

APPENDIX

Whistleblowing – Public Interest Disclosure

1 Introduction

Sheffield City Council is committed to the highest standards of ethics, transparency, integrity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the proper use of public funds and the standards required in public life. If you feel that this is not happening then you need to tell us, we call this Whistleblowing.

We have a Whistleblowing policy to enable employees to raise matters of concern that are in the public interest so that they may be investigated and where appropriate acted upon.

Whistleblowing is legally known as qualifying disclosures. This is where an employee reasonably believes (and it is in the public interest) that one or more of the following is either happening, has taken place, or is likely to happen in the future:

- A criminal offence.
- A failure to comply with any legal obligation.
- Fraud, theft or corruption.
- A danger to the health and safety of any individual (including risks to the general public as well as other employees).
- Damage to the environment.

‘Public interest’ means that whistleblowing cannot be used to challenge financial and business decisions properly taken by Sheffield City Council or to seek reconsideration of any matter already addressed under other internal procedures e.g. grievance, disciplinary, dignity and respect.

Sheffield City Council has a designated Monitoring Officer, this is the Director of Legal and Governance and Monitoring Officer, who has a statutory duty to consider issues, which have or may result in Sheffield City Council being in contravention of the law or code of practice. As the Monitoring Officer has overall responsibility for the maintenance and operation of this policy they will receive an updated log of whistleblowing complaints on a quarterly basis including details of complaints received, action taken and analysis of trends. The Monitoring Officer will also provide information relating to whistleblowing issues and trends to the Council as appropriate.

2. Your Protection

Where an employee raises a concern that they reasonably believe, and is in the public interest, then they are protected under the Public Interest Disclosure Act 1998 even if the belief is later found to be mistaken. This is regarded as a protected disclosure and as such the individual will not suffer any form of punishment as a result of this disclosure for example losing their job or victimisation.

3. How to raise a concern.

There are a number of ways to raise a Whistleblowing concern and you can choose the one that suits you however please ensure that you state you are raising your concern under Whistleblowing. You can do this verbally, in writing by a letter or email. However if you choose to use email, please take extra care to make sure that your message is sent to the correct person and be aware that, due to the nature of email it may be read by other people. To make sure that your concerns are handled quickly, mark the subject box:

Whistleblowing – confidential – recipient only.

a) Raise it with your Supervisor, Manager or a more Senior Manager in your Service.

It is expected that many concerns will be raised openly with supervisors or managers as part of day to day practice. You can do this verbally or in writing by a letter or email. If your concern relates to your line manager then you should raise your concern with another manager within your service or choose another route to do so.

b) Raise it directly with a Whistleblowing Co-ordinator.

You can raise your concern directly with a Whistleblowing Co-ordinator whose role is to receive complaints relating to their specific professional area.

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Legal

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Safeguarding

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Victoria Horsefield Assistant Director 27 34450

c) Raise it with a Contact Advisors.

Sheffield City Council has trained and prepared Contact Advisors, who are also employees, and can be a point of contact for you as an alternative to your supervisor or manager. Contact Advisors are not a point of long term support for employees and will not be involved in the investigation process. They will give advice and signpost you to the appropriate route for raising your concern.

Contact Advisors can be contacted by telephone ([link to telephone numbers](#)).

d) Raise it with external organisations.

If you feel unable to raise your concern internally or if you are not happy with the outcome of the internal investigation you can raise this with the appropriate agency:

- Your local Council member (if you live in Sheffield)
- External Audit (Audit Commission)
- Relevant professional bodies or regulatory organisations
- A Solicitor
- South Yorkshire Police
- Other bodies prescribed under the Public Interest Disclosure Act, e.g.
Information Commissioner's Office
Serious Fraud Office

The Environment Agency
The Health and Safety Executive

If you do take the matter outside Sheffield City Council you need to ensure that you do not disclose confidential information and you should contact the HRAdvisoryService for advice.

You are also able to raise any whistleblowing concerns with your trade union representative.

Anonymous Whistleblowing Concerns

All disclosures within Whistleblowing will be treated in a confidential and sensitive manner. If required, the identity of the employee raising the concern will be kept confidential for as long as possible provided that this allows for an effective investigation and we will not disclose your identity until we have discussed this with you. However should your concern result in your evidence being needed in any external process for example in court or an employment tribunal then we will be unable to keep your identity confidential and we will discuss this with you.

If you do not tell us who you are when raising a Whistleblowing concern it will be much more difficult for us to look into the matter, protect your position or give feedback on the disclosure.

4. What will happen when you raise a Whistleblowing Concern.

Concerns raised under this procedure may be resolved by the person that you raise them with.

Step 1 Verification.

The Manager/Whistleblowing Co-ordinator will meet with you to clarify the facts of your concern. This is known as a verification meeting. As with all City council procedures you have the right of representation at all meetings, which can either be a Trade Union representative or another employee of Sheffield City Council who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

There are three possible outcomes to the verification stage:

- There are no grounds for proceeding further. You will be informed of this in writing with the reasons for no further action needed.
- The matter falls within another procedure. You will be advised of the relevant procedure and this will be referred to the relevant Manager for action.
- An investigation will be commissioned into your concerns.

Step 2 Investigation.

The Manager/Whistleblowing Co-ordinator will appoint an Investigating Manager and Investigation Team who are not from the same service in which the concerns are about. The Investigation Team will have access to an HR Consultant who will provide professional advice on the conduct of the investigation and procedural issues. The investigation will be carried out as quickly as possible whilst being mindful of the nature and complexity of your concern.

The Investigating Manager may ask you to put your concerns in writing and provide as much evidence as possible. It may also be necessary to interview you and provide a witness statement which you will be asked to confirm that it is accurate and complete.

If you would like more information on how and investigation are conducted follow this link ([Link to investigation process](#)).

Step 3 Outcome.

As the employee raising the concern you will be kept informed as to the handling of the matter throughout the investigation and informed of the outcome, as long as it does not break the duty of confidence owed to someone else. If no action is to be taken the reason for this will be explained to you.

If no action is taken as a result of the investigation it does not mean that action will be taken against the employee raising the concern. However should false allegations knowingly be made then Sheffield City Council may consider taking action within its procedures which may include disciplinary action.

5. Responding to a Whistleblowing Concern

Managers and Whistleblowing Co-ordinators guidance (see Manager and Whistleblowing Co-ordinator Whistleblowing Flowchart).

Step 1 Verification.

As the Manager/Whistleblowing Co-ordinator you will complete an initial verification of the whistleblowing concern by meeting with the employee and decide whether there are grounds for an investigation or not by checking and confirming the facts. You need to contact HR for support through this process. Where the whistleblowing concern arises out of potential fraudulent activity this should be reported to Internal Audit.

As with all Sheffield City Council procedures the employee has the right of representation at all meetings, which can either be a Trade Union representative or another employee of the City Council who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

There are three possible outcomes to the verification stage:

- There are no grounds for proceeding further. You will need to write to the employee and inform them of this with the reasons for no further action needed.
- The matter falls within another procedure. You will need to advise the employee of the procedure that you think is appropriate and refer this to the relevant Manager for action.
- An investigation is required. You will need to commission an investigation.

Step 2 Investigation.

You will commission an Investigation and appoint an Investigating Manager and an Investigation Team from another Service Area or Portfolio. The Investigation Team will have access to an HR Consultant who will provide professional advice on the conduct of the investigation and procedural issues. The investigation will be carried out as quickly possible, whilst being mindful of the nature and complexity of the concern disclosed. Follow this link for a more detailed description of how an investigation should be conducted. ([Link to investigation process](#))

Step 3 Outcome.

On completion of the investigation, the Investigating Manager will produce a short written report that will outline the nature of the Whistleblowing concern, the process of the investigation, a summary of the findings of the team and recommendations for action.

Upon receipt of the report you will make a decision as to what action, if any, should be taken based upon the recommendations of the report. This may include using formal action within the City Council's procedures or reference to an appropriate government department or regulatory agency depending upon the circumstances of the case.

You will keep the employee who has raised the Whistleblowing concern informed as to the handling of the matter throughout the investigation and give them as much feedback as appropriate in respect of the outcome, as long as it does not break the duty of confidence owed to someone else. If no action is to be taken the reason for this will also be explained to the employee.

A written record should be kept of each stage of the procedure including copies of any written feedback provided

[follow this link for a template recording document.](#)