



**BRENTWOOD BOROUGH COUNCIL**

**WHISTLEBLOWING POLICY**

**&**

**PROCEDURE**

## **Organisational Aim**

Brentwood Borough Council is committed to conducting its business with openness, integrity and accountability for the benefit of the local community. BBC expects all staff to maintain the highest possible standard of conduct. However, BBC understands that any organisation faces the risk of unknowingly harbouring unethical or illegal practices.

This policy is adopted as a clear statement that BBC is not prepared to tolerate any malpractice, and will be supportive of those who disclose information in respect of such wrongdoing. BBC strongly affirms that no individual should fear any form of reprisal from disclosing wrongdoing within the organisation.

BBC believes that the greatest deterrent to wrongdoing is the probability that such malpractice will be reported and investigated vigorously, that those who are responsible for it will, in appropriate cases, be dealt with, and that the matter will be promptly remedied.

## **Policy Objectives**

- To encourage all staff and other individuals to report any concerns they have as soon as possible, safe in the knowledge that those concerns will be taken seriously, and confidentiality will, where appropriate, be respected.
- To provide individuals with avenues to raise concerns in confidence, and provide guidance on how such concerns should be raised.
- To ensure that those raising concerns receive a response to those concerns, and that they are aware of how to pursue any concerns further if they are not satisfied with the outcome.
- To reassure all individuals who have raised concerns that they will be protected from possible reprisals or victimisation, provided that they have a reasonable belief that the information they have disclosed is both true and in the public interest.

We therefore expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns without fear.

## **Adoption Statement**

The adoption of this policy is a clear and unequivocal statement by the Council that, whenever and wherever any such malpractice is identified by the Council or any of its employees, or by any of its contractors or suppliers, or reported to the Council, it will be swiftly and thoroughly investigated and rectified.

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

## **Who is covered by this Policy?**

This policy applies to all individuals working at all levels of the organisation, including senior managers, managers, Heads of Service, other employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency workers. These individuals are collectively referred to as staff in this policy. This policy may also be utilised by individuals who do not fall within the meaning of staff. This includes both Councillors and members of the public.

## **What is Whistleblowing?**

Whistleblowing is a name used to describe the disclosure of information that has a tendency to show that wrongdoing or malpractice is taking place. There is UK legislation (The Public Interest Disclosures Act 1998) that protects workers from experiencing victimisation when they make these types of disclosures; this is provided that the disclosure made falls within the legal definition of a 'protected disclosures'.

There are some complexities to the legislation in respect of the criteria required for a disclosure to be deemed a protected disclosure. A basic overview of the criteria is as follows:

1. Information, or facts, must be disclosed, either orally or in writing.
2. The information must raise an allegation in respect of one of the relevant types of wrong doing (as detailed below).
3. The worker disclosing the information must reasonably believe that the information disclosed is both true, and has a tendency to show that one of the relevant types of wrongdoing either has occurred, is occurring, or is likely to occur

4. The worker must reasonably believe that such a disclosure is in the public interest.
5. The disclosure must be made to one of a set class of people, or organisations, as defined in the legislation. These include the worker's employer, specific prescribed persons or bodies, and, in certain circumstances, other third parties.

### **Types of wrongdoing**

The types of wrong doing covered by the legislation are as follows:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- The deliberate concealment of the fact that any of the above matters is being, has been, or is likely to be, committed.

In practice this will cover matters such as unauthorised use of public funds; unauthorised disclosure of confidential information; fraud and corruption; physical and sexual abuse; health and safety risks to both staff and members of the public; and the acceptance of bribes. However, these are only examples of the types of conduct that are likely to fall within the relevant types of wrong doing, and this is not an exhaustive list.

Whilst it is important that all staff are aware of the scope of the whistleblowing legislation, and the protection it provides, the aim of this policy is to address wrongdoing and malpractice of any kind within BBC, but should not be used to raise standard employment or line management matters for which there is a Grievance Policy

## **Conduct outside of the Scope of this policy**

This policy should not be used for staff to raise concerns regarding their own personal circumstances, such as the way they have been treated at work (unless these relate to victimisation as a result of a previous whistleblowing complaint). Staff wishing to raise these types of concerns should do so either informally with their line manager, or formally through BBC's grievance procedure.

If you are uncertain about whether your concern falls into the scope of this whistleblowing policy, please contact the Whistleblowing Officer to discuss the same. You can also contact the HR helpdesk to discuss the scope of any such concerns on 01375 652310 / [hr@brentwood.gov.uk](mailto:hr@brentwood.gov.uk).

This policy does not replace BBC's Corporate Complaints Procedure, and should not be used in place of the same. Complaints from members of the public in relation to general service level and operation of BBC should be made through the Corporate Complaints Procedure. More details on how to use the Corporate Complaints Procedure is available through BBC's leaflet 'How to compliment, comment or complaint' available from [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

## **Whistleblowing Officer**

The essence of a whistleblowing process is that staff should be able to by-pass the direct management line, because there may be instances where that is an area about which their concerns arise. There may also be occasion when the whistle-blower is from outside of the BBC.

BBC has, therefore, elected a Whistleblowing Officer to be the first point of contact for all wrongdoing and malpractice concerns. BBC has appointed the current Monitoring Officer who can be contacted directly on their work telephone and email. Where the Monitoring Officer is unavailable, concerns can be raised directly with the Chief Executive, via his work telephone and email.

It will be the Whistleblowing Officer's responsibility to investigate whistleblowing complaints, and to consider the most appropriate way to deal with these. His or her duties and powers include, but are not strictly confined, to the following responsibilities:

- To maintain a record of any complaints made under this policy
- To follow the confidentiality guidelines in this policy, in circumstances where any whistle blower has indicated their desire that their concern be treated in confidence
- To investigate promptly any Whistleblowing complaint.

- For the purposes of the investigation, the Whistleblowing Officer, or any officer nominated by him to act on his behalf, shall have a right of access to the Chief Executive, Deputy Chief Executive, All Members, All Heads of Service and any employees or workers of the Council, and to all documents and records of the Council.
- To report the outcome of the investigation to the Chief Executive/Head of Paid Service or the Finance Director/Section 151 Officer, and the appropriate Head of Service, and to recommend the action to be taken.
- Where the complaint relates to the conduct of one of the senior leaders, the Whistleblowing Officer shall report to the Chief Executive/Head of Paid Service.
- Where the complaint relates to the Chief Executive/Head of Paid Service, the Whistleblowing Officer shall report to the Finance Director/Section 151 Officer.
- To report as appropriate, either jointly with the Finance Director, or in his or her own right, to the Council, the Policy Board, the Corporate Leadership Board or Committee of the Council.
- To recommend appropriate action to resolve the concern.

## **How to make a complaint**

### **Staff Concerns**

BBC hopes that in many cases staff will be able to raise any concerns with their senior leader. This can be done in person, or in writing, if preferred. It is possible that they may be able to agree a way of resolving the concern quickly and effectively. In some cases such matters might be referred to the Whistleblowing Officer.

However, where the matter is more serious, or in circumstances where their senior leader has not addressed the concern, or if simply the preference is not to raise it with them for any reason, contact should be made directly with the Whistleblowing Officer.

### **Concerns by individuals other than staff**

Individuals who are not staff, and who do not have access to a Head of Service (or who feel that concerns that they have previously raised with a senior member of staff have not been addressed) should raise their concerns directly with the Whistleblowing Officer.

### **Contacting the Whistleblowing Officer**

The Whistleblowing Officer can be contacted by writing to him in a sealed envelope marked private and confidential and addressed to:

The Whistleblowing Officer,  
Town Hall, Ingrave Road,  
Brentwood, Essex, CM15 8AY

You can also contact the Whistleblowing Officer by emailing your concerns to [wbo@brentwood.gov.uk](mailto:wbo@brentwood.gov.uk)

Or by telephoning the current Monitoring Officer on the main Brentwood switch board.

Should any complaint be received in relation to the Whistleblowing Officer himself, the complaint will be dealt with directly by the Finance Director/Section 151 Officer

Should you wish, in circumstances where a complaint relates to the Whistleblowing Officer himself or where the Whistleblowing Officer is unavailable, to contact the Chief Executive directly you can do so by writing to:

Chief Executive,  
Town Hall, Ingrave Road,  
Brentwood, Essex. CM15 8AY

### **Complaints Procedure**

Once you have raised a concern, we undertake an initial assessment and determine what action should be taken. This may involve either an internal inquiry, or a more formal investigation. We will advise you of who will be handling the matter, how they can be contacted, and whether any further assistance may be needed. If requested, we will write summarising your concern, and setting out how we propose to handle it. We aim to do this within 5 working days.

When raising a 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 this at the outset.



BBC is committed to ensuring that adequate resources will be made available for the investigation of any complaints of malpractice in accordance with this policy's aims.

## **What happens next?**

Following an assessment of the allegations a view will be taken on how best to resolve the matter. In dealing with some cases the Council may appoint an investigator, 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.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, or any disciplinary action taken as a result. Any information about the investigation should always be treated as confidential.

If at the conclusion the investigator is of the view that a whistle-blower has made false allegations maliciously, or with a view to personal gain, where the whistle-blower is a member of staff, he or she may be subject to appropriate disciplinary action.

It is our aim to conclude all investigations within 20 working days and we will confirm the outcome in writing.

All complaints will be referred to both Human Resources and / or Internal Audit unless the allegations by their nature themselves make such a referral inappropriate.

## **Maintaining Confidentiality**

You may feel that you can only raise your concern by us protecting your identity. We will attempt to do this where possible, but are unable to guarantee the same. Examples of when we would be unable to protect your identity could be when concerns are raised in respect of child protection issues, or crimes.

As part of a formal investigation, we may require you to give evidence on the information you are aware of. In certain cases, this can be done whilst maintaining your confidentiality. You may also be required take part in other related proceeding, such as resulting criminal proceedings.

When concerns are taken further to disciplinary investigations, or resulting Employment Tribunal Hearing, we can receive subject access requests, and Court Orders, which require that we disclose certain information we hold. We are happy to explain the consequences of these in further detail with you, should you be concerned by the same.



## **What happens if you are not satisfied?**

While the Council cannot always guarantee the outcome you are seeking, we will try to deal with any concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with the Chief Executive or the Section 151 Officer. Alternatively, you may contact the Council's external auditors. Contact details are set out at the end of this policy.

## **Alternative Complaints methods**

In addition to the Council's Complaints and Whistleblowing procedures, any member of the public may make a complaint against the Council by contacting one of the following external organisations.

### **(a) The Local Government Ombudsman:**

The Local Government Ombudsman will receive complaints of alleged maladministration against the Council. To contact the Local Government Ombudsman write to:

The Local Government Ombudsman  
PO Box 4771, Coventry, CV4 0EH

(Please note that the Ombudsman will usually require that a complaint has been through the Council's complaints process before they will investigate it).

### **(b) External Auditor:**

The Council's External Auditors are;  
Ernst & Young LLP,  
One Cambridge Business Park,  
Cambridge, CB4 0WZ



**(c) Public Concern at Work:**

Public Concern at Work is an independent charity which promotes accountability and good governance in organisations, and runs a confidential helpline for people with serious concerns about malpractice.

Public Concern at Work can be contacted on 020 7404 6609, or by writing to:

Public Concern at Work,  
3<sup>rd</sup> Floor, Bank Chambers,  
6 -10 Borough High Street,  
London SE1 9QQ

By e-mail at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)