

WHISTLEBLOWING CODE

1. INTRODUCTION

- 1.1 The reporting of workplace concerns is commonly known as “whistleblowing” or “making a disclosure in the public interest”.
- 1.2 The Council is committed to the highest possible standards of openness, integrity and accountability and expects those who have concerns to “blow the whistle”.
- 1.3 The Council recognises that out of loyalty to colleagues or managers, or out of fear of reprisal or retaliation, you may be tempted to keep any concerns you may have to yourself. You might be tempted to speak to the press about your concerns, or it may simply seem easier to ignore, rather than report, a suspicion of malpractice.
- 1.4 This Code is intended to provide a safe route for you to blow the whistle, rather than ignoring concerns or reporting them outside the Council.
- 1.5 The Council understands that you may prefer to whistleblow confidentially. This is possible under this Code (but see Sections 6 and 7).
- 1.6 Although this Code is aimed predominantly at Council workers, **anyone may use it, whether or not they work for the Council.**
- 1.7 To encourage appropriate reporting of workplace concerns, the Government has created legal protections for workers who blow the whistle. The legal protections are designed to provide workers with a remedy should they suffer any detriment or be dismissed as a result of blowing the whistle. The Council will take action against anyone who causes such detriment.
- 1.8 Some general information about the legal protections that are afforded to workers and the circumstances in which they apply is contained in Appendix D to this Code. For the avoidance of doubt, Appendix D is appended for information purposes only; it is not legal advice.
- 1.9 If you are not a Council worker, for example if you are employed by an external organisation or are a member of the public, you may not be entitled to any statutory protection if you blow the whistle about practices within the Council. Nonetheless, the Council will seek to protect anyone who reports concerns to us, provided that, at the time of so doing, they reasonably believe that the facts they are disclosing are substantially true and that the disclosure is in the public interest.
- 1.10 This Code does not form part of any contract of employment or contract for services and it may be subject to change, withdrawal or replacement at any time.
- 1.11 Please refer to the flow chart at Appendix C for an overview of the whistleblowing procedure prescribed by this Code.

2. AIMS AND SCOPE

2.1 You are encouraged to report any concerns you may have about any aspect of service provision, the conduct of Council staff, School Governors, Local Councillors, Volunteers or others acting on behalf of the Council. You should report anything that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to;
- is against the Council's Codes of Conduct, policies or procedures;
- falls below established standards of practice;
- amounts to improper conduct of any sort; or
- amounts to potentially unlawful behaviour of any sort including what is believed to be evading UK taxes.

2.2 If you disclose information which suggests that any person has:

- behaved in a way that has harmed, or may have harmed, a child;
- possibly committed a criminal offence against a child, or related to a child, including Child Sexual Exploitation and Child Criminal Exploitation;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

the statutory guidance contained in the Department for Education publication Working Together to Safeguard Children, 2018 and, where relevant, the specific guidance given by the Secretary of State under sections 157 and 175 of the Education Act 2002 namely, Safeguarding Children and Safer Recruitment in Education and Allegations of Abuse Against Teachers and Non-Teaching Staff, will be followed because of the specific obligations upon persons reporting concerns regarding the wellbeing of children and young people.

The local arrangements for reporting safeguarding concerns about children can be found by following the links (Ctrl + click) to the following websites:-

- The West Yorkshire Consortium Inter Agency Safeguarding and Child Protection Procedures can be found at <https://westyorkscb.proceduresonline.com/index.htm>
- The Safer Bradford website which can be accessed at <https://saferbradford.co.uk/>

There is an expectation that concerns that fit one or more of the above criteria are reported within 24 hours. The website referred to above gives guidance and identifies who should be contacted about concerns.

If you have such concerns, you may raise them with your manager (or for non-Council workers, the manager of any Council service) as well as making a referral using the above link. In most cases a referral form must be completed. A safeguarding referral will

follow a separate procedure to that outlined in this document.

If you have information which suggests that harm has been caused to a vulnerable adult or they are at risk of harm, **there is an expectation that you will raise a concern using the procedure outlined in this document within 24 hours.** The local arrangements for reporting such concerns can be found by following the links (Ctrl + click) to the following websites:-

- The Safer Bradford Website <https://saferbradford.co.uk/>
- The Safer Bradford Safeguarding Adults Policy and Procedures page <https://saferbradford.co.uk/resources/adults/safeguarding-adults-policy-and-procedures/>

2.3 This Code is not intended to deal with:

- Complaints relating to your own personal circumstances as an employee or Council worker, such as matters relating to your own terms and conditions, the way you have been treated at work, or about personal differences or conflicts. In those cases you should use the Council's Grievance Resolution Procedure;
- Complaints relating to legitimate financial or business decisions properly taken by the Council; or your complaints as a member of the public if in that capacity you have a complaint about service delivery. In such cases you should use the Council's Complaints Procedure. If you are unsure whether something is within the scope of this Code, you should seek advice from your immediate manager or their supervisor, a senior council officer, the Human Resources department or your trade union representative. If the individual you approach for advice is unable to assist you, he or she will refer you to an appropriate alternative manager, supervisor or advisor.

3. RESPONSIBILITY

- 3.1 It is everyone's responsibility to report concerns. If you fail to report concerns, you could by your silence become implicated in the wrongdoing. Once you have made a disclosure, you must fully co-operate with any investigation that is instigated.
- 3.2 All managers and supervisors must ensure that their supervised staff and/or placements, including trainees and agency workers, and any external contractors for whom they are responsible, are aware of and have access to this Code.
- 3.3 Those dealing with concerns disclosed under this Code, or who are called upon to advise on this Code, should consult and consider as appropriate:
- The Council's Disciplinary and Grievance Procedures;
 - Any relevant gifts and hospitality guidance or codes of practice; and
 - Any relevant Children and Young People and Vulnerable Adults Safeguarding Procedures.

3.4 Managers and supervisors must:

- Take any disclosures seriously and recognise that raising concerns can be very difficult;
- Act immediately in cases involving children or vulnerable adults; in other cases act promptly and without unnecessary delay;
- Seek advice where appropriate;
- Invite the person making the disclosure to involve their trade union representative if they have one;
- Have a discussion with the person making the disclosure to obtain the initial information set out at paragraph 8.4 below;
- Discuss any confidentiality concerns and maintain confidentiality where possible;
- Document all concerns disclosed and actions taken; and
- In cases involving children or vulnerable adults report as soon as possible to an appropriate individual named in Appendix A with a copy to the Director of Legal and Governance, the Director of Children's Services (where the disclosure involves a child) and the Director of Adult Social Care (where the disclosure involves a vulnerable adult). In other cases report within 5 working days to an appropriate individual named in Appendix A with a copy to the Director of Legal and Governance and the Director of the service to whom the report relates.
- Report any concern disclosed to them that they consider to be within the scope of this Code and/or any concern which has been identified by the person making the report on disclosure using the procedure set out in this Code.

3.5 If a manager or supervisor receiving a disclosure reasonably considers that it is not appropriate for him or her to become involved in the investigation of the matter, he or she must immediately notify a senior manager, who must appoint another manager or supervisor to deal with it.

3.6 The person with overall responsibility for the implementation of this Code is the Director of Legal and Governance. However, the Director of each service is responsible for ensuring reports are properly recorded.

- The Director of Legal and Governance has absolute discretion to amend Appendices A and B without reference to any other person, body or committee;
- the Director of each service is responsible for ensuring that a record is maintained of all concerns disclosed under this Code, in respect of their service, to the persons named in Appendix A, together with details of the outcome of each case; and
- The Director of Legal and Governance has the responsibility of ensuring that suitable arrangements are in place for monitoring and reporting to the Local Authority's Governance and Audit Committee on the operation of this Code.
- **(NB** Concerns and outcomes concerning staff working or volunteering with children are recorded separately for the annual report to the Bradford

Safeguarding Children's Board. A copy of all such reports should also be sent to the Director of Legal and Governance and the Director of Children's Services).

4 SAFEGUARDS

- 4.1 The Council recognises that the decision to disclose a concern can be a difficult one to make. If you genuinely believe that what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service.
- 4.2 If you ask someone to disclose a concern on your behalf, that person will not be punished in any way for doing so, provided that, at the time, they reasonably believed that the facts of the matter were substantially true and that they were making a disclosure of information in the public interest
- 4.3 The Council recognises that you may wish to seek advice from, and to be accompanied by, your trade union representative when disclosing a concern under this Code. It acknowledges and endorses the role that trade union representatives play in this area. Trade union representatives providing advice and/or making a disclosure of information on behalf of one of their members in accordance with this Code will not suffer detriment in their employment with the Council.
- 4.4 Harassing or victimising a whistleblower is a serious disciplinary offence. The Council will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect anyone who may be at risk having made a disclosure of information under this Code.

5 UNTRUE ALLEGATIONS

- 5.1 No action will be taken against a Council employee who makes a disclosure which he or she reasonably believes to be true but which is not confirmed by an investigation. However, an employee who is found to have deliberately or recklessly made an untrue disclosure may face disciplinary action and will not have the legal protection that is afforded to Workers who make a whistleblowing disclosure.

6 CONFIDENTIALITY

- 6.1 Every effort will be made to ensure that, where a concern is disclosed under this Code, confidentiality is maintained for all concerned. Information will be handled and shared on a "need to know" basis. Where it is necessary for anyone investigating your concern to know your identity we will discuss this with you to determine whether and how the issue can proceed. In the event of a concern disclosing alleged criminal activity, you may be asked to help the Corporate Fraud Unit, the Police or another appropriate enforcement agency. In the event of disciplinary action being considered by the Council against another person you may be asked to give evidence under the disciplinary procedure.

7 ANONYMOUS DISCLOSURES

7.1 Disclosures that are made anonymously will be considered at the discretion of the Council and in exercising this discretion the factors that will be taken into account include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegations from other sources.

The decision as to whether or not to investigate, and the extent of that investigation, will remain the Council's.

7.2 However, being anonymous may not prevent others from successfully guessing who you are..

8 HOW TO MAKE A DISCLOSURE UNDER THIS CODE

8.1 The Council recognises that you may wish to seek advice and be accompanied by your trade union representative in relation to any disclosure you wish to make under this Code. You may invite your trade union representative or another member of the Council's staff to be present during any meetings or interviews in connection with any disclosure you make.

8.2 Who you choose to make your disclosure to will depend on the nature of your concern, the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you work for the Council, you should normally approach your immediate manager in the first instance. Alternatively you could speak to the head of your department, or your manager's supervisor or another equivalent manager.

8.3 If you do not work for the Council, you should address your concern to the manager of the service which is the subject of your concern.

8.4 In exceptional circumstances, where no reasonable alternative is available, you may contact one of the individuals named in Appendix A directly.

8.5 There is no special way to make a disclosure (save those in respect of children) but it will assist the person dealing with it if you clearly identify that you are using the reporting procedure set out in this Code.

8.6 Concerns can be disclosed verbally (save those in respect of children) but it will help us to deal with your concern more efficiently if you write down the details. You should set out:

- The background and history of your concern (giving relevant names, dates and places where possible) and
- The reason(s) why you are particularly concerned about the situation.

- 8.7 In most cases, the earlier you make a disclosure, the easier it will be for the Council to take action. If you ask someone to make a disclosure on your behalf, for example, your trade union representative or your local councillor, it is your responsibility to make sure that that person has done so.
- 8.8 You may wish to consider discussing your concern with a colleague or co-worker before you make a disclosure and may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. However, you should each make a separate and individual disclosure and should not then discuss the matter further between you.
- 8.9 Although you are not expected to prove beyond doubt the truth of any allegation you make, you will need to demonstrate to the person to whom you choose to disclose your concern that there are reasonable grounds for your concern.
- 8.10 It is not your responsibility to investigate the matter. There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are not familiar with those rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is particularly important in regard to surveillance.

9 HOW THE COUNCIL WILL RESPOND

- 9.1 The action taken by the Council will depend on the nature of your concerns and the information you disclose.
- 9.2 The person to whom you made your disclosure (or a substitute manager or supervisor if that person is unable to do so) will meet with you to take initial details as set out in paragraph 8.4 above and will discuss with you and make a record of any concerns you may have about confidentiality and/or reprisals. You may be asked to provide a signed written statement.
- 9.3 Save those in respect of children or vulnerable adults when notification will be given as soon as possible, within 5 working days of that meeting (or if this is not possible as soon as reasonably practicable) the person to whom you made your disclosure (or the substitute manager or supervisor) will notify an appropriate individual named in Appendix A, who will:
- 9.3.1 Decide whether to:
- Appoint somebody independent and impartial to investigate and seek to resolve the matter internally;
 - Refer the matter to an external body for them to investigate;
 - Refer the matter to the Council's Corporate Fraud Unit
 - Refer the matter to the Local Authority's external auditor;
 - Refer the matter directly to the Police;
 - Organise an independent inquiry;

- Refer the matter to be dealt with under another policy or procedure; or
- Take no action.

9.3.2 Save those in respect of children or vulnerable adults when notification will be given as soon as possible, the person named in Appendix A to whom your disclosure was referred will ensure that within 10 working days from the date your disclosure was notified to him or her (or if this is not possible as soon as reasonably practicable), you receive a letter or email:

- Acknowledging that your disclosure has been received;
- Telling you whether further investigations will take place and if not, why.
- Indicating to whom the matter has been referred and what will happen next;
- Giving an estimate of how long it will take to provide a final response; and
- Telling you whether any initial enquiries have been made.

9.3.3 He/she will also ensure that a record of your disclosure is sent to the Director of Legal and Governance and the Director of the relevant service and that, every two months, a list of all disclosures referred to and dealt with by them or on their behalf under this Code, together with details of the respective outcomes, is sent to the Director of Legal and Governance and the Director of the relevant service.

9.4 Under the Financial Procedure Rules, in some circumstances, the details of your disclosure may need to be reported to Internal Audit, as well as the Director of Legal and Governance.

9.5 Where a concern is disclosed about wrongdoing or harm to children, young people and/or vulnerable persons, the Council will refer the matter for investigation by a person with sufficient and appropriate independence, experience and expertise in such matters to be able to adequately investigate the concern raised. This person is likely to be from an external organisation.

9.6 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, vulnerable adults or discrimination issues), will normally be referred for consideration under those procedures.

9.7 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is concluded.

9.8 The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

9.9 Where any meeting is arranged, off-site if you so wish, your trade union representative or a colleague or co-worker can accompany you.

- 9.10 The Council will take steps to minimise any difficulties that you may experience as a result of disclosing a concern. For instance, if you are required by the Council to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure and, if you are a Council employee, paid time off as necessary.
- 9.11 The Council accepts that you need to be assured that the matter has been properly addressed. Subject to any legal constraints, you will be informed of the outcome of any investigation.
- 9.12 A central record of each concern disclosed and dealt with under this Code and the relevant outcome will be kept. Should any allegation prove to have been unfounded, this will be clearly recorded on all relevant files and records.

10. EXTERNAL DISCLOSURES

- 10.1 This Code is intended to provide you with a way to disclose concerns within the workplace. In certain exceptional cases Council workers may be justified in raising a concern with a wider audience but in most cases you should not find it necessary to alert anyone externally. It will rarely be appropriate to make disclosures to the press or to use other means of public disclosure such as social media.
- 10.2 As the statutory protections for whistleblowers only apply in certain prescribed circumstances (see Appendix D for more details) **you are strongly encouraged to seek advice before making any external disclosure**. If you do make a disclosure to an external body or agency, you may be required to demonstrate why you thought the internal procedure was not appropriate. If you are an employee of the Council, disclosing concerns externally, even in good faith, without first attempting to report them internally, may result in disciplinary action being taken against you.
- 10.3 You are reminded that you must not disclose personal, sensitive, confidential or otherwise protected information to any person who is not authorised to receive it. If you are an employee of the Council, unauthorised disclosure of such information may result in disciplinary action being taken against you.
- 10.4 If you publish information which turns out not to be true and which has the potential to damage another person's interests or reputation, there is a risk that you could be sued for defamation. Where it is clearly in the public interest for information to be brought out into the open immediately (even though it is untested and may ultimately turn out to be untrue or incorrect) a legal defence called "qualified privilege" is available. Concerns reported in good faith under this Code within the Council will normally be covered by this defence. However, deliberate false statements will not.
- 10.5 If you are not a member of a trade union and/or if you wish to obtain confidential advice about making a disclosure from an independent source, there is a charity called "Protect" that you can contact on **020 3117 2520** – <https://protect-advice.org.uk/contact-protect-advice-line/>

11. IF YOU ARE NOT SATISFIED

- 11.1 It is not possible to guarantee any particular outcome but the Council will try to deal with any concerns that you disclose fairly and in an appropriate way. By using this Code you can help to achieve this.
- 11.2 It is hoped that you will be satisfied with any action taken. If you are not happy with the way in which your disclosure is handled or the outcome, you should address any complaint to one of the individuals named in Appendix A.