



# **ANGUS COUNCIL WHISTLEBLOWING POLICY**

**This policy applies to all Angus Council staff. If you are a volunteer, a contractor working on Council premises, or a member of the public, you should raise your concerns through the Council's corporate complaints procedure, which is available on the website.**

## **1. Introduction**

Angus Council is committed to operating in an open and transparent manner. The Council aims to act with honesty and integrity and to be fully accountable to the public.

The Council views malpractice of any description as serious and encourages you to bring to our attention anything happening within the Council that might be illegal, improper or unethical.

It is never easy to report a concern and so this policy has been designed to assure you that you can raise a concern in the knowledge that it will be treated seriously, be dealt with at a senior level within the Council, that confidentiality will be maintained and that you will be protected from reprisals or victimisation.

## **2. Commitment to staff**

The Council and the Corporate Leadership Team are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as a reprisal or victimisation). The Public Interest Disclosure Act 1998 protects employees from suffering harm or disadvantage as a result of raising a concern.

Any of the following will be treated seriously and may result in disciplinary action being taken against the perpetrator:

- any threat or attempt to stop you raising a legitimate concern
- any action (or attempt to take action) against you because you raised a concern.

You will not be asked to provide proof when you raise a concern. Provided you act in good faith when reporting a concern, no action will be taken against you if the allegation is not confirmed by the investigation.

However, if it is considered that you deliberately made an allegation that you knew to be false, or should you be found to be directly involved in any malpractice or wrongdoing, then this will be regarded as serious misconduct and disciplinary action will be taken against you.

## **3. What should be reported?**

If you are concerned about an aspect of an individual's behaviour or a corporate practice which has resulted in or is likely to result in:

- a criminal offence, *for example fraud, theft from the Council theft from clients, abuse of service users*

- the improper use of Council or other public funds or any other financial irregularity
- the improper use of Council assets e.g. information, equipment, vehicles or buildings
- a failure to comply with a legal obligation, *for example the statutory obligation to provide a certain level of care is deliberately ignored*
- a danger to the health or safety of an individual, *for example not following procedures and putting other staff / service users / the public at risk*
- a miscarriage of justice
- actual or potential damage to the environment

or

- if you are concerned about an attempt to cover up any of the above

then we urge you to report your concern.

Personal grievances (such as bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest. They should be reported through the grievance or harassment at work procedure.

#### **4. How to report a concern**

If you have a concern about a risk, malpractice or wrongdoing at work, we hope that you will feel able to raise it with your line manager. You can do this verbally or in writing.

If you feel unable to raise the matter with your line manager, for whatever reason, you can raise the matter as follows:

- By contacting your Service Leader or Service Director
- By telephoning the ACCESSLine on 03452 777 778
- By contacting the Counter-Fraud Team. Complete the online fraud report on the Council's website or email [reportfraud@angus.gov.uk](mailto:reportfraud@angus.gov.uk).

The staff who will handle your referral are trained to deal discreetly with all manner of complaints and queries and they will assist you to progress your concern in confidence.

If you feel that the matter is so serious that you cannot discuss it with any of the above, you can write to

- the Chief Executive, Margo Williamson, at Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AX
- or
- the Monitoring Officer, Jackie Buchanan, at Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

You do not need to have firm evidence of malpractice before raising a concern. However, we do ask you to explain as fully as you can the information or circumstances that gave rise to your concern.

## **5. How Angus Council will handle the matter**

All concerns will initially be passed to the Service Leader – Internal Audit, who will keep a record of each whistleblowing report and the outcome of any investigation.

The report will be assessed to decide what action may be appropriate. This may result in an internal investigation or referral to an external body such as the Police or the Health & Safety Executive. Whoever your concern is subsequently referred to will of course depend upon the nature of the concern. Any internal investigation will be carried out by a senior manager or by the counter-fraud team. Further guidance for any manager receiving a whistleblowing report is available in the Fraud Response Plan which sets out the investigation process.

At this stage, if the matter is identified as solely a personal issue, you might be advised that it would be better dealt with through another of the Council's procedures, for example the grievance or harassment at work procedure.

You are entitled, should you wish it:

- to know of the action to be taken including likely timescale
- to know if it is decided to take no action

and, subject to the need to maintain confidentiality and avoid prejudicing any investigation:

- to seek a progress update regarding your concern
- to be told of the outcome once the matter is concluded and appropriate action taken.

## **6. Confidentiality**

Angus Council will endeavour to maintain your confidentiality wherever possible. It may not always be possible to guarantee this confidence however, particularly if the matter reported is serious enough to involve, for example, agencies such as the Police or the Health and Safety Executive. If you ask us not to disclose your identity, we will not do so without your consent unless required by law.

You may choose to report your concern anonymously. If you do it will still be treated seriously, but it may be more difficult for us to look into the matter and we will not be able to provide you with any feedback on the progress of the investigation. An anonymous referral is better than keeping quiet.

## **7. Legal Rights**

The Council welcomes reported concerns. The Whistleblowing Policy allows you to raise these on the basis that it is in the public interest to make such matters known to a senior manager within the Council and allows you to do so in the knowledge that it will be treated seriously.

In the public interest does not mean that concerns should be made available for public consumption through the media, and unauthorised contact with the media will be regarded as serious misconduct and disciplinary action will be taken against you.

This Whistleblowing Policy does not affect your legal rights under the Public Interest Disclosure Act 1998 which enables you to contact a specified external agency or the media in specific circumstances. Should you need further advice on this you can approach Public Concern at Work, an independent charity which provides free confidential legal advice, on 020 7404 6609. Further information on whistleblowing, including contact details for specified external agencies, is available at [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

### **Amendment Form**

<b>Version</b>	<b>Date</b>	<b>Brief Summary of Changes</b>	<b>Author</b>
2.0	18.10.18	Reinforcement The Public Interests Disclosure Act 1998 protections. Roles amended post restructure.	Ewan Ritchie
2.1	19.7.19	Roles updated post Corporate Management Restructure (379/18)	Ewan Ritchie