Lichfield District Council

# Confidential Reporting (Whisteblowing Policy)

## September 2025

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| **Approved by:** | **Audit Committee** |
| **Approval date:** | **September 2025** |
| **Author/owner:** | Director - Finance, Regulation and Enforcement (Section 151) |
| **Review frequency:** | Every 4 years |
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| **Location:** | Intranet and Website |

# 1. Introduction

1.1 The Public Interest Disclosure Act 1998 became law in July, 1999. This Act, introduced the protection of whistleblowers and removes the limits of financial liability to which an organisation is exposed should a whistleblower receive unfair treatment. This policy document sets out the Council's response to the requirements of the Act.

1.2 Under the Enterprise and Regulatory Reform Act 2013, any disclosure made using the Whistleblowing Policy, within reasonable belief of the worker making the disclosure will only be protected if it is made in the public interest. It must also show one or more of the following:

(a) that a criminal offence has been committed, is being committed or is likely to be committed,

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,

(c) that a miscarriage of justice has occurred, is occurring or is likely to occur,

(d) that the health or safety of any individual has been, is being or is likely to be endangered,

(e) that the environment has been, is being or is likely to be damaged, or

(f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

1.3 This policy is designed for workers. Workers include:

- employees;
- agency workers;
- people that are training with an employer but not employed; and
- self-employed workers, if supervised or working off-site.

1.2 Local Government employees have an individual and collective responsibility regarding their conduct and practices, which are always subject to scrutiny. As individuals, employees are required to work within the Code of Conduct for Lichfield District Council Employees and the relevant codes of conduct including the standards appropriate to their professional organisations or associations. The Council's regulatory framework also includes Financial Procedure Rules and Contract Procedure Rules that must be met.

1.3 All employees have a duty to bring to the attention of management any deficiency in the provision of service and any impropriety or breach of procedure, in accordance with Financial Procedure Rules."

1.4 These procedures are in addition to the Council's complaints procedures including the Grievance Policy & Procedure and Prevention of Bullying and Harassment at work policy and other statutory reporting procedures applying to some Services.

# 2 Scope of policy

2.1 This policy aims to:

- encourage you to feel confident in raising concerns that are in the public interest
- 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
- re-assure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

2.2 There are existing procedures in place to enable you to disclose particular concerns. These are:

- The Authority's Grievance Policy & Procedure which enables you to lodge a grievance relating to your own employment;
- The Authority's Counter Fraud and Corruption Policy Statement, Strategy & Guidance Notes, which outlines how you can disclose potential fraud, bribery, corruption and theft;
- The Authority's Prevention of Bullying and Harassment at Work Policy & Procedure, which enables you to disclose cases of potential harassment and bullying;
- The Authority's Safeguarding Children & Vulnerable Adults Protection Policy (which has its own Whistleblowing Procedures in place), for disclosures regarding suspected mistreatment of children and vulnerable adults.
- The Authority's Prevention of the Facilitation of Tax Evasion Policy for disclosures relating to the prevention of the facilitation of tax evasion by the Council's staff, agents and contractual associates under Part 3 of the Criminal Finances Act 2017.

2.3 This policy does **not** replace the corporate complaints procedure or other existing policies for raising issues regarding your employment.

2.4 This policy is subject to four yearly review, unless legislative changes or best practice changes occur. Minor amendments to this policy such as job title changes will be arranged by the Director - Finance, Regulation and Enforcement (Section 151)

# 3 Policy Statement and details

Those working for the Council 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.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects its workers and employees, and others that it deals 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.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable anyone to raise concerns in the public interest, within the Council rather than overlooking a problem or 'blowing the whistle' outside.

## 3.1 Safeguards

The Council is committed to good practice and high standards and shall be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is within reasonable belief, 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.

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 in the public interest.

## 3.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness, but this will be discussed with you, as to whether and how the matter can be proceeded with.

## 3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## 3.4 Untrue Allegations

If you make an allegation 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.

## 3.5 How to Raise a Concern

You should raise your concern with the Director - Finance, Regulation and Enforcement (Section 151), or in their absence with Internal Audit. In the exceptional circumstance, where staff feel unable to raise concerns with the above, they can raise their concern with their line manager, who must immediately inform the Monitoring Officer and / or Chief Executive. Under no circumstances should any investigation be undertaken by management.

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.

Concerns are best raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your particular concern in writing, you can telephone or meet the appropriate officer. The Officer notified of an individuals concern must record those concerns taking a statement where they feel it appropriate.

In addition, a confidential email reporting has been set up for staff and members of the public to report any concerns. Anyone using this facility should provide as much information as possible to ensure the concern can be properly investigated, including leaving your name and contact number, if possible.

The earlier you express the concern, the easier it is to take action, and although you will not be expected to prove the truth of the allegation, you will need to be able to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may invite your trade union or professional association representative or a member of staff to be present during any meetings or interviews in connection with the concerns you have raised.

Advice and guidance on how matters of concern may be pursued can be obtained from the Director - Finance, Regulation and Enforcement (Section 151 or the Monitoring Officer.

## 3.6 External contacts

While it is hoped that this policy gives you the reassurance you need to raise such matters internally and the Council strongly encourages you to pursue concerns through this process, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as prescribed regulators, some of which are outlined below, or the police, or if applicable your own union, who will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

Examples of relevant Prescribed Regulators are as follows:

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| Proper conduct of public business, value for money fraud and corruption relating to the provision of public services | Comptroller and Auditor General |
| Serious and complex fraud | Director of the Serious Fraud Office |
| Environmental issues | Environment Agency |
| Accounting, auditing and actuarial issues | Financial Reporting Council Limited |
| Health & safety issues | Health & Safety Executive |
| Social housing | Homes & Communities Agency |
| Data Protection & Freedom of Information | Information Commissioner |
| Corruption & Bribery | National Crime Agency |
| Child Welfare & Protection | Children's Commissioner<br>NSPCC |

The full list of prescribed regulators can be found in The Public Interest Disclosure (Prescribed Persons) Order 2014.

Protect 020 3117 2520 protect-advice.org.uk, are a registered charity set up to give free independent advice to employees and workers who contact them with concerns. They have qualified legal staff.

## 3.7 How the Council Will Respond

The Council will always respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated internally (the Disciplinary Procedure may be used);
- be referred to the police;
- be referred to the external auditor; or
- form the subject of an independent inquiry.

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 or discrimination issues) will normally be referred for consideration under those procedures.

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

Within ten working days of a concern being raised, the Director - Finance, Regulation and Enforcement (Section 151), will arrange for you to be written to:

- acknowledging that the concern has been received;
- indicating how the Council 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 how the Council will support you if you think this is necessary, whilst the matter is under consideration; and
- telling you whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and you will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

Where any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will keep you informed and inform you of the outcome of any investigation (this will be usually be the appointed Investigating Officer).

### 3.8 The Responsible Officer

The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Director - Finance, Regulation and Enforcement (Section 151), will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

### 3.9 How the Matter can be Taken Further

If you feel that the Council has not responded correctly at any stage, remember you can go to the other levels and bodies mentioned earlier. While it cannot be guaranteed that all matters will be addressed in the way that you might wish, it will always be the Council's intention to handle the matter fairly and properly. By using this policy, you will help achieve this.

If you do take the matter outside the Council, you should ensure that you do not disclose confidential or privileged information. Advice can be sort from the Monitoring Officer.

## 4. How it relates to/underpins our strategic ambitions

4.1 Our ambition and social value objectives are fully aligned with the Lichfield District 2050 strategy. The strategy seeks to meet both **confident and prosperous** part of the strategy by 2050.

a) **Confident communities** are places that are inclusive, resilient, and self-assured, where people take pride in their living environment, respecting and supporting one another regardless of background. A confident community is a cohesive, healthy, safe, prosperous, and happy place. It collectively tackles disadvantage, exclusion and powerlessness and strives to provide a high quality of life for everyone that lives there.

b) A **prosperous community** is one with economic wellbeing, where traditional and new business sectors succeed side by side and where innovation is commonplace and improves opportunity for all people and all areas of a place.

4.2 This will be achieved by the suite of robust counter fraud policies and procedures which allows for regular review and reporting of fraud matters in an open and transparent manner. This allows both residents and staff the ability to report concerns having the confidence that these reports are taken seriously and will be acted upon.

## 5. Related policies and procedures

The council is committed to developing and delivering services in a way that ensures it treats people fairly and promotes equality of opportunity and social cohesion within the wider community.

This policy aims to give the fairest outcomes to everyone regardless of race, gender reassignment, age, disability, pregnancy and maternity, religion or belief, sex or sexual orientation, marital or civil partnerships status and/or disability.

This policy has been subject to an Equality Impact Assessment to ensure that there is no discrimination in the way that it has been designed, developed or how it will be delivered and that, wherever possible, equality is promoted.