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South & East Lincolnshire Councils Partnership



WHISTLEBLOWING POLICY

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Introduction

The aim of this Whistleblowing Policy is to ensure employees, regardless of whether they have a temporary, permanent or fixed term contract, know they can raise a genuine concern in the knowledge that they will not face reprisal for their action. The Policy also applies to seconded staff, external consultants, contractors and agency employees whilst they are at the Council. They are not required to have worked at the Council for a minimum amount of time before they can use this policy. The Policy is intended to give confidence to employees to blow the whistle and, as such, it incorporates statutory provision for protection under the Public Interest Disclosure Act 1998 (PIDA).

Definitions

What is Whistle blowing?

Whistleblowing is the raising of a significant concern. A concern may cover issues of fraud, misconduct, or illegality, and this Policy is designed to ensure that people know how to raise a genuine concern and know that they can do so in the knowledge that they will not face reprisal for their action.

Protect (a charity which provides independent advice and information on whistleblowing) provides the following definition of whistleblowing:

“A worker raising a concern with someone in authority — internally and/or externally (e.g. to regulators, MPs, MSPs, the media) — about wrongdoing, risk or malpractice that affects others.”

Policy Aims

The Policy aims to:

- encourage confidence in raising serious or sensitive concerns about inappropriate behaviour and to question and act upon concerns;
- provide information on how to raise those concerns and what is covered under the term whistleblowing;
- provide reassurance of protection from possible reprisals or victimisation if there is a reasonable belief that concerns have been raised in good faith.

This Policy applies to:

- All Council employees, regardless of whether they have a temporary, permanent or fixed term contract;
- seconded staff,
- external consultants,
- contractors and
- agency employees whilst they are at the Council.

Whistleblowing Policy

What types of concern are covered by the Policy?

This Policy is intended to deal with serious or sensitive concerns about inappropriate behaviour. The Public Interest Disclosure Act 1998 outlines that a “protected” disclosure of a concern is one which demonstrates one or more of the following:

- A criminal offence has been committed, or is likely to be committed;
- Disclosures related to a miscarriage of justice;
- A failure to comply with a legal obligation;
- The endangering of an individual’s health and safety;
- Unnecessary damage to the environment (for example, by pollution);
- Deliberate concealment of information relating to any of the above.

Beyond the legal context above, the Council would encourage employees to raise any significant concerns that they may have as soon as they are reasonably aware of them. These concerns could be about any aspects of the Council’s activities and relate to issues that are either occurring now or likely to happen in the future.

What is not covered by the Policy?

The Council has a number of policies and procedures to address other matters, for example:

- Employees’ complaints about their terms and conditions of employment. These matters are dealt with through the Grievance Policy.
- Complaints from members of the public about the Council’s services. These are dealt with through the Council’s Customer Feedback Policy.
- Concerns regarding safeguarding will be dealt with through the Council’s Safeguarding Policy.
- Concerns with reference to Members’ conduct should be referred to the Monitoring Officer.
- This Policy is not designed to question financial, or business decisions taken by the Council, nor may it be used to reconsider any matters that have already been addressed under the grievance, disciplinary or complaints procedures.

Protecting the Whistleblower

In accordance with the Public Interest Disclosure Act 1998, the Council undertakes to protect, as best it can, an employee who blows the whistle from personal claims, victimisation, harassment or bullying as a result of his or her disclosure. This assurance is not extended to someone who maliciously raises a matter they know is untrue; such instances may be subject to the Council’s disciplinary procedures.

Any employee taking any reprisal or similar action against a whistleblower because he or she has made a protected disclosure under this Policy will be subject to disciplinary action by the

Council. The Council will, at the request of the whistleblower, keep the nature of concerns confidential. It will not reveal names or positions without permission, unless it has to by law, or an enquiry results in a criminal investigation in which the whistleblower might be required as a witness. Whistleblowers should be aware, however, that the fact that enquiries are being made might, of itself, result in their identity becoming known. Where possible, the Council will make you aware if your identity is likely to be compromised through investigation. All these matters will be explained at the time a concern is raised so the whistleblower can decide whether or not to proceed. The Council will also keep the whistleblower informed if the situation significantly changes.

Anonymous Allegations

The Council encourages whistleblowers to give their name when making an allegation. It will do all it can to protect the whistleblower. Concerns raised anonymously tend to be far less effective and if, for example, the Council does not have enough information, it may not be able to investigate the matter at all. Also, from a practical point of view, it is impossible to provide protection to a person whose identity is unknown and more difficult to judge whether the concern is made in good faith or maliciously. If whistleblowers feel that they cannot give their name, the Council will make a judgement on whether or not to consider the matter depending upon such things as:

- the seriousness of the issue;
- whether the concern is believable; and;
- whether it can carry out a sufficient investigation based on the information provided.

Untrue Allegations

If a whistleblower makes an allegation which they believe is true, but it is not confirmed by an investigation, the Council will not take any action against them. However, if a whistleblower makes a deliberately false or malicious allegation which they know is untrue, the Council will take appropriate disciplinary or legal action against them. Allegations of this nature are not protected by the Public Interest Disclosure Act 1998.

How to raise a concern

Boston Borough Council uses the Lincolnshire County Council Whistleblowing Facility, a shared confidential facility dedicated to whistleblowing. This is managed by the Counter Fraud Team at Lincolnshire County Council. We encourage you to raise your concerns using this facility, where they will take appropriate action against the issue identified.

It is better to submit concerns in writing. They will need the background and history of your concern, giving names, copies of any documents, dates, and places (where possible). They will want you to explain why you are concerned about the situation. They do not expect you to prove the truth of an allegation, but you will need to show that there are sufficient grounds for your concern.

You can use the confidential PO box or email address (which is monitored by a nominated officer within the Investigations Team):

Lincolnshire County Council
PO Box 640
Lincoln
LN1 1WF

Email address: whistleblowing@lincolnshire.gov.uk

Alternatively, you can use the confidential whistleblowing line: Freephone 0800 0853716

This dedicated reporting line operates during normal working hours (9am to 5pm). If you call this number out of hours, you can leave a message on the answer phone which is in a secure area and your call will be returned.

Staff can seek independent advice from their trade union representative or professional association. They can also invite a work colleague to raise a concern on their behalf.

Further advice may be sought from the whistleblowing charity [Protect](#) on their whistleblowing advice line: 020 3117 2520

Remember, the earlier you raise the concern, the easier it is for the Council to act.

We recognise that there may be certain circumstances in which you do not feel this is possible; we would rather you raise a concern with the appropriate regulatory body than not at all. Details of relevant external organisations can be found at:

[Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

How we will respond

The response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by management, counter fraud team, referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police if a criminal matter
- referred to the external auditor
- the subject of an independent inquiry

We may carry out initial enquiries to protect individuals or employees and those accused of wrongdoing. We will use the results of these enquiries to decide whether an investigation is needed and if so, what form it should take. If urgent action is required, this will be taken before we start any investigation.

If there are other serious concerns of a potentially criminal nature, we will determine whether:

- we should refer the concern to the Police directly or
- advise the complainant to make such a referral

If it is decided that we should refer the matter to the Police, we will seek advice from the Police to establish:

- if a simultaneous internal investigation can be conducted
- whether or not they consent for the subject of the complaint to be informed of allegations.

Our code of conduct requires employees to notify their line manager immediately of any criminal investigation. Failure to do so could result in disciplinary action being taken.

We will acknowledge your whistleblowing disclosure within five working days. Within the next 10 working days we will explain in writing how we propose to deal with the matter.

The whistleblower will be:

- given an estimate of how long it will take to provide a final response
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how we will inform you of progress.

The amount of contact between you and the officer considering your whistleblowing disclosure will depend on the nature of the concerns raised. For example, if further investigation is required, the investigator may need to seek additional information from you.

If a meeting is necessary, this can be held off site if you prefer. If you are an employee, you will have a right to be accompanied by a union representative or work colleague (not involved in the area where the concern exists). If you are not an employee, you may wish to bring a friend with you. A neutral venue can be arranged, where required.

We will help with any difficulties you may experience because of raising a concern. We will, for example, provide advice if you are required to give evidence for criminal or disciplinary proceedings. Sometimes whistleblowers have counter-allegations made against them. We have a duty to investigate any concerns that we receive and that will apply in these circumstances. However, this will not detract from the principles, as set out in this policy, which govern how we will respond to whistleblowers. The over-riding objective will be to establish the truth.

We will retain records of all work carried out and actions taken to address the concerns raised by the whistleblower. This will include the investigator's case file, where relevant.

At the end of the investigation, we will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigation. Feedback will be subject to legal constraints, but we recognise the importance of providing assurances that the matter has been dealt with properly.

Governance

Responsible Officer for Whistleblowing

The Council’s Monitoring Officer is the Senior Officer in the Council who can take an independent view of any concerns raised. All concerns raised will be handled in line with the Council’s whistleblowing arrangements.

Monitoring of the Whistleblowing Policy

The Monitoring Officer will provide an annual report to the audit and governance committee which has responsibilities for overseeing the effectiveness of our governance arrangements. All reporting will be anonymised. It will only identify common themes, numbers of disclosures year on year and highlight actions taken to improve systems and policies.

Review and Revision

This Policy is to be reviewed at least every 3 years (or more frequently if required by changes to statutory legislation).

Version Control			
Issue No	Author	Issue date	Reason For Issue
1.0	Assistant Director – Governance & Monitoring Officer	TBC	Full update, plus alignment to a single Policy across the South & East Lincolnshire Councils Partnership (S&ELCP)

Approval		
Issue	Approval Authority	Approval Date
1.0	Delegated Decision	TBC