

Appendix V1 - Whistleblowing Policy

1 Policy Statement

1.1 Leicester City Council is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards of conduct. All organisations, however, face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 The aims of this policy are:

- (a) To explain what constitutes a whistleblowing complaint
- (b) To explain how to raise a whistleblowing complaint and how it will be dealt with.
- (c) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
- (d) To explain what protection is afforded to a legitimate whistle blower and to reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2 Scope

2.1 This policy applies to all employees of Leicester City Council and to consultants and casual/ agency workers engaged by the council (collectively referred to as staff in this policy) except those employed/engaged by schools. A dedicated policy will apply to schools.

3 What is Whistleblowing?

3.1 A qualifying whistleblowing disclosure is one made in the public interest by a member of staff who has a reasonable belief any of the following activities are either occurring, have taken place or are likely to:

- (a) criminal offence;

- (b) failure to comply with any legal obligation
- (c) miscarriage of justice;
- (d) danger to health or safety;
- (e) damage to the environment;
- (f) the deliberate concealment of any of the above matters.

3.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above.

4 Whistleblowing is NOT

4.1 This policy should not be used for the following:

- (a) Raising concerns that relate to your own personal circumstances such as the way you have been treated at work. Such concerns should be raised in the first instance informally with your line manager who will attempt to resolve them for you. If no resolution is possible refer to the [Grievance Procedure](#) for next steps.
- (b) Raising concerns as a member of the public. [The Corporate Complaints Policy](#) can be used for this purpose.
- (c) Raising concerns about Councillors. The [Complaints about councillors](#) form can be used for this purpose.

4.2 If you are uncertain whether something is within the scope of this policy you should seek advice from your manager or Human Resources.

5 Raising a whistleblowing concern

5.1 We hope you will be able to raise concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. Where you do not feel you can do this then you should raise your concern with a manager above your immediate manager. **Employees considering raising concerns can also seek advice from a trade union representative.**

5.2 ~~Where the matter is more serious, or~~ If you feel that your line manager has not addressed your concern, or you have a compelling reason why you cannot raise it with them or their manager, you should raise your concern directly with the Monitoring Officer. The Monitoring Officer will consider issues such as whether (i) the allegation can properly be dealt with by another manager and/or (ii) your identity does/does not need protecting, and will discuss their view with you. It is, in most cases, likely that the Monitoring Officer, in dealing with your concern, will liaise with your line manager (or someone in their management chain) regarding its progression. ~~If you are in any doubt you can seek advice from [Protect](#) the independent whistleblowing charity, who offer a confidential helpline.~~

5.3 In all cases the manager will email their HR Team Manager so that it can be recorded as a “whistleblowing concern.”

6 Anonymity

6.1 **It is hoped that staff will feel able to voice whistleblowing concerns openly under this policy.** Anonymous disclosures are not encouraged. Proper investigation may be more difficult, or impossible, if further information cannot be obtained from a whistleblower. It is also more difficult to establish whether allegations are credible. If a whistleblower is concerned about their identity being revealed this should be raised when the disclosure is made and appropriate measures, such as protecting their identity, can be taken where appropriate.

7 External Disclosures

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. **It is preferable to raise a concern internally so it can be investigated without undue delay** and therefore in most cases you should not find it necessary to alert anyone externally.

7.2 The law recognises that, in some circumstances, it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek independent whistleblowing advice from [Protect](#) before reporting a concern externally. **Raising such a concern externally which**

is not justified may be a breach of your terms and conditions of employment.

8 Investigation and Outcome

- 8.1 Once you have raised a concern, an initial assessment will be undertaken to determine what, if any, steps should be taken and to consider whether your concern falls within the scope of this policy. You may be **requested** to attend meetings in order to provide further information.
- 8.2 Following the initial assessment an investigation may be undertaken. It may be appropriate for a line manager or another Council officer to undertake the investigation. Questions of potential conflict of interest will be considered in determining the appropriateness or otherwise of any particular officer carrying out an investigation. Where a potential or actual conflict of interests exists for a particular officer, they should not carry out the investigation. In exceptional circumstances or where specific expertise is required, an external investigator may be appointed.
- 8.3 It may be appropriate to instigate a further procedure following the conclusion of any investigation, such as the disciplinary procedure. Any such action falls outside the scope of this policy.
- 8.4 **The investigator will decide what details, if any, should be provided to you regarding the investigation. The need for confidentiality may prevent the provision of information to you. If you are provided with information this should be treated as confidential.**
- 8.5 If it is concluded that a whistleblower has made false allegations maliciously, in bad faith (i.e. not merely mistakenly) or with a view to personal gain, the whistleblower ~~will~~ **may** be subject to disciplinary action.

9 Protection and Support for Whistleblowers

- 9.1 **The law protects workers from detrimental treatment or victimisation from their employer if they have made a protected disclosure, as defined in paragraph 3 above.** It is understandable that whistleblowers are sometimes worried about possible repercussions. The

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

9.2 Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, or other unfavourable treatment **because of** raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or HR immediately who will assess what steps, if any, should be taken. If, for any reason, you do not believe it is appropriate to raise this with your line manager, you should inform the next line of management. Where matters have been disclosed in confidence and anonymously, then you can speak with the Monitoring Officer. If you feel you have suffered a detriment you may raise this under the grievance procedure.

10 Responsibility for the success of this policy

10.1 The Monitoring Officer has overall responsibility for this policy and will review it as appropriate.

Contacts	Method
Monitoring Officer	Email: Monitoring-officer@leicester.gov.uk
Protect – independent whistleblowing charity	Protect Advice Line Tel: 020 3117 2520