

# Whistleblowing (Speak Up) Policy and Procedure

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# WHISTLEBLOWING (SPEAK UP) POLICY AND PROCEDURE

## 1. INTRODUCTION AND PURPOSE

### 1.1 Our commitment

Gedling Borough Council is committed to the highest standards of integrity, openness, honesty and accountability. The Council wants people to feel safe to speak up where they reasonably believe that wrongdoing, malpractice or a serious risk has occurred, is occurring, or is likely to occur. Speaking up about concerns at an early stage is encouraged and this policy sets out how we will deal with complaints of serious wrongdoing and what support we will provide for those people who do report concerns under this policy. The Council are committed to running our organisation in the best way possible and to do so, we need your help.

### 1.2 What whistleblowing means

Whistleblowing is the act of reporting suspected serious wrongdoing. Legally it is called making a disclosure in the public interest and is designed to protect the people who speak out. This means raising a concern in the public interest about wrongdoing connected to the Council's work, services or activities. This policy is intended to support early reporting, fair handling, timely action and organisational learning. It applies to both people working for or on behalf of the Council and external people, such as members of the public, who wish to raise a serious concern about wrongdoing connected to the Council.

For external people, this policy is intended for serious public-interest concerns about wrongdoing rather than routine service complaints or requests for service. This policy is intended for concerns where the public interest is affected. This means where other people are affected which could include the wider public, customers, staff or the organisation itself.

### 1.3 Who can raise a concern

- Employees – for example people employed directly by the Council under a contract of employment;
- Other workers – meaning people who personally carry out work for the Council but are not employees, for example some agency workers, casual workers or others engaged to provide work personally;
- Contractors, consultants and suppliers – for example organisations or individuals providing services, goods or specialist advice to the Council;
- Volunteers – for example people supporting Council activities on an unpaid basis;
- Councillors;
- Members of the public; and
- Others connected with the Council, where relevant.

References in this policy to a whistleblower mean any person listed above who raises a concern under this procedure.

#### 1.4 Examples of serious wrongdoing

- **Criminal activity or legal and regulatory breaches** – for example fraud, theft, bribery, corruption, tax evasion, procurement offences, data protection breaches, harassment or discrimination, sexual harassment or failure to comply with a statutory duty, regulatory requirement or other legal obligation.
- **Financial wrongdoing or misuse of resources** – for example financial mismanagement, misuse of public funds, false claims, payroll irregularities, unauthorised spending, manipulation of accounts, or misuse of Council property, information or assets.
- **Miscarriage of justice** – for example the suppression of evidence, knowingly giving misleading information, improper influence over a decision, or serious failures in due process.
- **Health, safety or environmental risk** – for example unsafe working practices, failure to follow safeguarding or health and safety procedures, exposure to avoidable harm, pollution, unlawful disposal of waste, or damage to the environment.
- **Abuse of power or serious governance failure** – for example abuse of position, conflicts of interest, improper influence, breaches of codes of conduct, unauthorised decision-making, concealment of poor practice, or other serious failures in governance or internal control.
- **Deliberate concealment** – for example destroying records, falsifying documents, withholding key information, pressuring others not to report concerns, or otherwise attempting to hide wrongdoing.

#### 1.5 Legal framework

Statutory protection for whistleblowers is governed by the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and subsequent legislation. The Council will handle concerns raised under this policy in a way that reflects both the legal framework and good practice expectations for a positive speak-up culture.

#### 1.6 Best practice and guidance

In applying this policy, the Council will seek to align its arrangements with current legislative requirements and recognised best practice, including the statutory whistleblowing framework, current UK Government guidance on whistleblowing and prescribed persons, Chartered Institute of Public Finance and Accountancy (CIPFA) guidance on good governance and on managing the risk of fraud and corruption, relevant internal audit standards, and wider public-sector good practice on speak-up culture, confidentiality, organisational learning and protection from detriment.

#### 1.7 Aims of this policy

This policy aims to:

- encourage people to raise concerns early and in the public interest without fear of reprisal, detriment or victimisation;
- make clear how concerns can be raised and how they will be assessed, investigated and concluded;
- ensure concerns are taken seriously, handled fairly, proportionately and confidentially so far as possible;
- protect whistleblowers from retaliation and make support available throughout the process; and
- use themes, trends and outcomes to strengthen governance, internal control, counter-fraud arrangements and organisational learning.

### **1.8 What this policy is not for**

This policy is not intended to be used:

- for personal employment concerns, including grievances, bullying, harassment, discrimination, capability or disciplinary matters, unless there is a wider public interest issue. Personal grievances should normally be raised through the Council's grievance procedure;
- as a substitute for the Council's complaints process,
- Complaints relating to Councillor conduct under standards arrangements,
- safeguarding procedures or other specialist reporting routes;
- as an appeal route against decisions made under other Council procedures
- for concerns raised maliciously, vexatiously or with knowledge that the information is false. Such matters may be dealt with under the Council's complaints, conduct, disciplinary or other appropriate procedures, and may result in action being taken where justified

## **2 SCOPE OF THIS POLICY**

### **2.1 What this policy covers**

This policy covers concerns about serious wrongdoing connected to the Council's work, services, governance, assets, contracts, partnerships and use of public funds. It may be used by internal people, such as employees and others working for or on behalf of the Council, and by external people, such as members of the public, where the concern relates to serious wrongdoing in the public interest. External people should use this policy where they reasonably believe there is serious wrongdoing, malpractice, fraud, corruption, a serious risk, or another public-interest concern connected to the Council.

### **2.2 Reasonable belief and supporting information**

A whistleblowing concern does not need to be proved by the person raising it. However, the concern should be raised honestly, with as much factual

information as possible, and on the basis of a reasonable belief that it is in the public interest.

### **2.3 Speak-up culture**

The Council expects managers and leaders to promote a culture where people feel able to speak up, concerns are listened to respectfully, and issues raised are used to improve services, governance and control arrangements.

### **2.4 Signposting to the right process**

If this policy is not the right route for a concern, the Council will explain this clearly and, where possible, signpost the person raising the concern to the correct process. For example, personal employment matters may need to be dealt with under HR procedures, and routine service complaints, requests for service or dissatisfaction with service standards from members of the public may need to be dealt with under the Council's complaints procedure, unless there is a wider public interest issue such as fraud, corruption, safeguarding risk, legal non-compliance or serious misconduct.

## **3. SAFEGUARDS, CONFIDENTIALITY AND SUPPORT**

### **3.1 Statutory protection for workers**

Workers who make a qualifying protected disclosure under the Employment Rights Act 1996 are protected by law from dismissal and detriment because they have spoken up.

### **3.2 When legal protection applies**

To qualify for statutory protection, a worker must reasonably believe that the disclosure tends to show one or more types of wrongdoing set out in law and that making the disclosure is in the public interest. This reflects the legal tests in the Employment Rights Act 1996 and the approach set out in current UK Government guidance.

### **3.3 Raising concerns honestly**

The Council does not require a concern to be fully evidenced or proven in order for it to be considered under this policy. However, concerns should be raised honestly and genuinely and not for personal gain, maliciously or with knowledge that the information is false. This approach reflects the current statutory framework and good-practice guidance, which emphasise the public interest test, reasonable belief, fair handling and protection from detriment.

### **3.4 Protection from retaliation**

The Council will not tolerate victimisation, harassment, bullying, intimidation or

any other detriment suffered because a person has raised a concern or assisted with an investigation. Allegations of retaliation will be treated seriously and may result in disciplinary action or other appropriate action.

### **3.5 Separate employment matters**

A whistleblowing disclosure does not prevent the Council from managing unrelated employment matters appropriately where there are separate legitimate grounds for doing so.

## **4. CONFIDENTIALITY AND ANONYMITY**

### **4.1 Protecting identity**

The Council will treat concerns sensitively and, so far as possible, protect the identity of a whistleblower. However, confidentiality cannot be guaranteed in every case, for example where disclosure is required by law, is necessary to safeguard others, or is needed to enable a fair investigation or legal process.

### **4.2 Anonymous concerns**

Concerns may be raised anonymously, but this can make assessment, investigation, feedback and protection more difficult. Anonymous concerns will be considered on their merits, taking account of seriousness, credibility, supporting information and the ability to investigate.

### **4.3 Support available**

The support available will depend on who is raising the concern and the circumstances of the case. Employees and other workers may seek support from a trade union representative, workplace representative, HR where appropriate, or independent confidential advice such as Protect or a legal adviser. Members of the public and other external people can also seek independent advice and, where a matter is not suitable for whistleblowing, will be signposted to the Council's complaints process or another appropriate route. Where an external person raises a concern under this policy, the Council will normally acknowledge it, consider whether it falls within the scope of whistleblowing, and explain the next steps or the more appropriate route, so far as it is able to do so. The Council will not tolerate any attempt to victimise, disadvantage or deter a person from raising a genuine concern in the public interest.

## **5 HOW TO RAISE A CONCERN**

### **5.1 Who you can raise a concern with**

A concern can be raised by staff with a line manager, a more senior manager,

Assistant Directors, the Chief Executive (Head of Paid Service), the Section 151 Officer, the Monitoring Officer or Internal Audit. Where the concern relates to a particular individual or service area, it should be raised through a route that avoids any actual or perceived conflict of interest.

## **5.2 How to raise a concern**

Concerns can be raised in writing, by email, by telephone, through an approved reporting channel or in person. The whistleblower should provide as much detail as possible, including what happened, when, where, who was involved, whether there is evidence, and why the matter is a concern.

## **5.3 How external people can raise a concern**

Members of the public and other external people should normally raise a whistleblowing concern with the Monitoring Officer (contact details provided below) where the concern relates to serious wrongdoing connected to the Council. When raising a concern, it will help to explain what happened, when it happened, who was involved, why you believe it is a serious public-interest concern, and whether you have any supporting information. If the matter is a routine complaint about a service, delay, decision or service standard, it should normally be raised through the Council's complaints procedure unless there is also a wider public-interest issue.

## **5.4 Raise concerns promptly**

Concerns should be raised as soon as possible. The earlier a concern is reported, the easier it is to preserve evidence, manage risk and take appropriate action.

## **5.5 No need to prove the concern**

A whistleblower is not expected to investigate or prove the concern. The Council's role is to decide whether the concern falls within this policy and, if so, what action is appropriate.

## **5.6 Advice before raising a concern**

Advice about how to raise a concern may be obtained from the Council's designated contacts, a trade union representative, Protect or an independent legal adviser.

## **5.7 Being accompanied**

A whistleblower may be accompanied at a meeting by a trade union representative, workplace representative or other companion where appropriate.

## **5.8 Equality Duty – The Council has a reasonable adjustments policy and will ensure appropriate support is given to facilitate the whistleblowing process.**

## **6. INITIAL ASSESSMENT AND TRIAGE**

### **6.1 Acknowledgement and initial assessment**

All concerns raised under this policy will be acknowledged promptly, assessed by the Monitoring Officer and another member of the Senior Leadership Team or the Assistant Director of Workforce to determine whether they fall within the scope of whistleblowing, and risk-assessed to decide what immediate action is needed. Where the allegation is one of fraud or raises financial matters the Chief Finance Officer and S.151 Officer will be included in the initial assessment.

### **6.2 What is considered at triage**

At the triage stage, the Council will consider matters such as urgency, safeguarding, financial exposure, fraud risk, reputation and public standing, legal and regulatory issues, potential retaliation, conflicts of interest and whether another reporting route or specialist procedure is more appropriate.

### **6.3 Possible outcomes of triage**

Following initial assessment, the Council may decide to investigate internally, appoint an appropriately senior and independent person to oversee or carry out an investigation, refer the matter to Internal Audit, HR, Legal Services, safeguarding leads, an external auditor, the Police or another regulator, or resolve the issue through immediate management action where appropriate.

## **7. HOW THE COUNCIL WILL RESPOND**

### **7.1 Proportionate response**

The Council will respond proportionately to the nature and seriousness of the concern. Action may include immediate risk management steps, fact-finding, a formal investigation, referral to another procedure, referral to an external body, or a combination of these actions.

### **7.2 Passing concerns to the right person**

Any person receiving a concern must not investigate it unless authorised to do so. They must pass it promptly to the appropriate Monitoring Officer so that independence, confidentiality and evidence can be managed properly. The Council will seek to ensure that any investigation is overseen or carried out by a person with appropriate seniority, expertise and independence from the matters raised.

### **7.3 Involvement of key officers**

Where a concern involves suspected fraud, corruption, serious financial irregularity or misuse of public money, the Section 151 Officer should be involved at an early stage. Where appropriate, the Monitoring Officer, HR and safeguarding leads should also be involved.

#### **7.4 Managing independence and conflicts of interest**

The Council will take reasonable steps to avoid actual or perceived conflicts of interest when deciding how a concern should be handled and who should investigate it. Where this is necessary to protect independence, fairness or public confidence, the matter may be referred to an external body or an alternative investigating route.

## **8. FEEDBACK, OUTCOMES AND RECORD KEEPING**

### **8.1 Acknowledging receipt and next steps**

The Council will normally acknowledge receipt of a concern within 10 working days and, where possible, explain how the matter will be handled, whether any initial enquiries are required and the likely next steps including if possible details of the officer appointed to investigate the concern.

### **8.2 Providing feedback**

The level of feedback that can be given will depend on confidentiality, legal restrictions, data protection and the rights of other individuals. The Council will nonetheless seek to keep the whistleblower appropriately informed and assured that the concern has been considered and addressed.

### **8.3 What external people can expect**

Where a member of the public or another external person raises a concern under this policy with the Monitoring Officer, the Council will normally acknowledge receipt, carry out initial assessment (as in para 6.1) consider whether the concern falls within the scope of whistleblowing, and, where possible, explain whether it will be handled under this policy or through another appropriate route. If the matter is better dealt with as a service complaint or another type of report, the Council will normally explain this and, where possible, signpost the person to the correct route. The level of detail that can be provided about any action taken will depend on confidentiality, legal restrictions and the rights of others.

### **8.4 Record keeping**

A central record of whistleblowing concerns will be maintained securely by HR. Records should include the nature of the concern, date received, route of referral, action taken, outcome, learning points and any follow-up action, while protecting confidentiality as far as possible.

## **8.5 Learning from concerns raised**

Themes, trends and lessons learned from whistleblowing concerns should be reviewed periodically to inform governance reporting, fraud risk management, control improvement, staff awareness and policy review.

# **9. RAISING A CONCERN EXTERNALLY**

## **9.1 When external disclosure may be appropriate**

The Council encourages concerns to be raised internally first wherever possible. However, workers may in some circumstances make a protected disclosure to an appropriate prescribed person or other external body in accordance with the law.

## **9.2 Using prescribed persons and external bodies**

External disclosures should be made only to the body responsible for the relevant issue. The current list of prescribed persons and bodies is maintained by the [UK Government](#) and may change from time to time:

- the external auditor, where relevant to audit or value for money matters;
- the Police, National Crime Agency or Serious Fraud Office, where criminal conduct is suspected;
- the Health and Safety Executive, Information Commissioner, Environment Agency, HMRC or another regulator relevant to the concern; and
- other prescribed persons listed by the UK Government for specific subject areas.

## **9.3 Seeking independent advice**

Anyone considering an external disclosure should take care not to disclose information unlawfully. Independent confidential advice should be sought where needed.

# **10. GOVERNANCE AND RESPONSIBILITIES**

## **10.1 Designated roles and coordination**

The Council will designate appropriate officers to receive, assess and coordinate whistleblowing concerns these officers are the Monitoring Officer, Head of Paid Service, Chief Finance and S.151 Officer and Assistant Director of Workforce and all members of Senior Leadership Team. These arrangements should ensure independence, confidentiality, appropriate expertise and escalation where necessary.

## **10.2 Alignment with good governance**

Governance arrangements under this policy are intended to support the Council's wider local code of governance and assurance framework, including the principles of openness, accountability, ethical behaviour, effective risk management, internal control, and continuous improvement reflected in CIPFA/SOLACE good governance guidance and related professional standards.

## **10.3 Oversight and reporting**

The Monitoring Officer and the Chief Finance Officer & Section 151 Officer will maintain joint strategic oversight of this policy, supported by Internal Audit and HR as appropriate. The Audit Committee or other appropriate committee should receive periodic, anonymised reporting on whistleblowing activity, themes, outcomes and lessons learned. This supports recognised best practice in governance oversight, organisational learning, counter-fraud resilience and assurance.

# **11. MONITORING AND REVIEW**

## **11.1 Review frequency**

This policy will be reviewed regularly and at least every two years, or sooner if there are changes in legislation, statutory guidance, Council structures or recognised best practice.

## **11.2 Standards used in review**

In reviewing this policy, the Council should take account of relevant legislation, including the Employment Rights Act 1996, Employment Rights Act 2025 and Public Interest Disclosure Act 1998 framework, current UK Government guidance on whistleblowing and prescribed persons, CIPFA guidance on good governance and on managing the risk of fraud and corruption, applicable internal audit standards, and wider public-sector good practice on speak-up culture and whistleblower experience. The Council should also use periodic review of whistleblowing cases, themes and outcomes to test whether arrangements remain effective, trusted, accessible and consistent with best practice, and to identify improvements to training, awareness, reporting routes, support, controls and governance oversight.

# **12. POLICY OWNERSHIP AND APPROVAL**

## **12.1 Policy owner**

The policy owners are the Monitoring Officer and the Chief Finance Officer & Section 151 Officer, working with Internal Audit and HR as appropriate.

## **12.2 Approval and review**

This policy should be approved by Cabinet following review by the Audit Committee. The approval date, version number and next review date should be recorded in the Council's document control arrangements.

## **12.3 Related documents**

This policy should be read alongside the Council's grievance procedure, complaints procedure, arrangements for dealing with Code of Conduct complaints, safeguarding procedures, counter fraud and corruption strategy, fraud response plan, financial regulations and other related governance documents.

The Monitoring Officer can be contacted at [francesca.whyley@gedling.gov.uk](mailto:francesca.whyley@gedling.gov.uk) or at the Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.