

Whistleblowing Policy

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1. Introduction

- 1.1 Lancashire County Council (the council) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the council actively encourages and expects all employees, contractors, or third parties who have serious concerns about any aspect of the council's work to come forward and voice those concerns.
- 1.2 This policy sets out the council's commitment to take all concerns seriously and investigate them without fear of victimisation, prejudice, discrimination, or disadvantage. It enables whistleblowers to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.

2. Who is a whistleblower?

- 2.1 Any person who has made, makes or is intending to make a protected disclosure or is perceived by a relevant person to have made, be making or intending to make a protected disclosure. For the purpose of this policy, a protected disclosure can be:
- A criminal offence or regulatory breach.
 - The failure of any person including a relevant person to comply with a legal obligation.
 - A miscarriage of justice.
 - The endangering of the health or safety of any person.
 - Damage to the environment.
 - Mismanagement of public funds.
 - Misuse or abuse of authority.
 - Such other matter as may be prescribed in regulations made by the Secretary of State.
 - Concealment of information or removal or deletion or destruction of any documents relating to any of the above matters.
- 2.2 Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest. These should be reported under the council's grievance procedure and not this policy.
- 2.3 Concerns relating to sexual harassment in the work place can be raised in line with this policy. Additionally, if you believe the treatment is unlawful, for instance, if it involves protected characteristics or violates the Equality Act 2010 or Health & Safety at Work Acts, the whistleblowing procedure can be appropriately used to report concerns of this nature.
- 2.4 The council places an expectation on all its employees to raise any concerns they have at the earliest opportunity. The council understands employees may not wish to express their

concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear harassment or victimisation. The council understands these concerns and makes clear in this policy its commitment to protect people who speak up from possible reprisals or victimisation.

- 2.5 The policy applies to all employees and workers, (including those designated as casual, temporary, authorised volunteers or individuals gaining work experience), and contractors on council premises, (including agency staff, builders, and drivers). It also covers suppliers and those providing services under a contract with the council in their own premises, for example care homes and children's centres. This policy also covers councillors.
- 2.6 This policy recognises that anyone could potentially be a whistleblower including members of the public. However, employees are often the first to realise that there may be something seriously wrong within the council. Therefore, whilst this policy is primarily for use by employees and councillors, it may also be used by members of the public, so that individuals unconnected to the council may also report concerns relating to any aspect of council business.

3. Aims of this policy

- 3.1 This policy aims to:
- Encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice and procedures.
 - Provide clear avenues for individuals to raise concerns and receive feedback on any action taken.
 - Reassure individuals that they will be protected from possible reprisals or victimisation from those working within or for the council if they have a reasonable belief that they have made any disclosure in good faith.
 - Ensure the council has a centrally controlled oversight ('the controller', defined later in the policy) of all concerns raised under this policy, ensuring all concerns are recorded, investigated, and responded to consistently across the council.
 - Ensure the council is compliant with legislation including the public interest disclosure act.
 - Prepare the council for the new requirements and obligations of the proposed Whistleblowing Bill, which is currently progressing through Parliament.

4. Scope of this policy

- 4.1 As mentioned, it is important for employees to understand that complaints relating to their own employment situation would constitute a grievance and should be reported using the grievance policy.
- 4.2 This policy is in addition to the council's complaints procedures and other statutory reporting procedures, including safeguarding procedures. Where appropriate, employees are responsible for making service users aware of the existence of these procedures.
- 4.3 This policy is not a substitute for and does not replace other relevant policies within the council. Where the whistleblowing concerns raised relate to a breach of one of those policies they will be investigated under that policy. This policy is not intended to be used where other more appropriate procedures are available. These may include, but are not limited to:
- Disciplinary Procedure
 - Child and Adult Safeguarding Policies and Procedures
 - Equal opportunities complaints procedure
 - Anti- Harassment policy and procedure
 - Corporate Complaints Policy
 - Grievance policy and procedure
- 4.4 Employees raising whistleblowing concerns relating to another relevant policy will still receive the protections of this policy even when the issues are to be investigated and dealt with under another process.
- 4.5 The scope of this policy does not cover schools as every maintained school should have their own whistleblowing policy. The governing body of a school is responsible for agreeing and establishing their own whistleblowing policy. Similarly, academy trusts must have appropriate procedures in place for whistleblowing, making it clear all concerns will be responded to properly, consistently, and fairly. Therefore, any concerns relating to a school should be reported to the school via the school's own whistleblowing policy.
- 4.6 There is a requirement for a director or head of service to notify the Director of Finance and Commercialisation immediately of all suspected financial or accounting irregularities as soon as they are notified of them (Financial Regulation 3.8). Although, this requirement is not superseded by this whistleblowing policy, any suspected financial or accounting irregularities reported to Internal Audit will be forwarded immediately to the Director of Finance and Commercialisation.

4.7 This policy supports the council's fraud, bribery and corruption strategy. It is intended to help people raise concerns over any wrongdoing within the organisation. It supports people to raise concerns internally in the first instance rather than overlooking the problem or 'blowing the whistle' externally. However, provided an individual has a reasonable belief that they are making a disclosure on an honest basis, the council will apply the same protections for the individual reporting their concerns either internally or externally. Examples of concerns that should be raised under this policy include:

- Actions or behaviour that make you feel uncomfortable, that fall below established standards of practice or would amount to improper conduct.
- Actions in breach of the council's standing orders and or other council policies.
- Dangerous procedures or practices, including risks to the public, service users and to other employees.
- Conduct which is a criminal offence or a breach of the law.
- The unauthorised use of public funds.
- Theft, fraud, corruption, and other financial misconduct.
- Sexual or physical abuse of service users.
- Other unethical conduct, dishonesty or actions that fall short of the Seven Principles of Public Life: <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

4.8 This list is not meant to be exhaustive but gives examples of potential malpractice. The overriding concern should be that it is in the public interest for the potential malpractice to be corrected and sanctions taken if needed.

5. Safeguards

- 5.1 The council is committed to a best in practice culture of speaking out safely and expects all its employees to raise concerns as soon as possible.
- 5.2 The council recognises that the decision to report a concern can be a difficult one to make. If a person genuinely believes their concerns are well founded, then they will have nothing to fear because they will be doing their duty to the council and those for whom they are providing a service.
- 5.3 The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect anyone that raises a legitimate concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower may not only be personally liable but may also be subject to disciplinary action.

- 5.4 In all cases, the provisions of the Public Interest Disclosure Act 1998 will be adhered to. However, the Enterprise and Regulatory Reform Act 2013 introduces a public interest test requirement on whistleblowers. To receive the protection of the Public Interest Disclosure Act, whistleblowers will be required to show that they reasonably believed that the disclosure they are making is in the public interest. This should be done through the evidence they present when raising their concern. The procedure for making allegations is set out later in this policy. Further information on the Enterprise and Regulatory Reform Act can be found at www.legislation.gov.uk.

6. Confidentiality

- 6.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person making the allegation if they so wish (subject to any legal requirements or decisions). Following an investigation of the allegations, disciplinary, criminal, or other proceedings may need to progress. In these circumstances it may not always be possible to guarantee a person's anonymity. For example, if a hearing is needed, either by law, or under a council procedure, the employee disclosing the concern may be required to give evidence.
- 6.2 It may be possible to establish the truth about allegations from another independent source and the council will seek to do this where possible. If the nature of the whistleblowing concerns requires disclosure to other people or organisations so they can investigate, then the person who originally disclosed this will be informed that this needs to happen.

7. Anonymous allegations

- 7.1 This policy encourages everyone making the allegation to put their name to their allegation whenever possible. Where an individual chooses to report their concerns anonymously, such anonymity will be respected. However, if the council does not know who has provided the information, it is not possible to either reassure or protect the whistleblower. If the allegation suggests criminal activity and the case warrants police action, the identity of the person reporting the details is important. Identification is therefore preferred and will assist the investigation.
- 7.2 Although it is more difficult to investigate anonymous allegations as the ability to further explore issues or obtain evidence during the investigative process can be reduced, the council will not seek to establish the identity of an anonymous whistleblower.

8. Untrue allegations

- 8.1 If a person makes an allegation which they genuinely believe is in the public interest, but investigations later show that the allegation is unfounded, it is important that the person is reassured that they have done the right thing. The county council encourages people to raise any concern when they have a genuinely held belief wrongdoing has occurred. If, however, an allegation is made frivolously, maliciously or for personal gain, appropriate action could be taken against them. This includes disciplinary action if they are a council employee. If they are an elected member, they may have breached the Code of Conduct for members. If they are a contractor or partner, such allegations may put them in breach of their contractual responsibilities to the council.

9. How should a concern be raised?

- 9.1 Although this process is mainly intended for use by employees of the council, its partners and those organisations who contract to provide services on the council's behalf, members of the public may use the same processes to report any concerns or disclosures over wrongdoing and these will be treated in the same way. However, this process is not intended to replace the council's complaints procedure. Therefore, the council will not consider any complaints that have already been or are currently being addressed under the council's complaints procedure.
- 9.2 The first step for an employee is normally to raise concerns with their immediate supervisor/ manager or head of service. However, this may depend on the seriousness and sensitivity of the issues and who is believed to be involved. For example, if it is believed that management is involved, then a more senior level of management should be approached within the service.
- 9.3 An employee may also invite their trade union or professional association to raise a matter on their behalf.
- 9.4 Advice and guidance on how to pursue matters of concern can be obtained by ringing the whistleblowing line on 01772 532500. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the council, usually the person to whom they directly report.
- 9.5 If a person feels that they cannot approach management and still want to raise their concerns, the following options are available:
- Confidential whistleblowing number: 01772 532500
 - Email: WhistleblowingComplaints@lancashire.gov.uk
 - Online referral form accessed here: [Whistleblowing Referral Form](#).

- Concerns can also be made in writing and correspondence should be sent to:
The Whistleblowing Controller, Internal Audit, Finance Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD

10. Action by managers

- 10.1 If a concern has been reported to a manager by a member of staff, the manager should:
- Listen to the concerns and treat every report seriously and sensitively.
 - Reassure staff that their concerns will be taken seriously and passed on to be investigated.
 - Ask the person for current contact details and ask them how they want to be contacted.
 - Obtain as much information as possible from the member of staff, including any notes or evidence to support the concern. Do not interfere with this evidence and ensure it is kept securely.
 - Do not attempt to investigate the matter yourself or attempt to obtain any further evidence.
 - Report the matter immediately to 'the controller' via Internal Audit or email WhistleblowingComplaints@lancashire.gov.uk or telephone to 01772 536442.

11. The responsible officer

- 11.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

12. The controller

- 12.1 To ensure a consistent approach is applied to all whistleblowing allegations received under this policy, the council has a control function overseeing and monitoring all whistleblowing allegations. This role will be fulfilled by 'the controller'. The Investigation Service will act as the controller on behalf of the Monitoring Officer.
- 12.2 The controller will receive and log all the whistleblowing concerns. The controller will triage each case to ascertain the nature of the concerns and determine the next course of action required. The controller will assign the case to a responsible officer. The controller will provide quarterly reports of concerns raised and the outcome (but in a form which does not endanger confidentiality) to the Monitoring Officer. This will also be reported at least annually to the Risk, Audit and Governance Committee via the Head of Internal Audit.
- 12.3 It is important to note under this policy the role of the controller does not fundamentally change who is responsible for investigating certain types of complaint. When appropriate, an investigation may be completed by the service area the complaint relates to. If this is deemed inappropriate, the investigation will be completed independently of the service area. Any

potential disciplinary or employee conduct concerns will be passed to Human Resources to be addressed under a relevant Human Resources policy.

13. How the council respond to concerns raised

- 13.1 The council will respond to the whistleblowers' concerns. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the council will have in mind is the public interest. It is important to note that reviewing and testing out the concerns is not the same as either accepting or rejecting them. If the whistleblower confirms that they wish to raise their concerns formally under this policy, a responsible person will be designated in consultation (as necessary) with the Monitoring Officer or the Investigation Service to coordinate the response to the concerns raised.
- 13.2 Currently all high-risk concerns (appendix A) are investigated by the Investigation Service in consultation with an appropriate Director in the applicable service area. The Investigation Service consults with the relevant People Business Partner if the concern relates to employee conduct.
- 13.3 For medium and low risk matters the controller assigns the case to the service or other responsible person for investigation. In these cases, the controller speaks to the relevant service (including People Services) and agrees who the investigation will be allocated to, along with getting assurances around their ability/capability/capacity to conduct it. The controller records the name of the responsible person for the investigation on the case manager system and agrees next steps and anticipated timescales for completion. The controller offers advice and support to the investigator on investigative best practice. The controller ensures central oversight and consistency is maintained and reviews the outcome of the investigation.
- 13.4 Where appropriate, the matters raised may:
- Be investigated by management;
 - Investigated by Investigation service;
 - Investigated through the disciplinary or other appropriate council process;
 - Be referred to the police;
 - Be referred to the external auditor; and/or
 - Form the subject of an independent inquiry.

- 13.5 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 those procedures.
- 13.6 Some concerns may be resolved following an initial review without the need for a full investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 13.7 In cases where contact details are available the responsible person will contact the whistleblower. The council will aim to do this within ten working days. The council will provide the following information:
- Acknowledgment that the concern has been received.
 - An indication of how the council propose to deal with the matter.
 - An estimate of how long it may take to provide a final response.
 - Details of staff support mechanisms available.
 - An update as to any initial enquiries that have been made and what possible further investigations will take place or reasons why further investigations will not take place.
- 13.8 The amount of contact between the whistleblower and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the council will seek further information.
- 13.9 Where any meeting is arranged, the whistleblower can be accompanied by a fellow worker, a trade union representative or an official employed by a trade union.
- 13.10 The council will take steps to minimise any difficulties which people may experience by raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the council will arrange for them to receive advice about the procedure.
- 13.11 The council accepts that whistleblowers need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, the council may inform the whistleblower of the outcome of any investigation. However, any information provided will be at the discretion of the council. The council may not be able to provide details of any outcomes affecting other individuals such as whether there was any disciplinary action or the outcome of this action, as this would breach the council's duty of care to others.

13.12 The Council is committed to continuous improvement and learning lessons, to support this, following an investigation, any lessons learnt will be formally shared (in an anonymised format) with the director/head of service and timescales for implementation are mutually agreed. These actions are then included in the Internal Audit 'Follow up' process to ensure implementation.

14. How the matter can be taken further

14.1 This policy is intended to provide people with an avenue within the council to raise concerns. If anyone feels it is right to take the matter outside the council, the following are possible contact points:

- The external auditor
- Citizens' Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- Organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the public interest disclosure act.

14.2 If the matter is taken outside the council, confidential information should not be exposed, for example such as that covered by the Data Protection Act 2018, which enabled the implementation of the general data protection regulations in the UK. It is advised that advice is sought before reporting a concern externally. The independent whistle blowing charity, Public Concern at Work operates a confidential hotline (020 7404 6609) and can provide advice as necessary

15. Review of the policy

15.1 This policy will be subject to periodic review, and changes made to the policy as deemed appropriate following necessary consultation with interested parties.

15.2 A new Whistleblowing Bill is currently progressing through Parliament. This policy will be reviewed and updated as required in line with the requirements of the bill when the bill receives royal assent.

Appendix A – Risk ratings

High Risk	• Catastrophic loss of the county council's services. • Potential for loss of life, or serious harm to persons including vulnerable people in our community. • Significant environmental damage. • Potential significant financial loss. • Criminal activity. • Failure to comply with law or regulations. • Potential for press coverage or substantial damage to the council's reputation. • Abuse of power
Medium	• Allegations of a breach of the Employee Code of Conduct. • Maladministration (e.g. not adhering to procedures, negligence). • Poor value for money. • Other unethical conduct.
Low	• Matters that individually have no major impact on achieving the service's objectives, but highlight lower level causes for concern.