

NORTH NORFOLK DISTRICT COUNCIL
WHISTLEBLOWING POLICY AND PROCEDURE

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WHISTLEBLOWING POLICY

1.0 INTRODUCTION TO THE POLICY

- 1.1 The Whistleblowing Policy is intended to provide a local framework for disclosing concerns about unacceptable conduct with the public interest in mind. The Public Interest Disclosure Act 1998 provides statutory protection to any person who raises any concerns in good faith about a possible wrong-doing. However, as the Committee on Standards in Public life observed:

“The statutory framework is a helpful driver but must [not be seen] as a substitute for cultures that actively encourage the challenge of inappropriate behaviour”.

This policy and associated procedures have been developed in the spirit of this observation.

- 1.2 Protect is a charity which provides independent advice and information on whistleblowing: [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk).

The following distinction has been drawn between whistleblowing and pursuing a complaint:

“When someone blows the whistle they are raising a concern about danger or illegality that affects others (e.g. customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.”

- 1.3 Employees are often the first to realise that there may be actions or activities that are wrong or unacceptable within the Council. However, they may not be confident about expressing 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 seem easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, if the Council has the chance to deal with a potentially serious problem at the earliest opportunity this can minimise the risks before serious damage can be caused to persons, property or reputation. Allegations made under the Whistleblowing Policy should relate to a matter within the public interest and not in relation to a personal or employment matter.
- 1.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council expects employees, councillors, organisational partners, contractors and members of the public to raise concerns about any impropriety or illegality in the Council's work. It is recognised that most cases will have to proceed on a confidential basis.
- 1.5 It is also expected that contractors will be required to have their own Whistleblowing policies and arrangements established in accordance with thresholds set in the Council's contract conditions through the tendering process. Where a contractor does not have its own policy, it is expected that the principles and arrangements of the Council's policy and associated procedures will apply.
- 1.6 This policy document makes it clear that employees, Councillors, organisational partners, contractors and members of the public can raise such matters in good faith

without fear of subsequent victimisation, discrimination or disadvantage by the Council as a result of their allegation.

- 1.7 This policy and associated procedure is intended to encourage and enable employees and others to raise concerns about impropriety or illegality within the Council rather than overlooking the problem or 'blowing the whistle' outside the Council. If they decide that the matter needs to be taken up outside, then they should be aware of this policy and ensure that they do not disclose confidential information. The Public Interest Disclosure Act 1998 encourages people to raise concerns within the Council in the first instance, and does not offer the same protection to those who raise concerns to outside parties inappropriately. Therefore, if they are concerned information may be confidential, they should seek advice from the Responsible Officer(s).
- 1.8 The procedures accompanying this policy document are in addition to the Council's complaints procedures and other statutory reporting procedures. Directors and Assistant Directors are responsible for ensuring their managers and staffs are aware of the existence of this policy and procedures and managers and relevant employees are responsible for making organisational partners and contractors aware through the procurement and contract process. The Council is responsible for promoting awareness of this policy and procedures amongst members of the public through a range of media. This policy and procedures can be accessed directly through the North Norfolk District Council website.
- 1.9 Where it is deemed necessary or appropriate, to ensure all individuals are equally able to raise concerns under this policy, the Council will make provision for:
- An interpreter or relevant support mechanisms to ensure a fair and consistent level of understanding
 - Flexibility in scheduling meetings to accommodate caring responsibilities or similar commitments
 - Suitable rooms with easy access or facilities for those with disabilities
 - Flexibility in scheduling meetings to accommodate religious days and beliefs.

2.0 AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- encourage employees and others to feel confident in raising serious concerns and to question and act upon concerns about practice and procedures;
 - provide avenues for employees and others to raise their concerns and receive feedback on any action taken;
 - receive a response to their concerns and to be aware of how to pursue them if they are not satisfied;
 - reassure employees and others that they will be protected from reprisals or victimisation if they have made any allegation or disclosure in good faith.
- 2.2 There are existing procedures in place to enable employees to raise matters relating to their own employment, including grievances, bullying and harassment. This policy is intended to cover concerns of impropriety and illegality that are within the public interest and fall outside the scope of such employment procedures.

- 2.3 The Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013 Sections 17 – 20 outlines that a “protected” disclosure of a concern is one which demonstrates one or more of the following:
- that a criminal offence has been committed, is being committed or is likely to be committed;
 - that a person has failed, is failing or is likely to fail to comply with a legal obligation;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - that the health and safety of any individual has been, is being or is likely to be endangered;
 - that the environment has been, is being or is likely to be damaged;
 - that information relating to any of the above has been or is likely to be deliberately concealed.
- 2.4 Beyond the legal context above, the Council would encourage employees, members of the public, and any other interested parties to raise any significant concerns that they may have, as soon as they are reasonably aware of them. These concerns could be about any aspects of the Council’s activities, e.g. with reference to Council employees, Members or suppliers acting on behalf of the Council, and relate to issues that are either occurring now or are likely to happen in the future.
- 2.5 It should be emphasised that this Policy is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the Policy. Individuals who make disclosures outside the arrangements set out here will not be protected under this Policy and may not be protected under the Act.

3.0 SAFEGUARDS

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of individuals when raising concerns.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what an individual is saying is true or reasonably believed to be true, they have nothing to fear. In these circumstances, the individuals will be doing their duty to their employer, the Council and those for whom they are providing a service.
- 3.3 The Council will not tolerate any harassment or victimisation, including informal pressures, of whistleblowers or witnesses, and will take appropriate action to protect the individual when they raise a concern in good faith.
- 3.4 If an individual is found to have been victimised, harassed or disadvantaged as a result of raising a concern, the Council will take the following action against the perpetrators:
- (a) An employee will be subject to the Council’s disciplinary process;
 - (b) A councillor will be the subject of a Standards inquiry;
 - (c) A contractor or supplier will be considered to be in breach of contract and will be required to stop such behaviour. This may have serious implications for existing and future contract relations, up to and including termination of the contract;
 - (d) A customer or service user may be considered to be in breach of the conditions of service. This may make it necessary to modify or discontinue the service provided.

- 3.5 If an individual is being considered under the Council's Disciplinary, Staff Adjustment or other dispute resolution procedures, this will not affect their right to raise a concern under this procedure.

4.0 CONFIDENTIALITY

- 4.1 In accordance with the Public Interest Disclosure Act 1998, the Council undertakes to protect, as best it can, an employee who blows the whistle from personal claims, victimisation, harassment or bullying as a result of their disclosure. This assurance is not extended to someone who maliciously raises a matter they know is untrue; such instances will be subject to the Council's disciplinary procedure.
- 4.2 All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. However, it may become evident that in order to investigate an allegation, the confidentiality of the whistleblower may be compromised. The Responsible Officer will endeavour to notify the whistleblower where this is likely to arise. Further, having completed any investigation or enquiries, it may be necessary for them to come forward as a witness or provide a statement as part of the evidence.
- 4.3 **The Responsible Officers (see 8.0 below)** will do all they reasonably can to support the individual once they have taken the decision to voice their concerns, including providing the individual with access to:
- internal support through the Responsible Officers, Human Resources team, trade union representatives and managers, as appropriate; or
 - external, confidential advice such as Protect or the Council's Employee Assistance Programme.
- 4.4 If confidentiality is compromised and this creates a tension between the whistleblower and their manager, the subject of the allegation or other employees, it may be necessary to make provision to mitigate associated difficulties. Depending on the nature of the allegations, this may include mediation, counselling, retraining or redeployment.

5.0 ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages individuals to put their name to their allegation whenever possible.
- 5.2 Concerns expressed anonymously are more difficult for the Council to investigate and resolve as there is no opportunity to discuss the issue and relevant information with the whistleblower. In addition, those individuals who make anonymous allegations are not protected by the provisions of the Public Interest Disclosure Act 1998. Therefore, concerns expressed anonymously will be considered at the discretion of the Responsible Officers.
- 5.3 In exercising this discretion, the factors taken into account when reviewing anonymous allegations include:
- the seriousness of the issues raised
 - the quality of any documentary evidence
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

6.0 ASSURANCES TO THIRD PARTIES

- 6.1 The assurances provided to employees raising concerns set out in section 4 above cannot be given in the same way to third parties. For example, the Council cannot guarantee protection to employees of third party (contractor) organisations. However, we expect that all contractors are aware of the Council's whistleblowing procedures, and act in accordance with these.
- 6.2 Further, with regard to members of the public, whilst they are not afforded statutory protection in the same way as employees, the Council is committed to treating all citizens fairly. Raising a concern under this policy will not affect the rights of any Council citizens.

7.0 UNTRUE ALLEGATIONS

- 7.1 If an individual makes an allegation in good faith, which is not confirmed by the investigation, no action will be taken against the individual. However, if an individual makes an allegation for personal advantage, or with malicious intent, disciplinary action may be taken against them. Allegations of this nature are not protected by the Public Interest Disclosure Act 1998.

8.0 THE RESPONSIBLE OFFICERS AND PROCESS INTEGRITY

- 8.1 For the purposes of this policy, there are four Responsible Officers with specific and shared responsibilities. Those officers are the Monitoring Officer, the Chief Executive, the Chief Financial Officer (also referred to as the s.151 officer) and the Head of Internal Audit, or their nominated deputies.
- 8.2 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a confidential record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality unless you choose to waive this protection) and will report to the Chief Executive, Governance, Risk and Audit Committee (GRAC), Standards Committee and Full Council as necessary and appropriate. If no concerns are raised no report will be provided.
- 8.3 The four Responsible Officers, have responsibility for the efficient and effective handling of whistleblowing allegations. A Responsible Officer will determine whether an investigation will take place or whether an alternative course of action would be appropriate. Furthermore, at the end of the investigation one of the Responsible Officers will adjudicate on what has been found and determine what, if any, action is required.
- 8.4 In addition, the Chair of the Governance, Risk and Audit Committee will be responsible for satisfying themselves that the Whistleblowing Policy and procedures are effective, being the Council's nominated responsible Member in the context of effective corporate governance.
- 8.5 The integrity of the Whistleblowing process is critical for individuals to be confident in coming forward with their concerns. The process must be robust, independent and ensure all relevant contributions are considered. The view of the Responsible Officer will not be allowed to be fettered by representations made by staff, councillors or any third party. Any officer or councillor with a personal interest in the whistleblowing matter will be excluded from any decision making or adjudication in the process in order to preserve the integrity of the process.

- 8.6 This policy is to be reviewed at least every three years (or more frequently if required by changes to statutory legislation) by the Head of Internal Audit and the following parties will be consulted prior to finalising and submitting the policy to the Governance, Risk and Audit Committee (GRAC) for approval:
- Unison
 - Senior Officers as listed at Appendix A
 - Corporate Leadership Team
- 8.7 On an annual basis, Appendix A of the policy, which provides details of the key parties responsible for whistleblowing, shall be reviewed by the Head of Internal Audit to ensure the details remain relevant and up-to-date. This review will not require re-endorsement of the policy.
- 8.8 The Council is responsible for making staff aware of the Policies' requirements through training and publicising initiatives.

WHISTLEBLOWING PROCEDURES

INTERNAL ALLEGATIONS PROCEDURE

9.0 HOW TO RAISE A CONCERN

- 9.1 As a first step, you should normally raise your concerns with your immediate manager. If you are unable to do so for any reason, you should go to any other manager in whom you have confidence. The important issue is to raise the matter with a manager with whom you feel comfortable, bearing in mind the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 9.2 Concerns may be raised verbally or, preferably, in writing. Individuals who submit their concerns in writing are invited to use the following format:
- the background and history of the concern (giving relevant dates);
 - details of any evidence that supports the concern;
 - the reason why you are particularly concerned about the situation.
- 9.3 If your concern is raised verbally with a Responsible Officer, they will confirm with you in writing the nature of the allegation to ensure there is a full and accurate understanding of the matter.
- 9.4 The earlier you express the concern the greater the likelihood that an appropriate intervention may be made, to minimise the risk, impact or continuation of the concern in question.
- 9.5 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. However, it is important to note that your responsibility under this policy is to report your concerns; you are not expected to investigate them.
- 9.6 Advice and guidance on how your specific matters of concern may be pursued can be obtained from the Responsible Officers (contact details can be found at Appendix A):
- The Monitoring Officer
 - The Chief Executive
 - The Chief Financial Officer
 - The Head of Internal Audit
- And also from:
- Trade Union Representatives
 - Protect - [Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)
- 9.7 You may wish to consider discussing your concern with a colleague first or your trade union representative and you may find it easier to raise the matter together with a colleague if there are two (or more) of you who have had the same experience or concerns.
- 9.8 You may invite your trade union representative, another employee of the Council or another person previously agreed with the Monitoring Officer to be present during any meetings or interviews in connection with the concerns you have raised.

- 9.9 Having considered the nature of the issue that gives you cause for concern, and having taken advice or guidance, as necessary, it will be a matter for you to decide to which of the Responsible Officers you will submit your allegation.
- 9.10 In the event of an allegation concerning one of the Council's statutory officers, namely the Chief Executive, the Monitoring Officer, the Section 151 Officer or the Head of Internal Audit, different arrangements will be made as follows:
- If the allegation is against or implicates the **Monitoring Officer**, the Responsible Officers will be the Chief Executive, the Chief Financial Officer the Head of Internal Audit, the Leader of the Council and the Chair of the Governance, Risk and Audit Committee.
 - If the allegation is against or implicates the **Chief Executive**, the Responsible Officers will be the Monitoring Officer, the Chief Financial Officer, the Head of Internal Audit, the Leader of the Council and the Chair of the Governance, Risk and Audit Committee.
 - If the allegation is against or implicates the **Section 151 Officer**, the Responsible Officers will be the Chief Executive, the Monitoring Officer, the Head of Internal Audit, Leader of the Council and the Chair of the Governance, Risk and Audit Committee.
 - If the allegation is against or implicates **more than one statutory officer**, alternative arrangements will be made by the remaining officers and will involve the Leader of the Council and the Chair of the Governance, Risk and Audit Committee.
 - If the allegation concerns the **internal audit service**, the Responsible Officers will be the Chief Executive, the Chief Financial Officer, and the Monitoring Officer.
- 9.11 In the event of the above allegations involving statutory officers the nominated Responsible Officers will undertake a preliminary assessment of the allegation and gauge its nature and validity. If it is concluded that the allegation should be investigated, the following considerations must be addressed:
- Is it appropriate for the investigation to be undertaken in accordance with the procedures outlined?
 - Is it appropriate for the relevant officer to remain at work whilst any investigation is undertaken?
- 9.12 If the answers to either of these questions is "no" the Responsible Officers must refer to Chapter 10, Section 7 of the Council Constitution and, in consultation with the Head of HR, arrange for a meeting of the Employment and Appeals Committee to consider the matter.

10.0 HOW THE COUNCIL WILL RESPOND

- 10.1 A whistleblowing allegation may originate from within or outside the Council and will be received by any of the Responsible Officers.

- 10.2 One of the Responsible Officers (or their nominated deputies) will determine whether or not:
- your concerns should be considered under this policy;
 - your concerns can be allayed satisfactorily without invoking a formal whistleblowing investigation;
 - no further investigation is necessary;
 - your concerns may be resolved by other mechanisms or action, e.g. mediation, training or review; or
 - there is sufficient substance behind your concerns to trigger an investigation.
- 10.3 Where concerns or allegations fall within the scope of other specific procedures (for example, discrimination issues) they will be normally referred for consideration under those procedures.
- 10.4 Some concerns may be resolved by agreed action without the need for investigation. Where this is the case, the Responsible Officer who has assessed this will look to make a record of the outcome agreed with you as the whistleblower.
- 10.5 Where the Responsible Officer concludes that no further investigation is required, they will make and retain a confidential record of the concern for future reference in the event of further concerns arising and advise you accordingly. A conclusion of no action will be recorded. There will be no cross reference to the subject employee's or employees' personal file(s). If their identity is known, the whistleblower will be advised of the outcome. If the Responsible Officer believes that the allegation was made vexatiously or with malicious intent, they will decide if disciplinary action should be taken where the whistleblower is a member of staff. If disciplinary action is pursued, it will be undertaken as a management action, not within the remit of this policy. Where the whistleblower is not a member of staff the Responsible Officer will decide whether any other form of action is appropriate and practical – a clear and intended outcome must be stated and the benefit which the Council will derive must justify taking such action. Any confidential records retained will be kept for a period of 6 years and then destroyed. The nominated Chair of the Governance, Risk and Audit Committee will be informed that a whistleblowing allegation was received and that no investigatory action is being taken.
- 10.6 It is expected that the subject of the allegation will be told about the matters raised but there may be exceptional circumstances where this is not appropriate. The decision to tell the subject of the allegation will consider the consequences of disclosing or not disclosing the information.
- 10.7 Testing out your concern is not the same as either accepting or rejecting it. Where it is agreed that your concern needs further formal investigation, and depending on the nature of your concerns, the matters raised may:
- be investigated by management or internal audit;
 - be referred to the Standards Committee
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 10.8 If the allegation relates to both a Councillor and an officer it may be necessary to conduct a joint investigation. In the event that the investigation finds that there are matters requiring action against the Councillor, this would be conducted through the

Standards Committee; if action is required against the officer, this would be conducted through the Council's disciplinary procedure.

- 10.9 If the Responsible Officer determines that the nature of the whistleblowing concern requires urgent action, this will be taken immediately to reduce or remove the risk to individuals, assets and property, and to protect staff and Councillors. Urgent matters may include theft or fraud that could result in the Council bearing financial losses, or health and safety failings that could result in serious injury or loss of life.
- 10.10 Where the Responsible Officer decides that an investigation should be carried out, they will ordinarily:
- (i) confirm who will be responsible for managing the investigation (the Investigation Manager);
 - (ii) identify and authorise the resources required to undertake the investigation effectively (which may include budgets, internal audit staff (see Appendix A) or external investigators);
 - (iii) agree the steps needed to progress the investigation (including interviews, document reviews and data analysis) along with indicative timescales
 - (iv) ensure that the investigation manager and investigators have the appropriate competencies to discharge their responsibilities.
- 10.11 The Investigation Manager will aim to contact you (in a way which does not arouse suspicions in your workplace) within ten working days of being authorised to undertake a whistleblowing investigation:
- (a) acknowledging that your concern has been received and allocated for action;
 - (b) indicating how it is proposed to deal with the matter;
 - (c) giving an estimate of how long it will take to provide a final response;
 - (d) telling you whether any initial enquires have been made;
 - (e) supplying you with information on staff support mechanisms and advising you of your entitlement to seek advice and support (e.g. trade union or the Employee Assistance Scheme), as appropriate;
 - (f) agreeing with you how to proceed if you have chosen to remain anonymous; and
 - (g) advising you of any other relevant issues concerning the investigation
- 10.12 Depending on the nature of the concern, the Investigation Manager may undertake the investigation or may manage the work of others (e.g. internal audit staff).
- 10.13 The Investigation Manager or other investigator may need to arrange a meeting with you and if you so wish you may be accompanied by your trade union representative or another employee.
- 10.14 The Investigation Manager will aim to give you as much feedback as possible during the course of the investigation but will not be able to infringe any duty of care or confidence owed to someone else. If it is apparent that the investigation will not be completed within 28 days of authorising the investigation, the Investigation Manager will aim to advise you of progress to date and any revised timeframe and where possible will update you at least every four weeks thereafter until the investigation.
- 10.15 The Investigation Manager will take steps to minimise any difficulties you may experience as a result of raising your concern. However, depending on the findings, it may be necessary to convene additional meetings with you or to require you to give evidence in criminal or disciplinary proceedings. In such circumstances the Investigation Manager will arrange for you to receive relevant advice or support.

10.16 Once the Investigation Manager has completed their investigations, they will produce a written report to the Responsible Officer who referred the matter for investigation that sets out:

- (a) the background to the whistleblowing concern;
- (b) the findings of fact and associated evidence;
- (c) the proposed decision and reasons for the decision; and
- (d) the proposed recommendations and associated action plan.

10.17 The Responsible Officer will review the report and seek to reach a decision on what actions to pursue. The following will be considered:

- If the allegation has been substantiated, and / or in the event of ancillary issues being revealed, the Responsible Officer should compile an action plan to address what has happened and the consequences for the Council. Consideration must be given to the following as appropriate:
 - Disciplinary action against the member(s) of staff concerned
 - Remedial actions to recover any financial losses where there has been fraud etc.
 - The potential for legal action against third parties
 - Restoration of the Council's reputation
 - Review / strengthening of relevant internal controls if breached and / or the introduction of new controls and refer to the Governance, Risk and Audit Committee (GRAC) as appropriate.
- If the allegation has not been substantiated, the Responsible Officer should reflect on the context in which the original concern was raised. The Responsible Officer must reach a judgment on whether they still believe in the light of the findings that the original allegation was made in good faith. Where they conclude that this is not the case, the appropriate management action will be agreed concerning the whistleblower and the subject(s) of the allegation.
- Circulation of the report. It should be noted that whistleblowing reports, by their nature, should be treated as confidential. Any wider circulation will need to be clearly justified.

10.18 The Council accepts that you may need to be assured that the cause of your concern has been properly investigated and addressed. Upon conclusion of the investigation the Investigation Manager can arrange to meet with you to ensure this is the case. Subject to legal constraints or other reasonable limitations, the outcomes of any investigation may be shared with you.

10.19 If for any reason, you are not satisfied with the conduct of the investigation you may decide it is still appropriate to take your concerns outside the Council. While it is hoped a satisfactory outcome can be achieved internally, details of how you may take your concerns further are set out in section 13.0 below.

10.20 At the end of each whistleblowing investigation, the Responsible Officer should review the investigative process. That review will consider:

- (a) whether the Policy has been properly followed and that the whistleblower's confidentiality was not compromised;
- (b) the extent to which the whistleblower's concerns have been addressed based on the facts of the matter and the evidence gathered;

- (c) the adequacy of an action plan for issues arising from the investigation and report;
- (d) the extent to which the draft report and action plan should be circulated internally;
- (e) whether any other bodies should be informed of the outcomes (e.g. the Police or the external auditors);
- (f) whether the report outcomes and action plan should be reported to the Governance, Risk and Audit Committee (GRAC), Standards Committee or Overview and Scrutiny Committee.

10.21 Actions relating to internal controls should be fed into and monitored through the Council's performance management system and will be subject to further internal audit review as appropriate to ensure adequacy of the actions taken.

10.22 The Responsible Officer will ensure that the case file is completed as soon as possible. It should then be closed and retained as a confidential document by the Monitoring Officer. The subsequent outcomes of any ongoing management or legal actions will be placed on the file when those actions are concluded.

11.0 WITHDRAWING YOUR ALLEGATION

11.1 You do of course have the right to withdraw any allegation previously made under this Procedure. You should think very carefully before taking this course of action, bearing in mind an investigation may have started and you may need to explain your change of heart.

11.2 If you wish to withdraw your allegation you will need to write to the Investigation Manager. However, even though you have asked for your allegation to be withdrawn, it may be the case that the subject of the allegation is already aware of, or has discovered, the matter(s) of concern. In such circumstances, this could create a tension between you and the subject of the allegation, which may make it necessary to provide appropriate support to address potential difficulties. Depending on the nature of the allegations, this may include mediation, counselling, retraining or redeployment.

11.3 If it is considered appropriate, despite the complainant withdrawing the allegation, the investigation of the allegation/complaint may continue if the Responsible Officer /Investigation Manager deem it necessary.

12.0 THE INVOLVEMENT OF COUNCILLORS IN THE WHISTLEBLOWING PROCESS

12.1 Except where the Leader and the Chair of the Governance, Risk and Audit Committee are involved in the arrangements (see 9.10 above), Councillors will not make decisions on the processing of whistleblowing allegations. This is the role of the Responsible Officers who will inform the Councillors of the outcomes, as appropriate. The primary role for Councillors will be to ensure that appropriate actions stemming from whistleblowing investigations are endorsed and implemented, especially where these relate to governance arrangements. Should a Councillor receive a whistleblowing allegation, they should pass it on immediately to a Responsible Officer.

12.2 Councillors do have a number of formal roles in the whistleblowing process:

- The Chair of the Governance, Risk and Audit Committee will be nominated annually to be the point of contact for the Responsible Officer dealing with a whistleblowing disclosure. Communication will be:
 - Advised that an allegation has been received and whether or not it is to be investigated;
 - A headline summary of the allegation;

- Update on progress and of the final outcome.
- The Leader of the Council is involved as outlined at 9.10 when allegations relate to one or more of the statutory officers. The Responsible Officer may also notify the Leader if the allegations are of a serious concern to the governance and reputation of the Council.
- The Governance, Risk and Audit Committee (GRAC) will receive recommendations and update on progress in addressing these as appropriate.
- Councillors may individually provide support by acting as a friend or advisor to other councillors who come forward as whistleblowers.
- Councillors will be required to formally endorse the Whistleblowing Policy at least every three years.

EXTERNAL ALLEGATIONS PROCEDURE

13.0 HOW THE MATTER CAN BE TAKEN FURTHER

- 13.1 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.
- 13.2 However, if you decide not to use the internal Whistleblowing Procedure set out in the sections above, or you are dissatisfied with the outcome, you are at liberty to make a complaint externally at any time to the appropriate independent organisation. A list of those external agencies which may be used are set out in Appendix C.
- 13.3 You will then need to follow the instructions and procedures of the relevant independent organisation should they decide to investigate your complaint.
- 13.4 Before consulting an external party, the Council recommends that the whistleblower seeks independent legal advice (disclosures to a legal advisor is protected by law). The law most readily protects disclosures that are seen to be 'reasonable'. i.e. disclosures that are made within the Council or to an appropriate regulator at an early stage. If the matter is taken outside of the Council, the whistleblower should ensure that they do not disclose information about a third party that may be covered by a duty of confidentiality (e.g. commercially sensitive information or personal, private data). It is recognised that potentially the Public Interest Disclosure Act and the Data Protection Act could have some bearing on disclosures, however one statute does not overrule the other and both must be complied with, and thus each case would need to be considered on its individual merits.
- 13.5 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information and ensure that you comply with the requirements of the Public Interest Disclosure Act 1998 so that you do not lose the protection of the Act against dismissal or other detriment. Seek advice from the contact point about this.

14.0 WITHDRAWING YOUR ALLEGATION

- 14.1 As with the internal Whistleblowing Procedure, you do of course have the right to withdraw any allegation previously made under this Procedure. You should think very carefully before taking this course of action bearing in mind an investigation may have started and you may need to explain your change of heart.
- 14.2 If you use this Procedure it will be up to the Independent Organisation to whom the allegation has been referred as to how you should do this and you will need to take their advice.

15.0 PROCEDURE FOR THE PUBLIC, CONTRACTORS, COUNCILLORS AND PARTNERS

- 15.1 Members of the Public, contractors, Councillors and partners who suspect a Council employee, Councillors, organisational partners or contractors (in their business dealings with the Council) of impropriety or illegality should contact the District Council's Chief Executive, Monitoring Officer or the Head of Internal Audit.
- 15.2 If your suspicion is about the Chief Executive, Directors, S.151 Officer Monitoring Officer or the Head of Internal Audit then you should contact the External Auditor, contact details are at Appendix A.

- 15.3 All allegations are treated as confidential and will be thoroughly investigated and reported appropriately. The identity of the whistleblower will only be disclosed with their express permission.
- 15.4 For confidential advice about how to proceed with a suspicion anyone can contact Protect ([Contact us - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk))

APPENDIX A SCHEDULE OF KEY CONTACTS

Contact Title	Name	Tel No	Email Address
Monitoring Officer	Cara Jordan	01263 516373	cara.jordan@north-norfolk.gov.uk
Chief Executive	Steve Blatch	01263 516232	Steve.blatch@north-norfolk.gov.uk
Head of Internal Audit	Emma Hodds	01508 533791	ehodds@s-norfolk.gov.uk
Chief Financial Officer (S.151 Officer) Director for Resources	Duncan Ellis	01263 516330	duncan.ellis@north-norfolk.gov.uk
HR Manager	James Claxton	01263 516352	James.claxton@north-norfolk.gov.uk
UNISON – Branch Convenor	Simon Case	01263 516142	Simon.case@north-norfolk.gov.uk
UNISON – Branch Secretary	Jonathon Dunning	01603 624760	Unison.norfolkcounty@btconnect.com
Leader of the Council	Cllr Sarah Bütikofer	01263 515094	sarah.butikofer@north-norfolk.gov.uk
Chair of the Governance, Risk and Audit Committee	Cllr John Rest	07808 299549	john.rest@north-norfolk.gov.uk
Chair of the Employment and Appeals Committee			This committee is politically balanced. Details of the Chair can be obtained from the North Norfolk District Council website or the Democratic Services Manager
Internal Auditor – Manager	Faye Haywood	01508 533873	fhaywood@s-norfolk.gov.uk

APPENDIX B PROTECT

Protect is the independent authority on public interest whistleblowing. Established as a charity in 1993 following a series of scandals and disasters, Protect has played a leading role in putting whistleblowing on the governance agenda and in developing legislation in the UK and abroad.

[Contact us - Protect - Speak up stop harm \(protect-advice.org.uk\)](http://protect-advice.org.uk)

APPENDIX C LIST OF INDEPENDENT ORGANISATIONS

Name and Address	Area of Concern
Protect The Green House 244-254 Cambridge Heath Road London E2 9DA (Telephone: 020 3117 2520 (* option 1)info@protect-advice.org.uk	Protect is the UK's whistleblowing charity. It aims to stop harm by encouraging safe whistleblowing.
Ernst and Young One Cambridge Business Park Cambridge CB4 0WZ (Telephone: 01223 394400	Financial Probity
Local Government Ombudsman The Commission for Local Administration on England The Oaks No 2 Westwood Way Westwood Business Park Coventry CV4 8JB (Telephone: 0845 602 1983)	Maladministration
Norfolk Constabulary Operations and Communications Centre Jubilee House Falconers Chase Wymondham Norfolk NR18 0WW (Telephone: 0845 456 4567)	Breaches of Criminal Law
The Serious Fraud Office 2 – 4 Cockspur Street London SW1Y 5BS confidential@sfo.gsi.gov.uk	Fraud and Corruption

<p>The National Crime Agency Units 1 – 6 Citadel Place Tunworth Street London SE11 5EF (Telephone: 0370 496 7622) www.nationalcrimeagency.gov.uk</p>	<p>For money laundering issues</p>
<p>The Health and Safety Executive Rosebery Court, 2nd Floor St Andrews Business Park Norwich Norfolk NR7 0HS (Telephone: 0845 345 0055)</p>	<p>Health and Safety dangers</p>
<p>Planning Aid East of England Region PO Box 1225 Kenninghall Norwich NR16 2WR (Telephone: 0870 850 9801)</p>	<p>Planning help, advice and information</p>
<p>The Environment Agency National Customer Contact Centre PO Box 544 Rotherham S60 1BY (Telephone: 0800 80 70 60)</p>	<p>Environment dangers</p>

APPENDIX D GLOSSARY OF TERMS

Anonymous – an individual who does not identify themselves at any stage to anyone.

Confidential – information may be confidential when it is non-public and disclosed to predetermined individuals in the trust and expectation that it will not be shared more widely. Information may be confidential to the Council, to a third party (e.g. a commercial contract) or to an individual (e.g. personal and private medical information).

Confidentiality – where the whistleblower's name is known but will not be disclosed without their consent, unless required by law.

Impropriety – an act that is deemed improper or unacceptable in relation to established rules, practices and conventions.

Illegality – a failure to comply with the requirements of, or an act not permitted by, prevailing law.

Malicious – an allegation may be considered malicious if it is a calculated and deliberate decision or act intended to be harmful or spiteful. There is no rigid test or definition, however the key question is whether the decision to or act of making the allegation was undertaken for no other reason than to cause harm to someone.

Personal advantage – a deliberate act or omission which is intended to secure an immediate or future benefit for the individual raising the concern (e.g. increased salary or promotion).

Vexatious – deciding whether an allegation is vexatious is a balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, however, the key question is whether the allegation is likely to cause distress, disruption or irritation, without any proper or justified cause.

Whistleblower – one or more individuals who have a reasonable and honest suspicion of an impropriety or illegality about which they disclose to the relevant organisation.

Witnesses – one or more individuals who have, or provide, independent evidence relevant to the allegation, with voluntarily in advance of an investigation or as part of an investigation.