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Process

Whistleblowing

Version 2, August 2015



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Procedure

An overview of the Whistleblowing Procedure is provided on the next page. This can be printed and used as a quick reference management tool. More detailed procedural information, along with links to further guidance and templates, can be found on subsequent pages. Alternatively, if you click on the shaded boxes within the procedure it will take you directly to the additional information for that stage.

Quick Links

Resolution Procedure
Disciplinary Procedure
Code of Conduct
Concerns about the actions of a Councillor

Introduction - What is Whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing at work. **Officially this is called 'making a disclosure in the public interest'**. Whistleblowers are protected for public interest, to encourage people to speak out if they find malpractice in an organisation or workplace. Malpractice could be improper, illegal or negligent behavior by anyone in the workplace.

You are protected as a whistleblower if you:

- are a 'worker' – employee or agency worker.
- believe that malpractice in the workplace is happening, has happened in the past or will happen in the future
- are revealing information of the right type (a 'qualifying disclosure')
- reveal it to the right person, and in the right way (making it a 'protected disclosure')

To be protected as a whistleblower you need to make a 'qualifying disclosure' about malpractice. To be considered as a protected disclosure means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest. This could be a disclosure about:

- criminal offences
- failure to comply with a legal obligation
- miscarriages of justice
- threats to an individual's health and safety
- damage to the environment
- a deliberate attempt to cover up any of the above

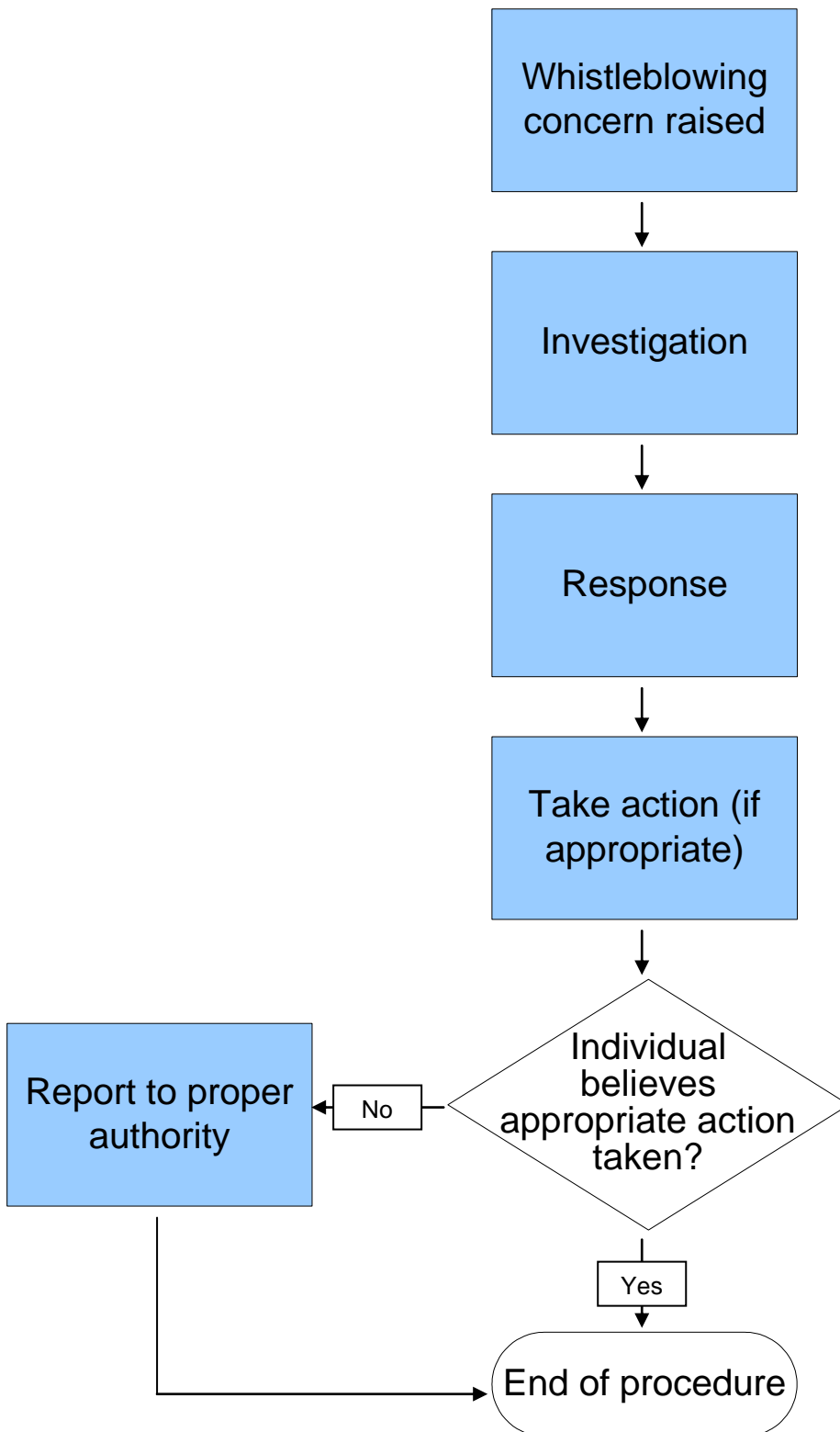
There are some disclosures that can't be qualifying disclosures. You won't be protected for whistle blowing if:

- you break the law when making a disclosure (for example if you signed the Official Secrets Act as part of your employment contract)
- the information is protected under legal professional privilege (e.g. if the information was disclosed to you when someone wanted legal advice)
- An employee is unable to blow the whistle on a breach to their employment contract; such matters should be dealt with using the Resolution Procedure.

For your disclosure to be protected by the law you should make it to the right person and in the right way. Therefore you must:

- reasonably believe that the information is substantially true
- reasonably believe you are making the disclosure to the right 'prescribed person' – see further information on the Resolution Manager.

Whistleblowing Procedure - Overview



Note: Click on the shaded boxes or refer to the next pages for more detailed procedural information and links to further guidance.

Whistleblowing concern raised	
Responsibility	Employee/agency worker
Actions	<ul style="list-style-type: none"> • Raise your concern with your Line Manager. If this is not appropriate you should raise your concern with a more senior manager within the organisation, Human Resources, the Monitoring Officer or Chief Finance Officer (Section 151 Officer). • If you have a concern about the conduct of a councillor click here for guidance on how to raise your concern. • Note: Employees/agency Workers are reminded that the mistreatment of a Whistleblower will contravene the Employee Code of Conduct, and may result in action being taken against them under the Disciplinary Procedure. Every effort will be made by the Council to ensure that no employee/agency worker will suffer a detriment from raising a whistleblowing disclosure. • Note: You can express your concern verbally, in writing, or by sending an email. However, if you are concerned that nobody else accesses this information, even unintentionally, then the surest method is a personal conversation (either face-to-face or by telephone) as correspondence is commonly opened by administrative staff and senior managers sometimes arrange for a personal assistant to open their emails. • Every effort will be taken to maintain the anonymity of the Whistleblower, where the whistleblower requests this.
Timescales	As soon as possible
For further guidance on raising a whistleblowing concern click here	
Investigation	
Responsibility	<p>Depending on the nature of the concerns the investigation may be carried out by management, internal audit, Human Resources, the Monitoring Officer or the Chief Finance Officer (Section 151 Officer). If it is possible that the law has been broken, then the police or another external statutory agency e.g. the council's external auditor may carry out an investigation. It is possible that an internal and an external investigation could be run simultaneously.</p> <p>(Note: The person investigating the whistleblowing disclosure will be known under this procedure as the 'Resolution Manager')</p>
Actions	<ul style="list-style-type: none"> • Clarify the employee's/agency worker's concerns, ensuring that they have been accurately recorded. • Carry out an investigation. This may involve speaking to and obtaining written statements from other individuals involved. • Ask the employee/agency worker to comment on any additional evidence obtained. • Keep the employee/agency worker informed of progress • Note: An investigation should always be carried out without prejudice and does not imply that an employee's/agency worker's concerns have either been accepted or rejected. • Note: Some concerns may be resolved by agreed action without the need for investigation. If, however, the employee's/agency worker's concern appears to be sufficiently serious or urgent to warrant immediate intervention, appropriate action should be taken with immediate effect.
Timescales	As soon as reasonably practicable
For further guidance on handling whistleblowing disclosures click here	

[Click here to return to procedural overview](#)

Response	
Responsibility	Resolution Manager
Actions	<ul style="list-style-type: none"> • Provide an appropriate written response to the employee/agency worker who made the whistleblowing disclosure.
Timescales	As soon as reasonable practicable after the conclusion of the investigation (recommended within 5 standard working days)

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Take action (if appropriate)	
Responsibility	Resolution Manager (or another appropriate manager)
Actions	<ul style="list-style-type: none"> • Take appropriate action if there is evidence of wrongdoing • If disciplinary action is required refer to the Discipline Procedure
Timescales	As soon as reasonable practicable after conclusion of the investigation

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Report to proper authority	
Responsibility	Employee/agency worker
Actions	<ul style="list-style-type: none"> • If the employee/agency worker reasonably believes that appropriate action has not been taken or reasonably believes that they will suffer a detriment by Whistleblowing internally he/she may report the matter to the following external regulators: <ul style="list-style-type: none"> - Health and safety risks: the Health and Safety Executive (www.hse.gov.uk) - Environmental risks: the Environment Agency (www.environment-agency.gov.uk) - Utilities: Ofcom (www.ofcom.org.uk), OFWAT (www.ofwat.gov.uk), OFGEM (www.ofgem.gov.uk), Rail Regulator (www.rail-reg.gov.uk) - Financial Services and the City: Financial Services Authority (www.fsa.gov.uk), HM Treasury (insurance) (www.hm-treasury.gov.uk) - Public sector finance: National Audit Office (www.nao.org.uk), Audit Commission (www.audit-commission.gov.uk) - Company law: Department of Business, Innovation and Skills (www.bis.gov.uk) - Competition and consumer law: Office of Fair Trading (www.oft.gov.uk) - Others: Certification Officer (Trade Unions) (www.certoffice.org), Civil Aviation Authority (www.caa.co.uk), Charity Commission for England and Wales (www.charity-commission.gov.uk), Criminal Cases Review Commission (www.ccrcc.gov.uk), Information Commissioner's Office (www.ico.gov.uk), The Pensions Regulator (www.thepensionsregulator.gov.uk), HM Revenue and Customs (www.hmrc.gov.uk).
Timescales	As soon as reasonably practicable

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