

LCC Whistleblowing Procedure

1. Purpose of the Whistleblowing Procedure

1.1 The City Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment the City Council expects all its employees, and other people that it deals with, who have serious concerns about any aspect of the City Council's work to come forward and voice those concerns.

1.2 Employees and members are often the first to realise that there may be something seriously wrong within the City Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the City Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.3 **The Whistleblowing Procedure** makes it clear that employees, and others, can voice legitimate concerns without fear of; victimisation, subsequent discrimination or disadvantage. This Whistleblowing Procedure is intended to encourage and enable employees and members, and also any member of the public or those working with our partners or contractors, to raise serious concerns with the City Council rather than overlooking a problem or raising the matter externally.

1.4 A person who raises a concern is protected by the **Public Interest Disclosure Act 1998**, which is incorporated into the **Employment Rights Act 1996**, where the concern amounts to a “qualifying protected disclosure”. A “qualifying protected disclosure” is made where, in the reasonable belief of the person making the disclosure, the disclosure is made in the public interest and tends to show one or more of the following (a) that a criminal offence has been committed, is being committed or is likely to be committed, (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject, (c) that a miscarriage of justice has occurred, is occurring or is likely to occur, (d) that the health or safety of any individual has been, is being or is likely to be endangered, (e) that the environment has been, is being or is likely to be damaged, or (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

1.5 More information about Liverpool City Council's position on fraud can be found in the Anti-Fraud and Corruption Strategy; this is available on the City Council's intranet pages.

2. Overview of the Whistleblowing Procedure

2.1 The Whistleblowing Procedure is designed to:

- Set out the rights and responsibilities of all individuals in relation to **whistleblowing**. This is the person who is the subject of the complaint, the complainant and the City Council.
- Set out the circumstances in which this Whistleblowing Procedure should be applied.
- Provide points of contact to raise a complaint or make an allegation.

2.2 This Whistleblowing Procedure should be read in conjunction with the **Whistleblowing Policy** and is in addition to the **City Council's Complaints Procedure** and other statutory reporting procedures applying to the City Council including Safeguarding procedures.

3. Aims and Scope

3.1 This procedure is intended to provide guidance to any individual who wishes to raise concerns including employees, members, members of the public or those working with any outside body with which we have dealings.

3.2 This procedure aims to:

- encourage individuals to feel confident in raising serious concerns
- provide avenues for raising concerns and receiving feedback
- ensure that where possible a response is provided
- reassure employees that they will be protected from possible reprisals or victimisation where they have made a qualifying protected disclosure.

3.3 This procedure is intended to work in conjunction with other existing procedures within the City Council that are designed to allow complaints or grievances to be lodged. This whistleblowing process facilitates the

reporting of concerns that fall outside the scope of other procedures, for example this includes:

- possible fraud and corruption
- the unauthorised use of public funds
- failures to comply with Standing Orders & Financial Regulations
- a criminal offence being committed (past, present or likely to be committed)
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment

Assurances to all employees

3.4 The City Council is committed to good practice and high standards and wants to be supportive of employees. The City Council recognises that the decision to report a concern can be a difficult one to make.

3.5 Disclosures made under this procedure will be treated seriously and sensitively, and where appropriate and possible, confidentially. Requests for anonymity, where made, will be considered, but there may be circumstances where anonymity cannot be granted, for example in relation to prosecutions or disciplinary investigations.

3.6 The City Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect individuals who have made a qualifying protected disclosure.

3.7 In addition to the City Council's assurances, under the Public Interest Disclosure Act 1998, where an employee has made a "qualifying protected disclosure" it is unlawful to dismiss or subject the employee to any other detriment as a result of this disclosure.

3.8 If an employee has been the subject of a whistleblowing allegation which is being investigated he/she may be contacted by an officer making enquiries into the issues raised. Any formal investigations will fall within the existing staff procedures, such as the Disciplinary Procedure, which are intended to ensure that any investigation is fair and open and that employees have the right to representation. Any allegation received is treated with an open mind and no officer of the council will take a judgement without a full examination of the facts, supporting evidence and a robust investigation which allows employees to have their say. The details of any allegations which are discovered to be untrue will not be

kept on file within the audit office, but removed from the system in line with Data Protection legislation.

4. The Whistleblowing Procedure

Raising a Concern

4.1 For employees, the first step is to raise any concern with his or her line manager.

4.2 If, however, the employee feels that their concerns involve their manager or the issue is particularly sensitive they may speak to their Chief Officer or other senior managers, such as the City Solicitor. Any manager receiving the concerns raised will need to decide on the next course of action which, if the suspicion seems well founded, may involve contacting the Divisional Manager Audit and Risk.

4.3 If an employee feels unable to speak to either their manager or Chief Officer, they may report concerns by telephoning the City Council Whistleblowing Line (225 2660) which is operated by Internal Audit, or by completing the on line form on the City Council's website; these e-mails are sent directly to an e-mail account within Internal Audit. This route for referring concerns is advertised outside of the authority and is open to any individual, whether employees or otherwise, who wish to raise concerns.

4.4 The Divisional Manager Audit and Risk has responsibility for the investigation of all alleged financial irregularities (other than benefit claimant fraud) and also has responsibility for referring and monitoring the investigative process in respect of other issues raised via the whistleblowing procedure.

4.5 Internal Audit will look into concerns raised anonymously. All individuals reporting their concerns are encouraged to leave contact details; this is so officers who have been asked to consider the concerns raised can clarify information provided or ask further questions and also that the City Council can provide assurance to individuals that their concerns have been addressed. All requests for anonymity will be respected, this means that if contact details are provided Internal Audit will not pass them on to anyone else unless legally obliged to do so.

4.6 Concerns may be made in writing to:

| |
|---|
| Divisional Manager, Audit & Risk |
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Liverpool City Council

Municipal Buildings

Dale Street

Liverpool

L2 2DH

4.7 When raising a concern an individual(s) should provide as much information as possibly including the following:

- The background and history of the concern (giving relevant dates)
- The reason why they are particularly concerned about the situation
- The name(s) of any colleagues/employees who are considered to be either directly involved or can help with further information
- Any other background information, list of potential documents etc.

4.8 Concerns should be raised as soon as possible.

4.9 Although it is not expected that individuals are able to prove allegations beyond reasonable doubt any allegations must be based on the reasonable belief of the person making the disclosure.

4.10 Any individual who is unwilling to raise concerns with any of the above named people, may contact the charity Public Concern At Work (telephone 020 7404 6609 or email whistle@pcaw.co.uk). They will provide confidential advice, free of charge, to anyone concerned about wrongdoing at work but who are not sure whether or how to raise the concern. If employees take the matter outside of the City Council, they should ensure confidential information or information which is legally protected is not disclosed.

How the City Council will Respond

4.11 The City Council will respond to concerns raised; it should not be forgotten that the work that City Council officers do to review concerns raised is not the same as either accepting or rejecting them.

4.12 In order to protect the whistleblower and any officers accused of misdeeds or possible malpractice, initial enquiries will be made to decide

whether an investigation is appropriate and, if so, what form it should take and who should conduct it.

4.13 Concerns or allegations, which fall within the scope of other procedures, for example complaints or grievances, will normally be referred for consideration under those procedures. In addition, issues initially raised within the Whistleblowing Procedure may also be dealt with within the Disciplinary Procedure. **This is in order to protect individual(s) and those accused of misdeeds or possible malpractice.**

4.14 Internal Audit officers will review referrals which they receive under this procedure, on a case by case basis and after initial enquiries may decide that an audit investigation is required or that an investigation should be undertaken by operational management. If urgent action is needed the matter will be referred to management directly.

4.15 The overriding principle which the City Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example; child protection, safeguarding or discrimination issues) will normally be referred for consideration under other City Council procedures.

4.16 Concerns may be resolved by agreed action without the need for an Investigation. If urgent action is required (e.g. to protect individuals, reputation of the City Council, potential hazards, potential loss of evidence) this will be taken before any investigation is conducted.

4.17 Within **ten** working days of a concern being received, if contact details were provided, the individual raising concerns will be sent an acknowledgement that the concern has been received. If it is possible to say at that stage how the matter is to be dealt with, then more information may be provided though on some occasions, since investigations often involve maintaining the greatest possible confidentiality, it will not be possible to disclose any information at this initial stage.

4.18 The City Council accepts that those raising concerns need to be assured that the matter has been properly addressed, therefore, subject to legal constraints, information will be provided on the outcome of any investigation, to the whistleblower, as long as contact details have been provided.

4.19 The Divisional Manager Audit and Risk has overall responsibility for the maintenance and operation of this procedure and will report as

necessary to the City Council. A record of concerns received by audit is maintained which includes relevant decisions and outcomes associated with each case. The information kept and the form which it is kept in will be consistent with Data Protection legislation and will not endanger confidentiality.

How The Matter Can Be Taken Further

4.20 The City Council hopes that all cases will be dealt with satisfactorily. If an individual feels that it is right to take the matter further they may refer to the table provided at the end of this section, which provides contact details for a number of relevant organisations.

What To Do If A Concern Is Raised With You

4.21 If an employee of the City Council receives a concern under this Procedure then they need to react quickly and with the utmost discretion. All allegations must be evaluated objectively, reviewing the facts as they appear.

4.22 In deciding how to progress the concern raised managers should consider the following points:

- the quality of the information provided and whether all relevant information has been provided or is available
- whether any corroborating evidence is available, such as supporting documentation or the testimony of another individual
- whether there are any obvious motives that may have lead to an accusation such as poor working relationships or the possibility of personal gain; though it has to be remembered that allegations made for the wrong reasons may still be true
- an assessment of the seriousness of the allegations, and the potential risks if they are correct or if they are not investigated.

4.23 Internal Audit must be notified of all cases of alleged fraud or financial irregularities, other than benefit claimant fraud. Cases involving benefit claimant fraud should be immediately referred directly to the Counter Fraud Team. Managers may contact Internal Audit for advice and assistance on any referrals received and guidance on the conduct of investigations.

4.24 Depending on the seriousness of the suspicion and amount of evidence available at an early stage, management may wish to consider suspension of an officer in order that an investigation can be carried out

unhindered and / or any further loss to the City Council can be prevented. Any decision must be made in conjunction with the City Council's Legal Services and Human Resource Service.

4.25 The following are possible external organisations that individuals may contact should they remain dissatisfied with how the City Council has dealt with any concerns raised:

The Information Commissioner The Office of the Information
Commissioner
Wycliffe House, Water Lane
Wilmslow, Cheshire
SK9 5AF
0303 123 1113
casework@ico.gsi.gov.uk

Grant Thornton UK LLP (External Auditor to LCC as appointed by the
Audit Commission)
Royal Liver Building
Liverpool
L3 1PS
0151 224 7200
www.grant-thornton.co.uk

Merseyside Police
Merseyside Police HQ
Canning Place
Liverpool
L1 8JX
101 (for calls from Merseyside) or 0151 709 6010 (from outside
Merseyside)

The Environment Agency National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY
03708 506 506
enquiries@environment-agency.gov.uk

Health and Safety Executive Redgrave Court
Merton Road
Bootle
L20 7HS
0845 300 9923

HM Customs and Excise
Customs Confidential
Freepost SEA 939
PO Box 100
Gravesend, Kent
DA12 2BR
0800 595 000

Public Concern at Work Public Concern at Work
3rd Floor
Bank Chambers
6-10 Borough High Street
London
SE1 9QQ
020 7404 6609
whistle@pcaw.org.uk

5. Untrue Allegations

5.1 If an individual makes an allegation which they reasonably believe is in the public interest, but it is not confirmed by the investigation, then no action will be taken against them.

5.2 If an individual makes an allegation which turns out to be untrue, without reasonably believing the allegation to be made in the public interest, then the matter will be considered under the City Council's Disciplinary Procedure and disciplinary action may be pursued.

5.3 Employees may take legal action independently of the City Council. This includes the person who is the subject of the complaint, the complainant and the City Council.