



## Exmoor National Park Authority

### WHISTLEBLOWING POLICY

#### GENERAL PRINCIPLE

The Authority is committed to the highest possible standards of openness, probity and accountability and encourages employees and others to raise serious concerns about any aspect of the Authority's work, without fear of reprisals.

There are procedures in place to enable employees to lodge a grievance relating to their own employment. This policy covers concerns that fall outside the scope of other procedures.

#### 1. INTRODUCTION

- 1.1. A '*whistleblower*' is someone who reports a certain type of wrongdoing that is in the public interest.
- 1.2. The Public Interest Disclosure Act 1998 ensures that irregularities can be identified and addressed quickly and seeks to strengthen employment rights by protecting responsible workers who report wrongdoing or failures in the workplace.
- 1.3. Employees may be the first to realise that there may be something seriously wrong within an organisation. However, they may be reluctant to raise their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation, or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.4. The Authority is committed to the highest possible standards of openness, probity and accountability. Employees and others are encouraged to come forward with their concerns about any aspect of the Authority's work. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns **within** the Authority rather than ignoring a problem or reporting it to an outside body.
- 1.5. The Authority recognises and endorses that seeking advice from, and being represented by your Trade Union may be the best course of action for a member of staff to raise any issue under this policy.

#### 2. AIMS AND SCOPE

- 2.1. This policy aims to:
  - Provide avenues for employees, Members and volunteers to raise concerns and receive feedback on any action taken.
  - Allow employees, Members and volunteers to take the matter further if dissatisfied with the Authority's response.
  - Reassure employees, Members and volunteers that they will be protected from reprisals or victimisation when reporting concerns in good faith.
- 2.2. This policy covers concerns that fall outside the scope of other procedures such as the grievance or complaints procedure. It is not a mechanism to challenge lawful financial or business decisions made by the Authority or its Committees. Nor an alternative to disciplinary or grievance procedures. However, it may overlap with other corporate

policies for dealing with suspected irregularities, such as Anti-Fraud, Corruption and Bribery, complaints, Member Code of Conduct and the Authority's Standards of Conduct.

2.3. Concerns raised under this policy should be about something believed to be:

- unlawful or a criminal offence; or
- a breach of a legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest); or
- a miscarriage of justice; or
- mistreatment or abuse of a client or a member of the public for whom the Council has a responsibility; or
- likely to endanger the health and safety of an individual; or
- seeking undue favour over a contractual matter or a job application; or against the Council's Financial Regulations; or
- amounts to improper conduct or unauthorised use of public funds;
- has led to or could lead to damage to the environment; or
- deliberately covers up information tending to show any of the above.

## **2. SAFEGUARDS**

### **2.1. Harassment or Victimisation**

The Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the suspected malpractice. The Authority will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. Harassment or victimisation will be dealt with under disciplinary procedures.

This does not mean that if the whistleblower is already the subject of disciplinary, capability or redundancy procedures, that those procedures will be halted because of their whistleblowing.

Dismissal of an employee (or selection for redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure.

### **2.2. Confidentiality**

All concerns will be treated in confidence and the Authority will do its best to protect your identity if you do not want your name disclosed. It must be appreciated, however, that if investigation of a concern discloses a situation sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. However, your name will not be released until the reasons have been discussed with you.

The investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

### **2.3. Anonymous Allegations**

Employees are encouraged to put their name to their concern as it may not always be possible to investigate or act upon concerns expressed anonymously, particularly if important information is not available.

The following criteria will be considered when decided whether to take action in respect of an anonymous report:

- The seriousness of the issues raised
- The credibility of the concerns
- The likelihood of confirming the allegation from attributable sources

Concerns raised anonymously are more difficult to investigate and feedback on the matter. If you wish to raise your concern anonymously, it may be better for you to contact your trade union and ask them to raise the concern on your behalf.

## **2.4. Untrue Allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes untrue, malicious or vexatious allegations, disciplinary action may be taken against them.

## **3. RAISING A CONCERN**

3.1. As a first step, you should normally raise concerns with your line manager or member of Leadership Team. If you feel this is inappropriate or your complaint is that something seriously wrong is occurring at senior management level within the Authority, depending on the seriousness and sensitivity involved, you may prefer to approach the

- Chief Finance Officer (Head of Finance and Operations) – 01398 322222, [gmbryant@exmoor-nationalpark.gov.uk](mailto:gmbryant@exmoor-nationalpark.gov.uk)
- Solicitor and Monitoring Officer (Devon County Council, Legal Services), - details available from the Corporate Support Officer
- Head of Devon Audit Partnership (DAP), Telephone: 01392 382438, email: [audit@devon.gov.uk](mailto:audit@devon.gov.uk)
- Independent Member (Authority's Standards Committee) – details available from the Corporate Support Officer

3.2. Concerns are better raised in writing. Set out the background and history of your 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 concern in writing, you may telephone or meet the appropriate officer. If necessary, reasonable provision will be made to help you make your statement including an interpretation service or recorded statement.

3.3. The earlier you express your concern, the easier it is to take action.

3.4. Although you are not expected to prove the truth of an allegation, you will need to explain the grounds for your concern and any evidence in support.

3.5. If you are a member of a Trade Union, you may wish to seek advice from your Trade Union representative on how best to raise your concern. Where you wish to raise your concern anonymously, it may be possible to do this through your Trade Union.

## **4. RESPONDING TO CONCERNS**

4.1. In order to protect individuals and the Authority, initial inquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations, which fall within the scope of specific procedures (for example bullying/harassment/discrimination issues), will normally be referred for consideration under those procedures.

4.2. The action taken by the Authority will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be:

- Investigated internally
- The subject of an independent (external) investigation
- Referred to Internal Audit (Devon Audit Partnership)
- Referred to the Police
- Referred to the Standards Committee

4.3. Some concerns may be resolved by agreed action without the need for investigation.

4.4. Within ten working days of a concern being received, the Authority will write:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Giving an estimate of how long it will take to provide a response
- Telling you whether further investigations will take place, and if not, why not

If required, the written statement can be produced in alternative formats, e.g. on recorded message or in another language (if English is not the first language of the employee).

4.5. The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

4.6. The Authority is committed to ensuring an employer, Member or volunteer who reports a concern in good faith suffers no detriment by reason of doing so.

## **5. FURTHER ACTION**

5.1. The Authority hopes you will be satisfied by its response. If you are not, then you may wish to raise the matter with the Chief Executive or Chairman of the Authority.

5.2. If you feel that it is necessary to take the matter outside the Authority, you may wish to consider:

- Your Trade Union
- The Local Government Ombudsman
- Relevant professional bodies or regulatory organisations
- A solicitor or legal advisor
- The Police
- The Health and Safety Executive
- Independent Member
- External Auditor

## **6. RESPONSIBLE OFFICER**

6.1. The Authority's Chief Executive has overall responsibility for the operation of this policy.

6.2. The Authority will maintain a record of all concerns raised under this policy and the outcomes of any investigations (in a way that does not compromise confidentiality) and report as necessary to the Authority.

6.3. Confidential information will be stored within the Human Resources folder which can only be accessed by the HR Officer.

## **7. FURTHER ADVICE AND SUPPORT**

Protect (free and confidential whistleblowing advice) <https://protect-advice.org.uk/>

Unison <https://www.unison.org.uk/get-help/knowledge/disputes-grievances/whistleblowing/>

ACAS <https://archive.acas.org.uk/index.aspx?articleid=1919>

[E-learning module](#): Whistleblowing with Confidence (under Information Management)

[ENPA Policies](#): Anti-Fraud, Corruption and Bribery, Disciplinary and Grievance Procedures