Raising a Concern (Whistleblowing Policy)

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Introduction

Wigan Council ("the Council") values it's employees as the eyes and ears of the organisation and welcomes the raising of concerns as an opportunity to:

- Make Improvements.
- Prevent poor practice or wrongdoing.
- Stop serious incidents from happening.
- Resolve issues internally.

It is everyone's responsibility to look out for, challenge and speak up about concerns within the Council - it keeps our business, services and people safe.

The Council is therefore committed to creating a culture where employees and other individuals feel safe to speak up at work, knowing that their concerns will be taken seriously and acted upon without the need to take matters outside of the organisation.

There are a range of employee voice channels including staff engagement sessions with senior management team, anonymous staff surveys and individual My Time and My Time Reflection meetings for every employee. My Time meetings in particular, provide a safe and secure environment for open and honest conversation between managers and employees. All employees are encouraged to raise any concerns with their line managers in the first instance, wherever possible.

Whilst such channels promote open and honest discussion and feedback across the organisation, we recognise that there may be times where, because of the seriousness of the concern, it may need to be handled in a more structured and confidential way.

This policy has been developed to provide an effective process for raising and resolving concerns which may fall outside the scope of everyday business or other internal procedures. It aims to re-assure employees that they can raise concerns safely and in confidence without fear of detriment. The policy explains the legislation around protected disclosures (whistleblowing) and is supported by further guidance for managers and employees with toolkits which can be located on the Hub.

Policy Statement

Employees will not and cannot suffer any detriment as a result of raising a genuine concern under this policy. The Council will not tolerate unacceptable behaviour such as harassment or victimisation towards an

employee who has raised a concern or attempts to prevent them from raising their concern. If employees are found to have exhibited such behaviour, this will be addressed in line with the disciplinary procedure.

The Council may also take disciplinary action in cases where it is believed, following appropriate investigation, that a malicious or vexatious allegation has been raised.

Scope

This policy applies to anybody working for, with or on behalf of the council. This may be for example, employees, agency workers, contractors or suppliers. The policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services, for example safeguarding procedures for children or adults.

It covers concerns at work which relate to suspected wrongdoing or dangers, including those which may have a public interest to them. This policy should not be used for complaints relating to an employee's own personal circumstances where there is no additional public interest. For such complaints, please refer to the Grievance Procedure.

Key Principles

The Law

This policy takes account of the Public Interest Disclosure Act 1998 (PIDA) and the Employment Rights Act 1996, which provide legal protection against detriment for employees who raise concerns in the public interest about a danger, risk, malpractice, or wrongdoing in the workplace which affects others.

This protection applies where an employee reasonably believes that the information shows that one of the categories of wrongdoing listed in the legislation has occurred or is likely to occur and they have raised their concern in the correct way. Please refer to 'Protected Disclosures (Whistleblowing)' for more information.

Types of concerns

Employees can raise any concern they have about the Council and its business, services, or people. There are no right or wrong concerns – if an employee feels something isn't quite right, they ar encouraged to speak

This could be something they have seen or heard at work which has left them feeling uncomfortable or troubled and may relate to a practice or behaviour of others which has caused concern, which may include for example:

- Policies, procedure, or practices not being followed;
- Inadequate induction training, supervision, or my time meetings for staff;
- The care or treatment of service users;
- The safety or wellbeing of services uses;
- Unsafe conditions for staff or service users;
- Inappropriate activity in the workplace;
- Something that could damage the council's reputation or image;

Protected Disclosure (Whistleblowing)

In certain circumstances, an employee may raise a concern which qualifies as a protected disclosure under the Public Interest Disclosure Act 1998 (PIDA). To qualify as a protected disclosure, the employee must reasonably believe that the information they are disclosing is in the public interest and that one or more of the following matters is either happening, has taken place previously, or is likely to happen in the future:

- A criminal offence;
- The breach of a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of any individual;
- Damage to the environment;
- Deliberate attempt to conceal any of the above.

Protection applies to employees who have disclosed the information in the correct way (as outlined above). This should be to their employer first, or where they have felt unable to do so, to a prescribed person (see guidance for further information). Protection applies to any form of detriment from an employer or colleagues, including victimisation, harassment, bullying or dismissal.

Procedure

Raising a Concern

There are a number of ways in which concerns can be raised. This can be done face to face, in writing or by telephone.

Please note if concerns are raised by telephone a record of the concerns raised will be sent to the individual to ensure the recorded information is correct.

Line Manager

Line managers play an important role in supporting employees and can help with resolving concerns swiftly or escalating through the appropriate channels where necessary. Line managers are aware of the support services that the council has to offer and can help employees to access those that may be useful. They can also signpost to other external services that may be appropriate.

Senior Manager

Employees should raise their concern with a more senior manager if they feel unable to approach their line manager, they feel their line manager may be involved or where they have already done so and do not feel appropriate action has been taken to resolve the concern.

Designated Senior Officer

The chief executive, members of the senior management team and designated officers have responsibilities to ensure that concerns are handled appropriately under this policy. If an employee has a serious concern and they do not feel comfortable raising this with their manager, or have done so already and remain concerned following the response or action taken, they can contact one of the following officers:

- Assistant Director HR and OD Services. Tel 01942 489455 (internal 89455)
- Assistant Director Legal, Governance and Elections. Tel 01942 827028 (internal 2028)
- Director Customer. Tel 01942 828279 (internal 3279)
- Director of Finance and Legal. Tel 01942 827851 (internal 2581)
- Chief Executive. Tel 01942 827148 (internal 2148)

Employees can speak to the HR Operational Team for advice on how to raise a concern.

Members of a trade union can speak to their representative for advice about raising a concern. Trade unions can also provide support and representation to members throughout the process.

Raising a concern with an outside body

The Council has developed this policy to provide a range of avenues for concerns to be raised and resolved internally and to re-assure employees that there is no reason to be afraid of speaking up. However, if an employee is not satisfied with the way in which a concern has been handled, exhausted all avenues, or feels it is right to raise the matter externally, there are strict criteria to make the disclosure protected.

Employees are therefore encouraged to seek advice in the first instance. Here are some useful points of contact:

- External Auditor, Forvis Mazars - 0161 238 9248
- The Independent Charity Protect - 020 3117 2520 - Protect - Speak up stop harm - Whistleblowing Homepage (protect-advice.org.uk)

Whistleblowing Helpline for the NHS and Social Care - 0300 311 2233 - NHS England » Speaking up to NHS England

Members of a trade union can contact their local branch officers for advice. Health, Social Care and Education professionals can contact their relevant profession/regulatory bodies for advice. Further information on making a public disclosure can be found in the employee guide along with a list of prescribed persons.

How the Council handle a concern

When a concern is received, the Council will:

- Take concerns seriously and listen carefully.
- Respond positively.
- Act appropriately in a timely manner.

The response, action and timescales will depend upon:

- The nature of the concern;
- The potential seriousness of the concern;
- Who the concern involves and impacts upon;
- The public interest dimension.

Depending on the above, officers involved may include:

- A Senior manager;
- A HR Operational representative;
- An Internal auditor;
- A Legal representative;
- Safeguarding (Adults and CYPS LADO).

In some cases, it may also be necessary to involve external partners such as the police or an external auditor.

Managing expectations

The nature, scope and complexity of concerns may vary significantly, and it can often be difficult to provide a definitive response at the outset. However, discussions will cover the following points so that expectations are realistic and manageable:

- Next steps;
- Timeframes;
- Communication;
- Contacts and support.

Confidentiality and Anonymity

The Council encourages employees to raise concerns openly but appreciates they may wish to raise them confidentially. Where concerns are raised confidentially the Council will make every effort to protect the employee's identity, however, an employee's identity may need to be disclosed as part of an investigation or where legally required by the police. The Council will ensure if this is the case, it will only be to those who need to know, whilst informing the employee beforehand.

Employees should be assured that the Council will focus on the message not the messenger and anyone with a genuine concern has no reason to fear identifying themselves.

If we know who you are we can find out more information, but more importantly, we can help to ensure your wellbeing and provide you with contacts for additional support.

Anonymous concerns will also be considered, as far as reasonably possible, based on the information provided.

Further Information and Support

Data Protection

In certain circumstances, during the course of investing a complaint, we may share information e.g., with the Police. This will usually only occur if it is believed that some form of a criminal offence has been committed. In all other cases we will only share any personal data where there is legal authority or explicit consent to do so.

Monitoring

HR & OD Services, Legal Services and Audit are the joint custodians of this policy with the Assistant Director – Legal Governance and Elections (as Monitoring Officer) having overall responsibility.
A summary of concerns which fall under the category of a protected disclosure (page 5/6) and the outcomes, including those where no further action was taken, will be maintained by each Directorate as part of the annual Director's Assurance Statement and made available for reporting purposes, to the appropriate council officers or members, as and when required.

Training

The Whistleblowing policy will be reviewed by all employee's as part of their induction period.

Managers and employees can seek advice and support on the application of this policy from the HR Operations Advisory Hub on 01942 404030 or by emailing, hrcaseworkandadvice@wigan.gov.uk.

All employees have access to a wide range of support and advice from the free 24/7 Wellbeing Hub and Helpline. For more information visit the Wellbeing Hub pages on the Hub.