



**Holy Cross**

CATHOLIC HIGH SCHOOL

**Whistle Blowing 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 we expect employees, and others that we deal with, who have serious concerns about any aspect of the council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.2 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. Any employee who raises a concern is protected by the Public Interest Disclosure Act 1998, part of which was updated by the Enterprise and Regulatory Reform Act 2013. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.

1.3 Employees are often the first to realise that there may be something seriously wrong within the council. However, they may not 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. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.4 The policy applies to all employees, (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.

1.5 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. Note that schools have their own separate whistleblowing policies so if you are a council employee working in a school you should follow the school's own whistleblowing policy and seek further advice in relation to the procedures you should follow.

1.6 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.

1.7 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## 2. Aims and scope of this policy

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon any concerns you might have;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure which is in the public interest.

2.2 There are other procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law;
- failure to comply with a legal obligation;
- disclosures related to miscarriages of justice;
- racial, sexual, disability or other discrimination;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud, bribery or corruption, including but not limited to, theft of property, financial irregularities, misuse of property and council systems, nepotism, conflicts of interest, or supplier kickbacks;
- sexual, physical or other abuse of clients or service users;
- other unethical conduct; and
- actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the council or others acting on behalf of the council can be reported under the Whistleblowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the council subscribes to; or
- is against the council's standing orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does not replace the corporate complaints procedures.

### **3. Safeguards**

3.1 The council is committed to good practice and high standards and wants to be supportive of all its employees.

3.2 The council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service. Note that there is a requirement for your director or head of service to notify the director of finance immediately of all suspected financial or accounting irregularities as soon as he/ she is notified of them (Financial Regulation 3.8). This requirement is not superseded by this Whistleblowing Policy and your director or head of service will need to act accordingly if a financial issue is raised.

3.3 The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower may not only be personally liable but will be subject to disciplinary action.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## **4. Confidentiality**

4.1 Any suspicion of fraud or other wrongdoing will be treated seriously and will be reviewed in accordance with the Public Interest Disclosure Act 1998 (PIDA). As a member of the council's staff or as an employee of one of its agents you have statutory protection against victimisation and dismissal under the PIDA, if you speak out genuinely against corruption and malpractice at work. "Malpractice" includes any kind of improper practice or conduct which falls short of what is reasonably expected whether it relates to a positive act or omission and also includes any form of harassment. The council will not tolerate harassment or victimisation.

4.2 It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the council, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.

4.3 The council expects all organisations that deal with us and who have serious concerns about any aspect of the council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

4.4 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and you may need to come forward as a witness and provide a statement as part of the evidence.

4.5 It may be possible to establish the truth about allegations from another independent source and the council will seek to do this where possible.

## **5. Anonymous allegations**

5.1 This policy encourages you to put your name to your allegation whenever possible. Where an individual chooses to report their concerns anonymously, such anonymity will be respected. However, our ability to investigate anonymous complaints can be hampered by not being able to further explore issues or obtain evidence during the investigative process. Furthermore, if we do not know who has provided the information, it is not possible to either reassure or protect you. Concerns expressed anonymously are much less powerful and will only be considered at the discretion of the council.

5.2 In exercising this discretion, the factors considered include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood that the allegation can be confirmed from attributable sources.

5.3 If the allegation suggests criminal activity and the case warrants police assistance, the identity of the person reporting the details may be important at a later date if criminal proceedings are to be pursued effectively. Identification is therefore preferred and will assist the investigation.

## **6. Untrue allegations**

6.1 If you make an allegation which you believe is in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you if you are a council employee. If you are an elected member, you may breach the Code of Conduct for

Members. If you are a contractor or partner, such allegations may put you in breach of your contractual responsibilities to the council.

6.2 Malicious or vexatious allegations include those which are trivial and do not have substance and are made persistently and annoyingly for the wrong reasons, for example simply to make trouble.

## 7. How an employee should raise a concern

7.1 As a first step, you should normally raise concerns with your immediate supervisor/ manager or their superior. However, this depends on the seriousness and sensitivity of the issues involved and who you suspect of the malpractice. For example, if you believe that management is involved you should approach a more senior level of management within your employing service. However, if you believe management more generally is involved, you should approach the director of corporate services (who is also the monitoring officer).

7.2 You may also invite your trade union or professional association to raise a matter on your behalf, or 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.

7.3 If, however, you feel that you cannot approach management and still want to raise your concerns, there are a number of options to choose from. Concerns may be raised verbally on the whistleblowing telephone line, by email, by an on-line referral form or in writing.

7.4 To make a confidential telephone call please ring the dedicated whistleblowing number 01772 532500, where you will be requested to press 1 for financial matters, which will be directed to the Internal Audit Service. Financial matters include for example:

- theft of property including assets and cash;
- financial irregularities including those affecting cash, stores, property, remuneration or allowances;
- fraud;
- misuse of council property, vehicles or equipment;
- misuse of council systems;
- nepotism;
- conflicts of interest giving rise to fraud, bribery or corruption;
- supplier kickbacks.

You will be asked to press 2 if it relates to any other concern, and this will be directed to Human Resources.

7.5 If no officer is available there will be an opportunity to leave a voicemail message. An officer will return your call if you wish but please remember to leave your telephone number in your message.

7.6 If you prefer to use email there are two dedicated email addresses:

- For financial concerns – [internalauditinvestigations@lancashire.gov.uk](mailto:internalauditinvestigations@lancashire.gov.uk)
- For any other concern - [WhistleblowingComplaints@lancashire.gov.uk](mailto:WhistleblowingComplaints@lancashire.gov.uk)

7.7 An on-line referral form is available which contains two options; one for financial concerns and one for any other concern. The form can be accessed by following this link [Whistleblowing Referral Form](#).

7.8 Concerns can also be made in writing and correspondence should be sent to:

- For financial concerns – Head of Internal Audit, Internal Audit Service, Finance Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD.

And

- For any other concern – Head of Human Resources, Human Resources Service Centre, Corporate Services Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD.

7.9 The council's Financial Regulations require that the director of finance is notified immediately of all financial or accounting irregularities or suspected irregularities or of any circumstances which may suggest the possibility of irregularities, including those affecting cash, stores, property, remuneration or allowances. The director of finance will generally direct any concerns to the Internal Audit Service. This policy does not supersede that requirement but rather provides the opportunity to raise concerns directly with the Internal Audit Service through the helpline.

7.10 In raising a concern, you should be prepared to provide the following information:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation; and
- the name(s) of any colleagues/ employees who you consider are either directly involved or can help with further information.

7.11 The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.12 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.13 You may invite a fellow worker, a trade union representative or an official employed by a trade union to be present during any meetings or interviews in connection with the concerns you have raised.

7.14 If you ultimately feel you have to take the matter outside the organisation, possible contacts are listed at Section 11 of this policy.

## **8. How members of the public should raise a concern**

8.1 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 this process to report any concerns or disclosures over wrongdoing and these will be treated in the same way but are encouraged in the first instance to use the council's complaints procedure. Concerns may be raised verbally on the whistleblowing telephone line, by email, by an on-line referral form or in writing.

8.2 To make a confidential telephone call please ring the dedicated whistleblowing number 01772 532500, where you will be requested to press 1 for financial matters (directed to the Internal Audit Service), for example:

- theft of property including assets and cash;
- financial irregularities including those affecting cash, stores, property, remuneration or allowances;
- fraud;
- misuse of council property, vehicles or equipment;
- misuse of council systems;
- nepotism;
- conflicts of interest giving rise to fraud, bribery or corruption;
- supplier kickbacks.

You will be asked to press 2 if it relates to any other concern, and this will be directed to Human Resources.

8.3 If no officer is available there will be an opportunity to leave a voicemail message. An officer will return your call if you wish but please remember to leave your telephone number in your message.

8.4 If you prefer to use email there are two dedicated email addresses:

- For financial concerns – [internalauditinvestigations@lancashire.gov.uk](mailto:internalauditinvestigations@lancashire.gov.uk) and
- For any other concern - [WhistleblowingComplaints@lancashire.gov.uk](mailto:WhistleblowingComplaints@lancashire.gov.uk)

8.5 An on-line referral form is available which contains two options; one for financial concerns and one for any other concern. The form can be accessed by following this link [Whistleblowing Referral Form](#).

8.6 Concerns can also be made in writing and correspondence should be sent to:

- For financial concerns – Head of Internal Audit, Internal Audit Service, Finance Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD.
- For any other concern – Head of Human Resources, Human Resources Service Centre, Corporate Services Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD.

8.7 In raising a concern you should be prepared to provide the following information:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation; and
- the name(s) of any employees who you consider are either directly involved or can help with further information.

8.8 The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.



## 9. How the council will respond

9.1 The council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. If you confirm your wish to raise your concerns formally under the policy, a responsible person will be designated by management, in consultation with the director of corporate services or the Internal Audit Service as necessary, to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in accordance with Paragraph 9.5 below and will make arrangements for registration, monitoring and reporting purposes.

9.2 Where appropriate, the matters raised may:

- be investigated by management, the Internal Audit Service, or through the disciplinary process; and/ or
- be referred to the police; and/ or
- be referred to the external auditor; and/ or
- form the subject of an independent inquiry.

9.3 In order to protect individuals and those accused of misdeeds or possible malpractice, 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. 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.

9.4 Some concerns may be resolved by action agreed without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

9.5 Within ten working days of a concern having been raised, the responsible person will contact you (if you have taken the decision to disclose your contact details) as follows:

- acknowledging that the concern has been received;
- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms; and
- telling you whether further investigations will take place and if not, why not.

9.6 The amount of contact between the officers considering the issues and you 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 from you.

9.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a fellow worker, a trade union representative or an official employed by a trade union.

9.8 The council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the council will arrange for you to receive advice about the procedure.

9.8 The council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## 10.The Responsible Officer

10.1 The director of corporate services (in their role as monitoring officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the council.

## 11.How the matter can be taken further

11.1 This policy is intended to provide you with an avenue within the council to raise concerns. The council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the council, the following are possible contact points:

External Auditor	Grant Thornton LLP 4 Hardman Square, Spinningfields, Manchester M3 3EB Tel: 0161 953 6900 Website: <a href="https://www.grantthornton.co.uk/en/office-locations/?location=manchester">https://www.grantthornton.co.uk/en/office-locations/?location=manchester</a>
Public Concern at Work	Public Concern at Work CAN Mezzanine, 7 – 14 Great Dover Street, London SE1 4YR Tel: 020 7404 6609 Email: <a href="mailto:whistle@pcaw.org.uk">whistle@pcaw.org.uk</a> Website: <a href="http://www.pcaw.org.uk/">http://www.pcaw.org.uk/</a>
Lancashire Constabulary	Lancashire Constabulary Headquarters PO Box 77, Hutton, Preston PR4 5SB Tel: 101 Website: <a href="https://www.lancashire.police.uk/">https://www.lancashire.police.uk/</a>
Action Fraud	Tel: 0300 123 2040 Website: <a href="https://www.actionfraud.police.uk/">https://www.actionfraud.police.uk/</a>
HM Customs and Excise	HMRC Fraud Hotline Cardiff CF14 5ZN Tel: 0800 788 887 Website: <a href="https://www.gov.uk/government/organisations/hm-revenue-customs/contact/customs-excise-and-vat-fraud-reporting">https://www.gov.uk/government/organisations/hm-revenue-customs/contact/customs-excise-and-vat-fraud-reporting</a>

The Information Commissioner	The Office of the Information Commissioner Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF Tel: 0303 123 1113 Website: <a href="https://ico.org.uk/">https://ico.org.uk/</a>
The Environment Agency	National Customer Contact Centre PO Box 544 Rotherham S60 1BY Tel: 03708 506 506 Email: <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a> Website: <a href="https://www.gov.uk/government/organisations/environment-agency">https://www.gov.uk/government/organisations/environment-agency</a>
Health and Safety Executive	Health and Safety Executive Redgrave Court Merton Road Bootle Merseyside L20 7HS Tel: 0300 003 1747 Website: <a href="http://www.hse.gov.uk/contact/index.htm">http://www.hse.gov.uk/contact/index.htm</a>

11.2 If you do take the matter outside the council, you should ensure that you do not disclose confidential information. You should check with the relevant contact point that you are not disclosing confidential information.

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