the Monitoring Officer. The Monitoring Officer will consider allocating a Human Resources Officer, or a senior manager not involved in the disclosure or investigation, to provide such support.

The earlier any concern is raised, the easier it will be for the Council to take appropriate action.

## **16. How the Disclosure will be Dealt with**

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:

- receive and record any disclosures under the Policy;
- take steps to protect the whistleblower's identity when a disclosure is made and the whistleblower has indicated that they do not want their name to be disclosed and such request is deemed to be reasonable by the Monitoring Officer;
- that when a whistleblowing matter is received by the MO, they will inform the Leader of the Council and the Chair of the Corporate Governance & Standards Committee,

- investigate promptly the disclosure using appropriate staff as required, or an external investigator;
- report the outcome of the investigation to the Corporate Management Board and recommend the action to be taken;
- report the outcome of the investigation to the Corporate Governance and Standards Committee
- where the disclosure relates to the conduct of a member of the Corporate Management Board, report to the Chief Executive;
- where the disclosure relates to the Chief Executive, report to the Leader of the Council;
- report, as appropriate, either jointly with the Chief Executive or in their own right, to the Corporate Governance and Standards Committee as part of the annual report on the operation of this policy, or separately in cases of urgency;
- recommend appropriate action to resolve a concern raised.

The Monitoring Officer will acknowledge receipt of any whistleblowing disclosure within five working days of receipt. Within a further five working days the Monitoring Officer will confirm whether the matter will be investigated further and the nature and arrangements of any such investigation, unless the Monitoring Officer requests further information to inform this decision. A whistleblower shall have the opportunity to be accompanied by a workplace colleague or trade union representative at any subsequent meetings or interviews.

The Council may also ask for more information where this would assist in the investigation.

The action the Council shall take will depend on the nature of the concern.

The matter may:

- be investigated internally by staff or externally by an external investigator
- be referred to the Police
- be referred to the internal or external auditor
- form the subject of an independent inquiry

The outcome of an investigation may lead to disciplinary action against employees, conducted in accordance with the Council's Disciplinary Procedures. In this situation, the employee would be informed that the issue has been raised under the Whistleblowing Policy. This may be in addition to any legal proceedings instigated by the Police.

For the purposes of the investigation, the Monitoring Officer has a right of access to all councillors and officers and to all documents and records of the Council as they determine to be necessary and appropriate.

If a whistleblowing disclosure is made and later withdrawn by the whistleblower, the Council will take account of the whistleblower's wishes. However, there may be circumstances where the Monitoring Officer will deem it appropriate to continue to investigate, which may result in further evidence being required from the whistleblower.

## **17. External Disclosures**

This Policy provides individuals with the opportunity to raise concerns as to wrongdoing with the Council and provides assurance that the Council will investigate all reasonable claims promptly and thoroughly.

The Council encourages individuals to use this Policy, rather than blowing the whistle outside of the organisation, as premature or unnecessary publicity may damage the Council's reputation, impede or prejudice proper investigation and due process or cause needless hurt to individuals.

However, if an individual considers it is right to take the matter outside the Council, or has exhausted the procedure under the Policy and remains dissatisfied, the following are possible contact points:

- the relevant councillor;
- the Council's External Auditor, Grant Thornton;
- any relevant professional bodies or regulatory organisations;
- an independent external solicitor
- the Police
- the charity "Protect" (020 7404 6609)

## **18. Employee Co-operation**

The Council expects the full co-operation of all of its officers, councillors, contractors, suppliers and partners in securing the highest standards of service delivery and conduct.

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 serious matter which may be investigated under the disciplinary policy.

## **19. Review of the Procedure**

Authority be delegated to the Monitoring Officer to make such minor amendments to the Whistleblowing Policy as they deem appropriate for the purpose of keeping it up to date.

The Council will review this Policy at least every two years or when there are changes to legislation or statutory codes of practice.

## **Appendix 1: Links to Guildford Borough Council Strategies, Policies and Procedures**

Bullying and Harassment Procedure: clear guidance on the informal and formal steps that can be taken if bullying or harassment is taking place in the workplace.

Code of conduct for staff: sets out the rules and requirements that staff must follow to maintain the high standards expected by the public.

Complaints Policy and Procedure: this policy sets out our approach to dealing with customer complaints and ensuring that complaints are investigated in an evidence-based, fair, and efficient way.

Councillors' Code of Conduct: sets out the rules and requirements that councillors must follow to maintain the high standards expected by the public

Disciplinary Policy and Procedure: this policy covers our disciplinary rules and procedures that must be followed by managers so that individuals are treated fairly and consistently.

Financial Procedure Rules: financial procedure rules for managing the Council's financial affairs which must be followed by everyone acting on behalf of the Council

Grievance Policy and Procedure: this policy outlines the issues that may cause grievances and what steps can be taken to resolve them

Induction checklist for managers: process for managers to follow when inducting new employees including safeguarding training requirements

IT, Information Management, and Information Security Policies: a framework of different policies for users and managers that address the need to protect confidential and sensitive information from disclosure, unauthorised access, loss, corruption, and interference.

Investigations - Guidance on conducting workplace investigations: this guidance is intended for use by managers and employees involved in internal, workplace investigations arising out of allegations of misconduct, gross misconduct or poor performance.

Privacy & Data Protection Policy: guidance on the safe handling of personal information.

Procurement Procedure Rules: applies to all purchases of works, goods and services that must be followed so that the Council is fair, open, transparent, non-discriminatory, and lawful.

Record and Retention and Disposal Schedule: This document aims to set out the legislation, guidance, and policy about record retention.