



HR 6.46 - Whistleblowing / Protected Disclosure Procedure

Content

- 1.0** INTRODUCTION
 - 2.0** SCOPE AND CONCERNS TO WHICH THE PROCEDURE RELATES
 - 3.0** SAFEGUARDS
 - 4.0** HOW TO RAISE A CONCERN
 - 5.0** HOW THE SERVICE WILL RESPOND
 - 6.0** APPEAL
 - 7.0** REVIEW OF PROCEDURE
-

HUMAN RESOURCES PROCEDURAL DOCUMENT

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HUMAN RESOURCES PROCEDURAL DOCUMENT

1.0 Introduction

Whistleblowing is one of the most effective ways of preventing and eliminating wrongdoing at work.

We recognise that raising a whistleblowing concern or protected disclosure can be daunting. However, we encourage you to report concerns internally as soon as possible where you suspect wrongdoing. We are here to listen and will take all concerns that you raise seriously.

This procedure sets out the process for raising a whistleblowing concern or protected disclosure and the support and protection that is available to you when you do so.

If your concern relates to a personal grievance that is not in the public interest (for example, an allegation of bullying or harassment, or an allegation that your contract of employment has been breached), you should raise it under the Service's separate [Grievance Procedure](#). However, it is recognised that the two procedures are not mutually exclusive, and the best route will always be considered when you raise a concern.

If you are unsure about whether your concerns are best dealt with under the Whistleblowing or Grievance procedure, please speak to a member of Human Resources for further advice.

This procedure aims to:

- Reassure you that you will be protected from reprisals or victimisation for raising a serious concern.
- Assist and support you if you request help and guidance in raising concern.
- Ensure consistent and sensitive handling of any concerns you raise.
- Allow you to take the matter further if dissatisfied with the Service's response.

It is also recognised that you may wish to raise the concern externally from the outset.

HUMAN RESOURCES PROCEDURAL DOCUMENT

2.0 Scope and concerns to which the procedure relates

This procedure applies to all employees and workers employed by the Service. However, other individuals, including our contractors, subcontractors, suppliers and volunteers are also encouraged to follow the procedure where concern is perceived.

Whistleblowing is the act of reporting suspected wrongdoing or risk of wrongdoing relating to:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a risk to the health and safety of an individual;
- an act causing damage to the environment;
- any disclosure related to sexual harassment;
- an attempt to cover up any of the above;

It is not necessary for you to prove the wrongdoing. However, to be protected by whistleblowing laws against detrimental treatment or dismissal, you must reasonably believe that wrongdoing (related to one of the categories listed above) is being, has been, or is likely to be committed and that your disclosure is in the public interest.

You have no responsibility for investigating the matter – it is the Service's responsibility to ensure that an investigation takes place.

If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure.

In addition to this:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. All employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated appropriately, and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

HUMAN RESOURCES PROCEDURAL DOCUMENT

- No worker will be victimised for raising a matter under this procedure. This means the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because a legitimate concern has been raised.
- Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered because of any investigation under this procedure, the Service's disciplinary procedures will be used, in addition to any potential external measures.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue a concern, even by a person in authority such as a manager, an employee should not agree to remain silent. The matter should be reported to a Director.

3.0 Safeguards

Harassment or Victimisation

The Service recognises that the decision for you to report a concern may be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Service will not tolerate harassment or victimisation and will take all appropriate action to protect you and any other employees who have a reasonable belief that the disclosure is in the public interest.

Implementation of this procedure does not mean that any on-going disciplinary action will be halted.

Anonymous Allegations

This procedure fully encourages you to put your name to any concern disclosed. Concerns raised anonymously can be more difficult to investigate, due to the need to sometimes request further information or clarity. However, anonymous concerns will still be taken seriously and will be considered in terms of how best to respond.

Consideration of each matter will take the following into account:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from attributable sources

HUMAN RESOURCES PROCEDURAL DOCUMENT

If you raise concern, the Service will protect your identity as far as possible if you do not want your name to be disclosed. However, depending on the nature and seriousness of the disclosure, your name may become known through statements required by the Police or external auditors.

Untrue Allegations

If you make a disclosure in the reasonable belief of it being in the public interest, but it is not confirmed by any investigation, no action will be taken against you.

If, however, evidence comes to light that the allegations have knowingly been made falsely, maliciously or vexatiously, and are found to be untrue then disciplinary procedures may be instigated as determined by the appropriate Service Director.

4.0 How to raise a concern

If you have a genuine concern relating to any type of wrongdoing that is covered under this procedure, you should raise it initially with your line manager. If your concern relates to your line manager, or for any reason you do not wish to approach your line manager, you should raise your concern with a different Division/Department manager or Head. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the possible malpractice. Depending on the level of the concerns raised, and whom they may implicate, it may also be appropriate to communicate the issue directly to a senior manager, or even the Section 151 Officer, should the matter potentially involve a manager at Executive Leadership Team level.

You can raise your concern orally, or in writing. We recommend that you use the attached [Form PID1 \(see Appendix A\) to raise a whistleblowing concern](#). It is important that you set out clearly:

- the details of the suspected wrongdoing;
- the names of any individual involved; and
- and what action (if any) you are seeking.

If you do not feel able to put your concerns into writing, then you should telephone or meet with an appropriate officer. The earlier you raise the concern, the easier it will be to take action.

HUMAN RESOURCES PROCEDURAL DOCUMENT

Although you are not expected to prove that wrongdoing is being, has been, or is likely to be committed, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

In some cases, it may be necessary to ask you to attend a meeting to clarify the nature of your concern. This will be arranged as soon as possible. You may, if you wish, bring a colleague or a trade union representative with you to the meeting. Where it is considered appropriate, a member of the HR department may also be present.

You can obtain advice and guidance on how matters of concern may be pursued within the Service from:

- Divisional Commanders
- Heads of Departments
- Director of Resources

You may also invite your representative body to raise a matter on your behalf if you prefer. If you are unsure about whistleblowing at any stage, you can contact Protect online.

Protect are available to give you free confidential advice about raising a concern about malpractice at work. Call Protect on 020 3117 2520 or visit their website <http://www.protect-advice.org.uk>. You can also speak to your Trade Union representative in this regard.

5.0 How the Service will respond

The manager to whom you raise your concern will advise the relevant Corporate Head and record receipt of the matter with Human Resources. Some concerns may be resolved by agreed action without the need for formal investigation. However, the manager will normally be expected to conduct an initial investigation into the matter raised, and report back to the appropriate Corporate Head. Decide if an investigation is required and, if it is, the most appropriate person to conduct it. The relevant manager will write to you confirming that they are conducting an investigation and the timescale for completion.

The level of investigation and time this will take will vary depending on the nature of the suspected wrongdoing. If it is obvious that the matter may involve disciplinary proceedings, the action as outlined in the Service's Discipline Procedures should be followed.

HUMAN RESOURCES PROCEDURAL DOCUMENT

However, within a reasonable timeframe of your concern being received, the Service will write to you to:

- Acknowledge that your concern has been received
- Indicate how it proposes to deal with the matter
- Give you an estimate of how long it will take to provide a final response
- Tell you if any initial enquiries have been made and
- Indicate to you whether further investigations will take place, and if not, why not.

The action taken by the Service will of course depend on the nature of your concern. The matters raised will be investigated, and any such investigation may involve you, and any other individuals involved giving a written statement. Any investigation should be conducted in accordance with the appropriate procedures relevant to the matter, including being conducted under the discipline procedures where necessary.

Following the investigation, the manager will inform you in writing, as quickly as possible after completion of the investigation, of the outcome and any next steps or action that will be taken. While we aim to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or there are sensitive issues that need to remain confidential.

The outcome of the investigation will be reported to the appropriate Director who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency if this is deemed necessary.

On conclusion of an investigation, you will be told the outcome of the investigation and what the Service has done or proposes to do about it. If no action is to be taken, the reason for this will be explained.

A register of all disclosures raised under this procedure will be recorded by the Human Resources Department to include the outcome of any investigations and action taken.

6.0 Appeal

If you are not satisfied with how your concern has been dealt with, you should appeal to the relevant Corporate Head (or Director in the event that the concern raised involves the Corporate Head) in the first instance.

HUMAN RESOURCES PROCEDURAL DOCUMENT

You can raise your appeal orally, or in writing. It is important that you set out clearly the grounds of your appeal, i.e the basis on which you consider that your original concern has not been satisfactorily dealt with.

In some cases, it may be necessary to ask you to attend a meeting to clarify the nature of your appeal. This will be arranged as soon as possible. You may, if you wish, bring a colleague or a trade union representative with you to the meeting. Where it is considered appropriate, a member of the HR department may also be present.

The relevant Corporate Head (or Director) will consider your grounds for appeal and review the manner in which your original whistleblowing concern was handled. You will be informed in writing of the outcome as quickly as possible.

In the event that you are still not satisfied with how your concern has been dealt with following the appeal process, you can report the matter to the proper authority. The relevant legislation sets out a number of bodies to which qualifying or protected disclosures may be made, and these include:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Office for Police Conduct; and
- the Serious Frauds Office.

7.0 Review of Procedure

This procedure shall be reviewed:-

- (i) Annually, or
- (ii) following receipt of new information
- (iii) upon implementation of new agreements which may affect the procedure.