

## Whistleblowing Policy - (Raising Concerns in the Public Interest)

### A Confidential Reporting Policy for All Members of Staff, Elected and Co-opted Members and the General Public

#### Introduction

- 1.1 Brighton & Hove City Council is committed to the highest standards of openness, honesty, integrity and accountability for the services it provides. However, the Council recognises that there is always the risk that things can go wrong. Therefore, the Council is keen to encourage those working for the Council, its members and members of the community to express their concerns when they think that there may be something seriously wrong regarding the activities of the Council. This gives the Council the opportunity to stop any unethical or unprofessional practices or wrongdoing within the organisation.
- 1.2 The Council recognises that for individuals to come forward, they must have confidence that their concerns will be listened to and that the Council will take prompt action to investigate and deal with concerns appropriately.
- 1.3 This Policy sets out how concerns about serious wrongdoing by the Council can be raised and how the Council will respond to these.
- 1.4 This Policy is an integral part of, and should be read in the context of, the Council's corporate values, which are:

**Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone

**Collaboration:** Work together and contribute to the creation of helpful and successful teams and partnerships across the Council and beyond

**Efficiency:** Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of doing things

**Openness:** Share and communicate with honesty about our service and ourselves, whenever appropriate. Accept where we have to change in order to improve

**Creativity:** Have ideas that challenge the 'tried and tested', use evidence of what works, listen to feedback and come up with different solutions

**Customer Focus:** Adopt our Customer Promise for colleagues, partners, members and citizens. Our Customer Promise is that we will be easy to reach, be clear and treat you with respect, listen and act to get things done

- 1.5 This Policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998 (as amended by the Enterprise & Regulatory Reform Act

2013), which protects members of staff against detrimental treatment or dismissal for disclosing normally confidential information because they reasonably believe it is in the public interest to do so. This is known as a “qualifying disclosure”.

## 2 Benefits of this policy

### 2.1 This Policy aims to:

- encourage and enable you to feel confident in raising concerns and to question and act upon any concerns;
- provide avenues for you to raise concerns;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied with the action taken;
- reassure members of staff that they will be protected from repercussions when raising genuine concerns;
- ensure that all those working for, or on behalf of, the Council are aware that they must not treat individual(s) detrimentally because they have made a “qualifying disclosure” under the Act.

## 3 Scope

### 3.1 The types of concern covered by the Policy include:

- conduct which is an offence or a breach of law, including discrimination or harassment based on or related to a protected characteristic (either yours or someone else’s)
- disclosures relating to miscarriages of justice
- individual(s) covering up wrongdoing
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of Council funds
- action that is contrary to the Council’s financial procedures or contract regulations
- possible fraud, corruption or financial irregularity
- practice which falls below established standards or practice
- sexual or physical abuse of clients
- other unethical conduct

### 3.2 This Policy and its associated procedures is not intended to replace any existing Council procedures that would be more appropriate for dealing with any concern raised under this Policy.

#### Members of staff

If your concern relates to how you have been personally treated at work as an

employee under your contract of employment, you may raise it under the existing Grievance Procedure. You may in the alternative raise it using this procedure, which in any event is available where the complaint concerns someone other than you. If your concern relates to bullying or harassment by an officer, then the Council will respond to such concerns under the Council's Disciplinary Procedure.

### Members of the Public

If you have a concern or complaint about Council services provided to you, you should raise this using the Council's Complaints Procedure.

### Elected and Co-opted Members

If you have a complaint about the way an elected or co-opted member has behaved, you should raise this using the Council's [online Councillors complaint form](#).

## 4 Who can raise a concern under this Policy

### 4.1 This Policy applies to all:

- employees of the Council (excluding schools – see 4.2 below)
- casual, agency workers and apprentices working for the Council
- contractors and employees of contractors working for the Council
- self-employed consultants working for the Council
- members of the public
- elected and co-opted members of the Council

### 4.2 If you are employed in, working with, assisting or based in a Brighton and Hove maintained school, you should raise your concern directly with the school using their Whistleblowing Policy. If you feel unable to raise your concern directly with the School, you may contact a person mentioned in 6.2. However, you should set out why you feel unable to contact the school directly.

## 5 Supporting you to raise a concern

### 5.1 **Confidentiality:**

We hope that you will feel able to voice whistleblowing concerns openly under this Policy. However, if you want to raise your concerns confidentially, we will make every effort to keep your identity secret. 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.

### 5.2 **Staff and Members Raising Genuine Concerns:**

The Council aims to encourage openness and will support those who raise genuine concerns under this Policy, even if they turn out to be mistaken.

Staff and elected or co-opted Members who raise a genuine concern under this Policy with a reasonable belief that it is true must not suffer any detrimental treatment as a result of raising the concern.

Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

A person who raises a concern under this Policy must not be threatened or retaliated against. If you believe that you have suffered any such treatment, you should inform the Head of Human Resources & Organisational Development immediately. If the matter is not remedied, you should raise it formally using the Council's Grievance Procedure or, in the case of elected or co-opted Members, by raising it with the Council's Monitoring Officer.

### 5.3 **Raising Malicious Allegations:**

However, the Council cannot give such assurances and you may be subject to disciplinary action or a formal complaint if you raise a concern maliciously or the information you have used to trigger a concern has been obtained unlawfully, for example:

- legal requirements have not been followed, e.g. Data Protection requirements have been breached or
- through unauthorised access to records, e.g. computer hacking.

## 6 How to raise a concern

### **Points of contact**

6.1 As soon as you become reasonably concerned, we hope you will feel able to raise it. The earlier you raise your concern, the easier it is to take action. A flowchart showing the process for raising concerns can be found in Appendix 1.

### 6.2 Members of Staff

If you are an employee you should normally raise concerns with your line manager. Similarly, non-employees (e.g. agency workers, contractors, consultants) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

If you are a member of staff and you want to raise the matter with someone other than your immediate manager, for whatever reason, please raise the matter with:

- Your Head of Service

- Alison McManamon, Head of Human Resources & Organisational Development - ext. 0511
- Mark Dallen, Audit Manager - Internal Audit and Counter Fraud - ext.1314
- Nigel Manvell, Deputy Chief Finance Officer ext. 3104 or
- Abraham Ghebre-Ghiorghis, Executive Lead Officer Strategy, Governance & Law - ext.1500

These people will also be able to advise on confidentiality and further action required.

If these channels have been followed but you still have concerns or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may as a last resort contact:

Chief Executive – tel. 01273 291132

### 6.3 Members of the Public and Members of the Council

If you are a member of the public or an elected or co-opted member then you may raise concerns with:

- Mark Dallen, Audit Manager - Internal Audit and Counter Fraud  
email: mark.dallen@brighton-hove.gcsx.gov.uk, tel. 01273 291314

or

- Abraham Ghebre-Ghiorghis, Executive Lead Officer Strategy, Governance & Law - email: abraham.ghebre-ghiorghis@brighton-hove.gcsx.gov.uk, tel. 01273 291500.

If these channels have been followed but you still have concerns or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may contact:

Chief Executive – tel. 01273 291132

### **The Procedure**

- 6.4 You may raise your concern orally or in writing. We advise that you make it clear that you are raising your concerns under the Council's whistleblowing arrangements.
- 6.5 You are also encouraged to put your name to any concern you raise as this will make it easier for the Council to investigate the issue. Please also say if you want to raise the matter in confidence so that the person you contact can make appropriate arrangements.

- 6.6 To enable your concern to be dealt with properly and effectively you will need to provide the following information and to be as clear as possible about:
- what the concern is and to whom it relates
  - the background and history of the concern (giving relevant dates)
  - the reason why you are particularly concerned about the situation and why you believe it to be true.
- 6.7 When raising a concern you are not expected to prove the truth of an allegation, however, you will need to demonstrate to the person you contact that there are sufficient grounds for the concern.
- 6.8 If you are a member of staff you may invite your trade union representative or a colleague who works for the Council to assist or accompany you. Similarly, if you are a member of the public you may be supported by a colleague or friend. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

## 7 How the Council will respond

- 7.1 Once a concern is raised, the Council will respond to your concern as quickly as possible. The appropriate Council manager/officer will make initial enquiries, taking advice from the Head of Human Resources & Organisational Development if necessary, to help decide if an investigation is appropriate and if so, what form it should take.
- 7.2 The Council manager/officer receiving the concern will ensure the Executive Lead Officer Strategy, Governance & Law, as the City Council's Monitoring Officer, is provided with sufficient details to be aware of the concern raised.
- 7.3 Where appropriate, the matters raised may:
- be investigated by management, internal audit, the Monitoring Officer or through the disciplinary process;
  - be referred to the Police;
  - be referred to the external auditor or form the subject of an independent inquiry

Within 10 working days of a concern being raised, the person handling the matter will write to you acknowledging that the concern has been received, indicating how, as far as possible, it will be dealt with and, if you are a Council member of staff, the support mechanisms available to you. You will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

- 7.4 When you raise the concern(s) you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we ask that you tell us this at the outset. If your concerns would be more appropriately

dealt with under another policy of the City Council (for example, the Complaints Procedure, Anti-Fraud & Corruption Strategy or Grievance Procedure) we will tell you.

- 7.5 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.
- 7.6 Concerns or allegations that fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under the relevant procedure. Some concerns may be resolved by agreeing action with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 7.7 The Council will take all reasonable steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

## 8 How your concern can be taken further

- 8.1 This Policy is intended to provide you with an avenue to raise concerns with the Council. The Council hopes that you will be satisfied with the way your concerns are treated and any investigations that may be carried out.

However, if you are not, and feel it is right to take the matter outside the Council, please find below a list of possible contact points. If you are a member of staff, the Monitoring Officer or the Head of Human Resources & Organisational Development can provide advice as to the other options.

The following are examples of some of the possible contact points:

- the Council's External Auditors are Grant Thornton. Their address is 30 Finsbury Square, London EC2A 1AG. Telephone number 0207 3835100
- relevant professional bodies or regulatory organisations. A list of regulatory bodies can be found in Appendix 2
- your trade union (if you are a member of staff)
- a solicitor
- the Police

- 8.2 If you are a member of staff, the law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. If you would like independent advice at any stage, you can contact the independent charity Protect - <https://www.pcaw.org.uk/> - on 020 31172520. They should be able to give you free and confidential advice about how to raise a concern about serious malpractice at work.



## 9 The Responsible Officer

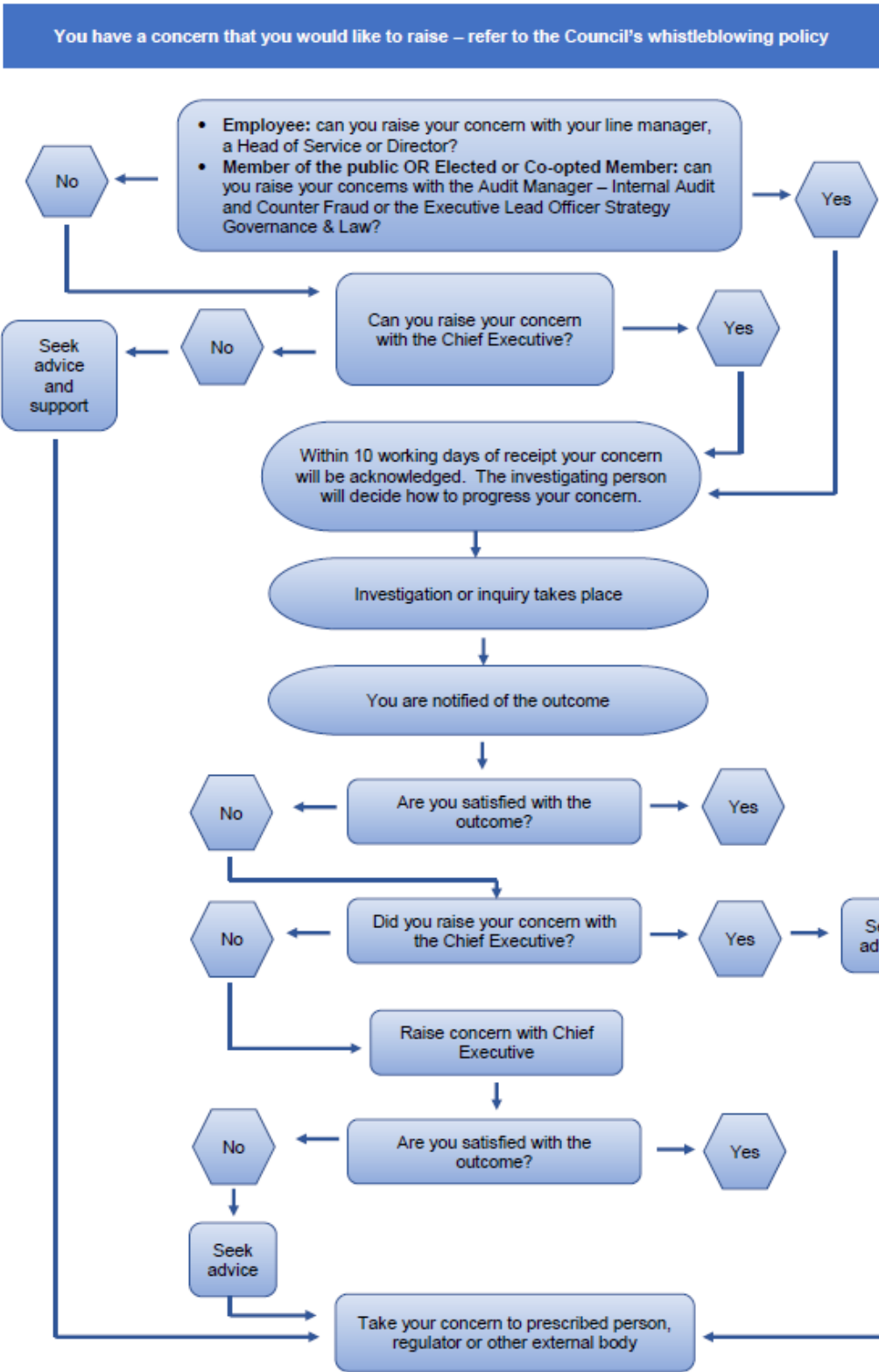
The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this Policy.

## 10 Corporate recording, monitoring and reviewing

- 10.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and for ensuring it is reviewed annually by involving key stakeholders in the process.
- 10.2 A corporate register of all concerns and the outcomes that are brought to the attention of the Monitoring Officer (in a form which respects your confidentiality) will be maintained by him. All officers designated to look into a concern must ensure that the Monitoring Officer is provided with sufficient details for the corporate register.
- 10.3 The Monitoring Officer will review the corporate register and will report annually to the Council's Audit and Standards Committee on the use of the Policy and concerns raised during the period covered by the report. The report will not identify any person raising concerns under this Policy.

## 11 If you are dissatisfied

- 11.1 If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.
- 11.2 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly.



## Regulatory and Professional and other External Organisations

## Health &amp; Safety and Environment Risks

Contact	Details
Environmental Agency	<b>Address:</b> Solent and South Downs Area Office, Guildbourne House, Chatsworth Road, Worthing, Sussex, BN11 1LD (South East regional office) <b>Tel:</b> 0370 8506506 <b>Web:</b> <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a>
Health & Safety Executive	<b>Address:</b> Priestley House, Priestley Road, Basingstoke, Hampshire RG24 9NW (regional office) <b>Tel:</b> 0845 345 0055 <b>Web:</b> <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Food Standards Agency	<b>Address:</b> Aviation House, London WC2B 6NH <b>Tel:</b> 020 7272 8829 <b>Web:</b> <a href="http://www.food.gov.uk">www.food.gov.uk</a>

## Consumer Rights

Contact	Details
The Serious Fraud Office	<b>Address:</b> 2-4 Cockspur Street, London SW1Y 5BS <b>Tel:</b> 020 7239 7272 <b>Web:</b> <a href="http://sfo.gsi.gov.uk">sfo.gsi.gov.uk</a>

## Data Protection and Freedom of Information

Contact	Details
Information Commissioner's Office	<b>Address:</b> Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF <b>Tel:</b> 0303 123 1113 <b>Web:</b> <a href="http://www.ico.gov.uk">www.ico.gov.uk</a>

## Healthcare and Social Services

Contact	Details
Care Quality Commission	<b>Address:</b> <a href="http://www.cqc.org.uk">2nd Floor, Ridgewort House, Worthing, West Sussex BN11 1RY</a> <b>Tel:</b> 03000 616161 <b>Web:</b> <a href="http://www.cqc.org.uk">www.cqc.org.uk</a>
Health and Care Professions Council	<b>Address:</b> <a href="http://www.hpc-uk.org">184 Kennington Park Road, London SE11 4BU</a> <b>Tel:</b> 0845 3006184 <b>Web:</b> <a href="http://www.hpc-uk.org">www.hpc-uk.org</a>

The National Society for the Prevention of Cruelty to Children (NSPCC)	<b>Address:</b> Gillingham Service Centre & Regional Office, Pear Tree House, 68 West Street, Gillingham, Kent ME7 1EF <b>Tel:</b> <a href="tel:02078252500">020 7825 2500</a> <b>Web:</b> <a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>
Children's Commissioner	<b>Address:</b> Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT <b>Tel:</b> 020 7783 8330 <b>Web:</b> <a href="http://www.childrenscommissioner.gov.uk">www.childrenscommissioner.gov.uk</a>
Health and Care Professions Council	<b>Address:</b> Park House, 184 Kennington Park Road, London, SE11 8BU <b>Tel:</b> 08453006184
Nursing and Midwifery Council (NWC)	<b>Address:</b> 23 Portland Place, London W1B 1PZ <b>Tel:</b> 020 7637 7181 <b>Web:</b> <a href="http://www.nmc-uk.org">www.nmc-uk.org</a>
General Medical Council (GMC)	<b>Address:</b> Fitness to Practise Directorate, 3 Hardman Street, Manchester, M3 3AW <b>Tel:</b> 0161 923 6602 <b>Web:</b> <a href="http://www.gmc-uk.org">www.gmc-uk.org</a>
Homes and Communities Agency	<b>Address:</b> Fry Building, 2 Marsham Street, London SW1P 4DF <b>Tel:</b> 0300 1234 500 <b>Web:</b> <a href="http://www.homesandcommunities.co.uk">www.homesandcommunities.co.uk</a>

## Other Organisations

Contact	Details
The Local Government Ombudsman	<b>Address:</b> PO Box 4771, Coventry CV4 0EH <b>Tel:</b> 0300 061 0614 <b>Web:</b> <a href="http://www.lgo.org.uk">www.lgo.org.uk</a>
Commissioners for Her Majesty's Revenue & Customs (HMRC)	<b>Address:</b> HM Revenue and Customs, Freepost NAT22785, Cardiff, CF14 5GX <b>Tel:</b> 0800 788 887 <b>Web:</b> <a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a>
Ofsted	<b>Address:</b> Piccadilly Gate, Store Street, Manchester M1 2WD <b>Tel:</b> 0300 123 1231 <b>Web:</b> <a href="http://www.ofsted.gov.uk">www.ofsted.gov.uk</a>
Pensions Regulator	<b>Address:</b> Napier House, Trafalgar Place Brighton BN1 4DW <b>Tel:</b> 0845 600 0760 <b>Web:</b> <a href="http://www.thepensionsregulator.gov.uk">www.thepensionsregulator.gov.uk</a>
Police	<b>Tel:</b> 101 <b>Emergency:</b> 999 <b>Web:</b> <a href="http://www.police.co.uk">www.police.co.uk</a>
Your Local Councillors	<b>Web:</b> <a href="http://www.brighton-hove.gov.uk">www.brighton-hove.gov.uk</a>