

SHEFFIELD CITY COUNCIL

WHISTLEBLOWING

SEE IT – SAY IT

SECTION 1 – INTRODUCTION AND POLICY

1.1 INTRODUCTION

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to staff, the public or the environment, it can be difficult to know what to do.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Sheffield City Council has introduced this policy to enable you to raise your concerns about such issues at an early stage and in the right way. We believe that enabling our employees to raise concerns safely is an important part of corporate health and we want to promote this. We would prefer you to raise the matter when it is just a concern rather than wait for proof provided you believe the concern is true and we encourage you to do so through this procedure.

The Council's Code of Conduct for employees requires that you report genuine concerns of fraud, theft or unethical behaviour etc. This policy provides you with ways of doing that.

If something is troubling you which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use the Grievance Procedure - which you can view on the Council's Intranet site or get from your manager or the Human Resources Team. If you are complaining that you have suffered harassment, discrimination, victimisation or bullying at work please use the Dignity and Respect Procedure which is on the intranet. If, however, your concern is about the dignity and respect of others then it may be appropriate to use this procedure. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

This policy applies to employees of Sheffield City Council including those on permanent, temporary or fixed terms contracts and casual workers. School based employees are not within the scope of this policy but have a separate policy agreed by the Governing Body.

It does not apply to members of the public who should raise their concerns through the Council's complaints procedure either online at: [Customer Feedback - Online Form](#) by telephone on 2735000 or by email at: complaint@sheffield.gov.uk

Your safety

The Council is fully committed to this policy. It will be followed by managers at all levels. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

Confidentiality

The processes of investigating any complaints or issues raised must comply with natural justice and that will often lead to disclosure of the source of the information. We will not tolerate the harassment, bullying or victimisation of anyone raising a genuine concern, however, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping it confidential, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court) we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, protect your position or give you feedback. While we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

Information and support

The Council has a number of Contact Advisors who can provide advice and information to help you explore the appropriate routes to raise your concern. The Contact Advisors can also provide support as the investigation progresses.

If you are a member of a recognised Trade Union your Trade Union can also support you.

Your right to support in meetings

You have the right to be accompanied by your Trade Union Representative or a work colleague who is not involved and would not be called as a witness, in any meetings, which have a connection to your whistleblowing concern.

The meetings you may be required to attend are:

- Meeting a manager or Whistleblowing Contact or Co-ordinator to raise the concern
- Meeting an investigation officer in connection with the concern
- Taking part as a witness in any action taken as a result of raising the concern.

We hope you will feel able to raise your concern with your manager or another manager in your service area, but we know that this will not always be the case and may not be appropriate. For this reason we have provided a number of different ways to raise your whistleblowing concern and these are described in Section 2.

This section will tell you about

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- How to raise a concern
 - Who will receive and handle the information on behalf of the Council
 - Your right to be represented or supported in any meetings

1.4 HOW WE WILL HANDLE THE MATTER

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation e.g. by the Police or by an external regulatory body.

We will tell you who is handling the matter, how you can contact them and whether further assistance may be needed from you.

If your concern falls more properly within the Grievance Procedure or the Dignity and Respect Procedure we will tell you.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, you must tell us at the outset.

In Sections 2 and 3 we have set out what you can expect from us when we handle and respond to your concern.

1.5 IF YOU ARE THE SUBJECT OF A COMPLAINT UNDER THIS POLICY

If you are the subject of a complaint under this policy and procedure you have the right to be accompanied by your Trade Union Representative or a work colleague at any meetings relating to the complaint but this should not be your line manager as they may be required to implement any recommendations that come out of the investigation.

The Council's Contact Advisors can provide support and guidance about the whistleblowing procedure and investigations to both parties. You can access that support if you have whistleblowing allegations raised against you.

If you are the subject of a complaint or investigation under this policy your confidentiality will be respected as with any other procedure.

1.6 INDEPENDENT ADVICE

If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:

- A Whistleblowing Contact – contact details are provide in Appendix C or on the intranet
- Your union – contact details are provided in Appendix C or are available on the Council's Intranet service
- The independent charity Public Concern at Work on 020 7404 6609. Their

lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

1.7

EXTERNAL CONTACTS

We hope this policy gives you the reassurance you need to raise such matters internally, but if you feel unable to raise the concern internally we would prefer you to raise the matter with the appropriate agency than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact

- Your local Council member (if you live in the area of the Council)
- External Audit (Audit Commission)
- Relevant professional bodies or regulatory organisations
- Your Solicitor
- The Police
- Other bodies prescribed under the Public Interest Disclosure Act, eg
 - Information Commissioner's Office
 - Serious Fraud Office
 - Environment Agency
 - Health and Safety Executive

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information, or that disclosure would be privileged. You should, therefore, first check with Legal Services, who will give you confidential advice; you do not have to give your name if you do not wish to. You will find a contact telephone number in Appendix C.

1.8

IF YOU ARE DISSATISFIED

If you are unhappy with our response, remember you can use the other routes detailed in this Policy at paragraph 1.6.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

If you are unhappy with the way you are treated when raising your concern or during the investigation, you can raise this under the Grievance Procedure or under the Dignity and Respect procedure as appropriate but you should not use these alternative procedures to raise the same issues that you raised in your original whistleblowing complaint.

SECTION 2 – RAISING A WHISTLEBLOWING CONCERN

2.1

WHAT TYPES OF CONCERNS CAN BE RAISED

You can use the Whistleblowing Policy to raise concerns about something, involving employees, which is happening at work that you believe to be

- Unlawful conduct
- Financial malpractice
- Causing a danger to staff, the public or the environment
- Contradicting the Council's Code of Conduct

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- Deliberate concealment of any of the above.

We have provided some examples of the kind of issues the Council would consider as malpractice or wrong-doing that could be raised under this Policy at **Appendix B**, however, this should not be considered to be a full list.

If you are in doubt – raise it!

2.2 WHO WILL RECEIVE AND HANDLE THE INFORMATION

The council has trained and prepared members of staff to handle whistleblowing concerns. Some staff will act as **Whistleblowing Contact Officers** and will be a point of contact for you, as an alternative to speaking to your manager. We have also named **Whistleblowing Co-ordinators**, who will be responsible for considering or investigating the matter and letting you know what is happening.

We have tried to make roles and responsibilities as clear as possible so that you can be confident that your concerns will be addressed properly. These are set out in **Appendix A** to this policy.

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will report outcomes, as necessary to the Standards Committee, in a form that will maintain your confidentiality as far as possible. The Monitoring Officer may delegate this responsibility to the Deputy Monitoring Officer. Contact details are provided at the end of this document.

2.3 HOW TO RAISE A CONCERN

There are a number of different ways to raise a whistleblowing concern. You can choose the one that suits you. It doesn't matter which, you can be assured that a named manager will properly consider it. However you decide to raise the concern, please ensure that you state that you are doing so under the Whistleblowing Policy.

If at any stage we feel that your concern is a grievance or a complaint about dignity and respect, rather than a whistleblowing matter, we will tell you.

You or your trade union representative on your behalf can:

a) Raise it with your supervisor, manager or a more senior manager in your service.

If you have a concern, which you believe is covered by the Whistleblowing Policy, we hope you will feel able to raise it first with your supervisor or manager.

If you feel unable to raise the matter with your line manager, for whatever reason (for example, they may be involved in the issue that you are concerned about), you could raise it with a more senior manager in your service or you can use one of the alternative options below.

You can do this verbally or in writing, by letter or email.

Make sure you ask for your concern to be considered under the Whistleblowing Policy.

Please say if you want to raise the matter in confidence so that arrangements can be made to speak to you in private.

b) Raise it with a Whistleblowing Contact Officer

You can use any of the contact numbers listed to raise your concern in confidence. You will speak to a member of Council staff who is trained and prepared to take your call and who will pass it onto the most appropriate Whistleblowing Co-ordinator for consideration or investigation.

c) Raise it directly with a Whistleblowing Co-ordinator

If you feel the matter is so serious that you cannot discuss it with your manager or a Whistleblowing Contact Officer, you can raise your concern directly with a Whistleblowing Co-ordinator. or the Councils Monitoring Officer who will allocate it to an appropriate Whistleblowing Co-ordinator..

d) Raise it with the Council's Monitoring Officer.

If you feel the matter is so serious that you cannot discuss it with any of the officers set out above you can raise it with the Councils Monitoring Officer who will allocate it to an appropriate Whistleblowing Co-ordinator.

Concerns can be raised verbally, by arranging a meeting with the appropriate officer, or in writing by letter or email.

e) Using email

There is no reason why you cannot use email to raise a whistleblowing concern. However, if you choose to use email, please take extra care to make sure that your message is sent to the correct person and consider that, due to the nature of email it may be read by other people. Putting your concerns into an email is the same as writing a letter. To help make sure your concerns are seen and handled quickly, mark the subject box:

Whistleblowing – confidential – recipient only.

f) Raising concerns anonymously

If you choose not to tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. While we will consider anonymous reports, our policy and procedure are not well suited to concerns raised in this way. Please take time to read the policy which sets out our assurances to you if you raise a concern under this procedure.

Your right to support in meetings

If you are asked to attend a meeting in connection with the concern you have raised you may be accompanied in the meeting by your Trade Union Representative or a work colleague (who is not involved and would not be called as a witness), in any meetings, which have a connection to your whistleblowing concern.

SECTION 3 – THE PROCEDURE

STAGE 1 - VERIFICATION

Concerns raised under this procedure may be resolved by the person that you raise them with. This could be your supervisor, manager or a more senior manager in your service. If they are not able to resolve the matter or you have raised your concern with a Whistleblowing Contact it will be referred, on the day that it is received, to the Whistleblowing Co-ordinator most appropriate to the nature of the complaint.

The Whistleblowing Co-ordinator will make initial enquiries to assess whether an investigation is required and, if so, what form it should take. Although you are not expected to prove the truth of any allegation, you will need to demonstrate that there is a sufficient reason for making initial enquiries. This policy provides protection to employees who raise issues in the genuine belief that there is serious cause for concern. If the complaint is found to be in bad faith disciplinary action may be considered.

If it is confirmed that the Whistleblowing Procedure is the appropriate route and an investigation is required, the concern will be recorded, an Investigating Officer will be identified and an investigation commissioned by the Whistleblowing Co-ordinator in consultation with the appropriate service manager or Director. Where managers or Directors within the service may be the subject of the allegations then the Whistleblowing Co-ordinator will consult with a more senior manager within the service or, where appropriate, with a manager from another service or Portfolio. The Whistleblowing Co-ordinator will tell you who will investigate and the likely timescale for the investigation.

If there is insufficient information to make a decision about the most appropriate investigation route the Whistleblowing Co-ordinator will ask you for more information. To ensure that your concern is dealt with efficiently and appropriately it is important that the right process is followed. If the Whistleblowing Co-ordinator considers that the concern falls within the scope of another procedure, such as the Grievance Procedure or Dignity and Respect, they will tell you and advise that it is referred to the relevant manager for appropriate action. This does not mean that your concern is not taken seriously but that it can be addressed more effectively using another procedure. You will be informed which procedure will be used to address the concerns you have raised.

If it is decided not to investigate further you will be told what enquiries have been made and the reasons for the decision.

The verification of your complaint should take place within 10 working days of you raising it.

When any meeting is arranged to discuss your concerns, you have the right to be accompanied by a Trade Union Representative or other person employed by the 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.

STAGE 2 – THE INVESTIGATION

In consultation with the appropriate service manager or Director, the Whistleblowing Co-ordinator will identify an investigating officer or team. Where managers or Directors within the service may be the subject of the allegations then the Whistleblowing Co-ordinator will consult with a more senior manager within the service or, where appropriate, with a manager from another service or Portfolio, the Monitoring Officer or the Chief Executive.

The investigating officer or team will be supported by a HR Advisor.

The Whistleblowing Co-ordinator and the service manager or Director will jointly commission the investigation.

The Investigating Officer will ask you to put your concerns in writing and provide as much evidence as possible. It may also be necessary to ask you to provide a witness statement. You will have the opportunity to confirm that it is accurate and complete.

You will be asked to agree that the information you have provided and your name may be disclosed so that we can decide how the Council will respond and investigate the issue.

If you do not want to disclose your identity the Whistleblowing Co-ordinator will decide how to proceed in consultation with the Monitoring Officer.

The Investigating Officer may need to contact you or other witnesses during the investigation.

The investigation will be carried out as quickly as possible but the time taken will depend on the nature of the matters raised and the availability and clarity of the information required however we aim to conclude whistleblowing investigations within 12 weeks wherever possible. You will be informed if this is not achievable and you will also be advised when the investigation is concluded.

If you are required to take part in the investigation you have the right to be accompanied by a Trade Union Representative or other person employed by the 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.

STAGE 3 – THE OUTCOME

The investigation will be concluded with a written report of enquiries made, the findings on the strength of the evidence and whether the substance of the allegations has been established. If the investigation concludes that the allegations are not substantiated the report will conclude whether the concerns were raised in good faith.

The report will be presented to and considered by the Whistleblowing Co-ordinator and the commissioning manager or Director. The commissioning manager or Director will be responsible for implementing agreed recommendations with the support of the Whistleblowing Co-ordinator or HR where appropriate. A clear and reasonable timescale should be set for implementing the recommendations which shouldn't exceed three months.

The report will include appropriate recommendations and will be presented, in the first instance, to the commissioning Whistleblowing Co-ordinator. They will be responsible for ensuring it is presented to the appropriate officers, internal and external bodies.

As this procedure is aimed at raising concerns where the interests of others or the organisation may be at risk, the person raising the complaint will not normally receive the report. Where legal and confidentiality constraints allow, you will receive information about the outcome of any investigation. This may include findings and recommendations.

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 advise you about the procedure and will provide support.

Monitoring

A central record of all whistleblowing complaints, including dates, substantive issues, findings and outcomes is retained by Human Resources. This is provided on a quarterly basis to the Monitoring Officer who provides reports as necessary to the Standards Committee. The Monitoring Officer will be updated on a regular basis where cases are investigated.

Revised June 2012

ROLES AND RESPONSIBILITIES

Monitoring Officer

The Monitoring Officer has a statutory duty to consider issues, which have or may result in the Council being in contravention of the law or a Code of Practice. For this reason the Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

The Monitoring Officer 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 provide information relating to whistleblowing issues and trends to the Council as appropriate.

Contact Advisors

The Contact Advisors are trained volunteers drawn from across the Council and from each Portfolio. Their contact details are published in the Whistleblowing Policy and on the Intranet.

The Contact Advisors are responsible for

- Receiving the initial contact from the individual raising their concern
- Providing support and guidance on the policy and procedure
- Referring the complaint to the appropriate Whistleblowing Co-ordinator where this is requested by the person raising the complaint
- Completing reporting requirements

The Contact Advisors are trained to handle situations and individuals sensitively, fairly and promptly and to maintain confidentiality wherever possible.

Whistleblowing Co-ordinators

The Whistleblowing Co-ordinators are named officers from the following services

- Human Resources e.g. for employment matters
- Legal e.g. for issues relating to unlawful practice
- Governance e.g. for concerns relating to decision making
- Audit e.g. for concerns relating to financial irregularity, fraud, corruption, theft
- Finance e.g. for matters relating to financial irregularity, financial mismanagement
- Health and Safety e.g. for issue about unsafe or dangerous practices
- Safeguarding e.g. for matters involving service to children and vulnerable adults
- Commercial Services.

Their role is to

- Receive complaints relating to their specific professional area referred by the Contact Advisors or directly from individual employees
- Make initial enquires and assess whether an investigation is required and, if so, what form it should take
- If appropriate, commission the investigation, receive and consider findings in consultation with the commissioning manager or Director

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- Where the concerns or allegations fall within the scope of specific procedures (e.g. disciplinary procedure) refer them to the relevant manager for consideration under those procedures except where this may result in investigation by a person who may potentially be implicated
 - Communicate with the individual who initially raised the concern to inform them of the process to be followed, progress and the outcome
 - Complete reporting requirements

Human Resources

The Human Resources Team are responsible for:

- Development and maintenance of the policy
- Communicating and publicising the policy
- Maintaining the list of Contact Advisors and Co-ordinators and ensuring that appropriate briefing and training is provided
- Provide advice to managers on the appropriate procedure for concerns raised initially under this procedure
- Supporting investigations

Human Resources Business Support Team

The Human Resources Business Support Team will:

- Maintain a central log of whistleblowing complaints, actions and outcomes
- Provide the updated log to the Monitoring Officer on a monthly basis including details of complaints received, action taken and analysis of trends

Corporate Risk Management Group

The Corporate Risk Management Group will receive quarterly reports on whistleblowing issues including analysis of trends.

Audit Committee

The Audit Committee will receive reports on finance or fraud related issues raised through the whistleblowing procedure.

The Audit Committee will also consider the operation of the policy in its annual review of governance arrangements in terms of accessibility and robustness.

Standards Committee

The Standards Committee role is to check within ethical governance frameworks (which are reviewed annually) that the policy exists and is implemented and to be informed about implications for conduct and ethics within the Council.

EXAMPLES OF CONCERNS WHICH MAY BE RAISED

This list shows the kind of issues that may be raised under the Whistleblowing Policy. However, there may be other concerns that can be raised under the policy that are not shown here. A Whistleblowing Contact will be able to advise you if you are not certain whether this is the appropriate process.

- Poor or unprofessional practice by a member of staff or an agency which results in the service user not getting the same quality of service which is available to others
- Improper/unacceptable behaviour towards a service user which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain
- Any unlawful activities, whether criminal or a breach of civil law
- Fraud, theft or corruption
- Concerns regarding possible breaches of Health and Safety Regulations
- Harassment, discrimination, victimisation or bullying of employees and/or service users
- Leaking confidential information in respect of Council activities or records
- Doing undisclosed private work which may conflict with working for the Council, or which are being carried out during working time
- Inappropriate contact with members of the public within Council facilities, or whilst carrying out Council duties or outside of working time
- Taking gifts or inducements
- Inappropriate use of external funding
- Maladministration as defined by the Local Government Ombudsman
- Breach of any statutory Code of Practice
- Breach of, or failure, to implement, or comply with any Council policy
- Misuse of Council assets, including computer hardware and software, buildings, stores, vehicles

WHISTLEBLOWING CONTACT OFFICERS

If you are unable to report a genuine concern by any of the means explained in the policy, you may choose to telephone one of your Directors' numbers as listed below. Outside normal office hours, a voicemail or answer machine facility will be in operation. Please remember that you must leave your name and telephone number at which you can be contacted.

Deputy Chief Executive Team

Alistair Griggs	Director of Modern Governance	34019
Joe Fowler	Director of Communications and Performance	34019
James Henderson	Director of Policy and Research	53126
Edward Highfield	Director of Economy, Enterprise & Skills	53126
Chris Shaw	Director of Health Improvement	53126
Lynne Bird	Director of Legal Services	34018
Aurial Majumdar	Head of Business Support	34250

Resources Leadership Team

Eugene Walker	Director of Finance	35872
Julie Toner	Director of Human Resources	34081
Cheryl Blackett	Head of Human Resources, Policy & Governance	34080
Sue Palfreyman	Head of Human Resources, Service Delivery	35530
Nalin Seneviratne	Director of Property & Facilities Management	34120
Paul Green	Director of Information Services	36818
Barry Mellor	Commercial Director	2053819
Julie Bullen	Director of Customer Services	36967
Kevin Foster	Director of Transformation Programme	2053478
Neil Dawson	Head of Transport Services	2037595

Children, Young People and Families

Jayne Ludlam	Deputy Executive Director of Children & Families	2930063
John Doyle	Director of Business Strategy	35663
Maggie Williams	Children's Commissioner	2930968
Tony Tweedy	Director of Lifelong Learning, Skills & Communities	2296140

Place

John Charlton	Deputy Executive Director/Director of Streetforce	36552
Paul Billington	Director of Culture and Environment	35071
Les Sturch	Director of Development Services	35909
Mick Crofts	Director of Business Strategy	36148
Sue Millington	Senior Strategy Manager	35128
Andy Nolan	Director of Sustainable Development	36135

Communities		
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Eddie Sherwood	Director of Care and Support Communities	34840
Miranda Plowden	Director of Commissioning	35057
Jan Fitzgerald	Interim Director of Community Services	34486
Bev Coukham	Director of Business Strategy	35094

WHISTLEBLOWING CO-ORDINATORS

Human Resources

Cheryl Blackett	Head of Human Resources, Policy and Governance	34080
Sue Palfreyman	Head of Human Resources, Service Delivery	35530

Legal

Lynne Bird	Director of Legal Services	34019
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Governance

Alistair Griggs	Director of Modern Governance	36629
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Audit

Steve Gill	Chief Internal Auditor	34363
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Finance

Eugene Walker	Director of Finance	35872
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Health and Safety

Steve Clark	OD Manager, Safety and Employee Well-being	34796
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Safeguarding

Cath Erine	Service Manager	36870
Karen Bennett	Service Manager	2053846
Des Charles	Service Manager	35819

TRADE UNION REPRESENTATIVES

UNISON	2736307
UNITE	2736486
GMB	2768017

(Contact Officers/Co-ordinators/Trade Union Representatives last updated June 2012)