BARNSLEY
Metropolitan Borough Council

Confidential Reporting (Whistleblowing) Policy

Policy and Guidance for Whistleblowers

Document Control

Organisation	Barnsley Metropolitan Borough Council
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Review Responsibility	Audit and Governance Committee

Revision History

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March 2024	1.0	Head of Corporate Assurance	Updated to reflect minor changes in structure and terminology
March 2025	2.0	Head of Corporate Assurance	Review
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Policy Governance

The following table identifies who within BMBC is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

Responsible – The person(s) responsible for developing and introducing the policy
Accountable – The person who has ultimate accountability and authority for the policy
Consulted – The person(s) or groups to be consulted prior to final policy implementation or amendment
Informed – The person(s) or groups to be informed after procedure implementation or amendment.

Responsible	Corporate Assurance Team
Accountable	Director of Finance
Consulted	Audit and Governance Committee
Informed	All Barnsley MBC employees, temporary staff, contractors, all elected members, or anyone working on Council premises or on behalf of the Council

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1. INTRODUCTION

1.1 Barnsley Council is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.

1.2 Employees and others who work with the Council are often the first to realise that there may be something 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. Indeed it may also be the case that someone with a concern is not aware how best to raise concerns.

1.3 The Confidential Reporting Policy is a vital element of the Council's governance arrangements and is designed to allow those employed by the Council to come forward and raise concerns of wrongdoing involving the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities.

1.4 As such the Council is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest. It is important to stress that any concern raised through this Policy will be treated confidentially and with the utmost seriousness.

1.5 This policy seeks to set out how the Council will handle and respond to serious allegations of perceived wrongdoing raised by employees of the Council.

Aims and Scope

1.6 The Confidential Reporting Policy seeks to cover all disclosures and allegations made by employees of Barnsley Council, including temporary and agency staff and those employed in locally managed schools.

1.7 It also extends to any other individuals who work for the Council who want to raise an allegation of perceived wrongdoing, including consultants, contractors and sub-contractors who are engaged in work for the Council.

1.8 The policy seeks to:

- Support the culture of zero tolerance toward fraud and corruption and deter wrongdoing;
- encourage employees and others with serious concerns about any aspect of the Council's work to feel confident to come forward and voice those concerns;
- facilitate raising concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
- provide safeguards to reassure those who raise concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;
- set out how the Council will respond to allegations made and provide feedback to the whistleblower on any action taken;
- ensure that employees know what to do if they are not satisfied with actions taken.

1.9 The Confidential Reporting Policy is not to be used where other more appropriate internal reporting procedures are available. There are existing Council procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a general complaint, which by contrast, generally have no additional public interest dimension.

Further guidance explaining the difference between whistleblowing and making a complaint is shown at **Appendix B - Frequently Asked Questions**.

1.10 This Confidential Reporting Policy covers concerns that fall outside the scope of those existing internal procedures. The Council will investigate under the confidential reporting (whistleblowing) process any allegations made through the above procedures, which raise serious concerns over wrongdoing.

1.11 **Safeguarding** – any concerns relating to a child protection issue or the abuse or neglect of an adult should be reported in line with the specific guidelines outlined on the Council's website:

Safeguarding Children;
Safeguarding Adults

1.12 Any individuals who are raising concerns relating to money laundering offences or Proceeds of Crime Act 2002 are required to report these concerns directly to the Money Laundering Reporting Officer (MLRO) in line with the Anti Money Laundering Policy.

2. WHAT IS WHISTLEBLOWING?

2.1 Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace. It is the confidential disclosure by an employee, of any concerns relating to a perceived wrongdoing involving any aspect of the Council's work or those who work for the Council. The whistleblowing process assists individuals, who believe they have discovered malpractice, impropriety or wrongdoing, to raise a concern, in order that this can be addressed. Examples of wrongdoing are shown at **Appendix A.**

2.2 The **Public Interest Disclosure Act 1998 (PIDA)** is known as the Whistleblowing law and is designed to encourage and enable employees to "speak out" and to report suspected wrongdoing at work. This is commonly known as "blowing the whistle".

2.3 The **Enterprise and Regulatory Reform Act 2013** introduced a public interest test in relation to whistleblowing. This ensures that, in order to benefit from protection, whistleblowing claims must satisfy a public interest test and disclosures which can be characterised as being of a personal rather than a public interest will not be protected.

Further guidance explaining the difference between whistleblowing in the public interest and making a personal disclosure is shown at **Appendix B - Frequently Asked Questions**.

2.4 The above legislation legally protects employees (including those employed in schools maintained by the Council, temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a result of making a "*protected disclosure*" (a qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

2.5 In making a protected disclosure the employee must:

- reasonably believe that the disclosure they are making is in the public interest;
- reasonably believe that the information detailed and any allegations in it are substantially true; and
- the matter disclosed must fall within the matters prescribed for that regulator.

2.6 A disclosure of information is not a protected disclosure if, by making the disclosure, the worker commits an offence such as breaching the Official Secrets Act or Misconduct in public Office.

2.7 Whilst protection under PIDA covers employees and most workers it is not extended to partners, non-executive directors, volunteers or the self-employed. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than employees of the Council. As with internally reported cases, particular consideration needs to be given to matters of confidentiality.

3. HOW TO REPORT A WHISTLEBLOWING CONCERN

Making an Internal disclosure

3.1 It is the hope and intention of the Council that any employee with a concern about any aspect of the Council's operations or its conduct, feels able to first raise those concerns internally with line management.

3.2 The earlier an employee expresses a concern, the easier it will be to take action. Employees should raise a concern as soon they have a reasonable suspicion of malpractice but must not investigate the concern themselves to prove their suspicions are well-founded. Providing genuine concerns are being raised it does not matter if the employee is mistaken.

3.3 Concerns should preferably be made in writing. However raising a concern verbally also counts as whistleblowing. Wherever possible, the information provided should include the background and history of the concern, provide names, dates and places where possible, and the reason why the individual is particularly concerned about the situation.

3.4 All concerns relating to a perceived wrongdoing which are referred to managers must be reported on receipt to one of the Council's three Whistleblowing Officers. This may be done by the Whistleblower, the receiving manager or the senior manager investigating the allegations.

Whistleblowing Officers

3.5 Alternatively, any Council employee who has a concern relating to the Council can report the suspected wrongdoing in one of the following ways:

- contacting one of the Whistleblowing Officers by telephone where you can leave a message, and they will get back to you as soon as possible: -
  - Sharon Bradley, Head of Corporate Assurance
  - Wendy Popplewell, Executive Director Core Services
  - Phil Hollingsworth, Service Director Communities
- using the dedicated 24-hour Whistleblowing hotline - 0800 138 2939
- writing in to the Whistleblowing Officers using a dedicated P.O. Box:-
  Barnsley Metropolitan Borough Council
  P.O. Box 320,
  Barnsley,
  S70 2YL
- e-mailing one of the Whistleblowing Officers: -
  - WBO1SBradley@barnsley.co.uk
  - WBO2WPopplewell@barnsley.gov.uk
  - WBO3PHollingsworth@barnsley.gov.uk

3.6 Any person reporting a concern should provide as much information as possible, including:

- who the allegations are against;
- details of the nature of the alleged wrongdoing;
- dates, places and amounts where possible;
- provide or highlight any evidence they have in support of the allegation;
- state if the person making the disclosure is an employee of the Council;
- If not, does the person work in a school;
- name and contact details (unless they wish to remain anonymous).

3.7 Employees and elected members who are raising a concern are not permitted to undertake their own investigations, surveillance or to interview or visit any 'witnesses' as this could jeopardise a formal investigation.

3.8 Following a call to the Council's Confidential Reporting Hotline, the respective Corporate Whistleblowing Officer will gather as much information as possible about the concerns raised.

3.9 The Council recognises that employees may wish to seek advice from their trade union and indeed may invite their trade union (or professional association) to raise a matter on their behalf.

Whistleblowing by individuals employed in schools

3.10 Individuals employed in schools who want to raise a concern should follow the guidance documented in **Appendix E** of this policy.

Making an external disclosure to a prescribed person

3.11 A prescribed person is someone identified in regulations who is independent of the employee's organisation, but usually has an authoritative relationship with the organisation, such as a regulatory or legislative body. The link below shows a list of other 'prescribed regulators' to whom a protected disclosure can be made:

Whistleblowing: list of prescribed people and bodies - GOV.UK

Whistleblowing by members of the public

3.12 Members of the public can still contact the Council to report any concerns or disclosures over wrongdoing using the Barnsley MBC website. Allegations or concerns received from members of the public will be treated in the same way. However, unlike disclosures made by employees, protection under PIDA law does not extend to disclosures made by members of the public.

Employees should direct members of the public to the following link:
Raising a concern via the Barnsley Council website

4. HOW THE COUNCIL WILL RESPOND

4.1 The Council will endeavour to formally respond to acknowledge receipt of a disclosure within 5 working days of the concern being received.

4.2 A further acknowledgement will be sent within 10 working days to indicate:

- how the Council proposes to deal with the matter; and the policy under which it will be investigated;
- whether the Council considers it to be a protected disclosure;
- contact details for the officer handling the investigation;
- arrangements for confidentiality;
- an estimate of how long it will take to provide a response on the outcome;
- any initial enquiries which may have been made;
- if no action is planned, why not.

4.3 The action taken by the Council will depend on the nature of the concern. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection, disciplinary or discrimination issues) will normally be referred for consideration under those procedures. The matters raised will be investigated internally to establish basic facts. At that stage a decision will be made on whether:-

- to complete the investigation internally; or
- to refer the matter to the Authority's External Auditor; or
- to refer the matter directly to the Police; or
- to organise an independent inquiry; or
- take no action.

4.4 All proposed action should be notified and agreed with one of the three Whistleblowing Officers and, in consultation with the relevant Senior Manager.

4.5 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigating process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.

4.6 If necessary, further information will be sought from the whistleblower. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.

4.7 At any meeting arranged to discuss an employee's concerns the employee has the right, if they so wish, to be accompanied by their Trade Union representative, work colleague or a friend who is not involved in the area to which the concern relates. Initial contact with the employee(s) may be outside of the workplace to protect their identity and, if necessary and mutually acceptable, subsequent meetings may be held away from work and / or outside normal working hours.

4.8 Where possible the identity of the person raising the concern will not be divulged during the investigation. Enquiries may be appropriate to ensure that the whistleblower is not themselves subject to any disciplinary proceedings that may undermine the public interest motive for raising a concern.

4.9 The Council will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will advise the employee about the procedures in terms of what will happen and what will be expected of them.

Anonymous allegations

4.10 The Council recognises that there may be circumstances where individuals are worried about being identified when they report concerns about their employer. Concerns

expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. It is also difficult for an anonymous whistleblower to be protected by the law if they subsequently suffer detrimental treatment.

4.11 Both anonymous allegations and named referrals which include contact details are treated seriously and are considered on the basis of individual merits. Factors that will be taken into consideration when assessing the allegation will include:

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

5. OUTCOMES

5.1 The Council will, subject to legal constraints, seek to advise the whistleblower on the outcomes of the investigation in order to assure them that that the matter has been properly addressed. The Council will not usually provide the whistleblower with all the details of the investigation outcomes as this could breach others' rights to confidentiality e.g. if disciplinary action has been taken against an individual. Some concerns raised may be resolved by agreed action, once the whistleblower's concerns have been explained, without the need for investigation.

5.2 As all concerns are considered on an individual basis it is possible that a full investigation report is not required for all cases. However, the Whistleblowing Officers will require confirmation of the outcome of the referral/investigation and any system or control risk issues which arise from it.

5.3 In the event that an investigation report is deemed appropriate, the report will usually be issued by the Investigating Officer to the Executive Director of the department involved and to the Director of Finance (Section 151 Officer). Reporting is restricted as the content of investigation reports could include personal information of others, commercially sensitive information or details of investigation processes and practices the publication of which could prejudice the effective conduct of future investigations.

5.4 The Corporate Assurance Team may carry out follow up work as a result of any identified areas of risk.

6. SAFEGUARDS

6.1 In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied in all cases.

Confidentiality

6.2 The Council's Confidential Reporting Policy seeks to protect the identity of the individual making a disclosure wherever possible.

6.3 Records of employee disclosures held by the Corporate Assurance Team are stored securely. Access to whistleblowing and related investigation records are restricted to specific officers assigned to examine the concerns being raised. Wherever possible the identity of an employee raising a concern will not be revealed as part of an investigation. Should this not be possible the employee will be notified and consent will be sought beforehand.

6.4 Certain disclosures, including those relating to a child at risk or abuse of a vulnerable adult, override the employee's request for confidentiality. The Council is required to investigate these matters under separate procedures which take priority over any request for confidentiality.

6.5 The Council cannot guarantee to protect the identity of an employee raising allegations of serious wrongdoing where a criminal offence has been committed, and legal/prosecution action results from the disclosure. In some cases an employee may have to act as a witness and/or provide evidence in relation to offences which are referred to the Police.

Harassment and Victimisation

6.6 The Council acknowledges that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. It is unlawful for an employee to suffer victimisation or harassment for whistleblowing.

6.7 The Council will not tolerate harassment or victimisation against an employee who has raised a genuine concern under the Confidential Reporting Policy. Victimisation may include an attempt to identify the person raising the concern. Any employee who victimises a whistleblower will be subject to disciplinary action which may lead to dismissal. An individual may also be personally liable for treating a colleague detrimentally on the grounds that they have raised public interest concerns.

6.8 Service Directors and Heads of Service should monitor how identifiable whistleblowers are subsequently treated after raising a matter of concern. They should ensure that any harassment or victimisation is dealt with under disciplinary arrangements.

6.9 Any employee who believes they have been victimised as a result of making a disclosure or blowing the whistle should report their concerns to the Executive Director - Core Services.

Malicious allegations

6.10 While encouraging employees to bring forward matters of concern, the Council must guard against claims which are malicious. This is because of the risk of claims made to deliberately damage the reputation of other employees, or the Council as a whole, and not least because the cost of undertaking investigations is significant.

6.11 If an employee makes an allegation which they reasonably believe is a whistleblowing concern, but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken. The PIDA only offers protection from dismissal or detriment if the worker reasonably believes their disclosure was made in the public interest.

Misuse of the policy

6.12 The Confidential Reporting (Whistleblowing) Policy is not designed to allow:

- individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
- employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
- an individual to raise a concern for some private or personal motive.

7. DATA PROTECTION AND FOI

7.1 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. As such the Council often receives requests for information under the Freedom of Information Act.

7.2 The Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.

7.3 The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:

- Section 40: Personal Data;
- Section 41: Information which, if disclosed, would give rise to an actionable breach of confidence

7.4 Many people making a disclosure to the Council will wish to protect their identity and the Council will always seek to protect the identity of individuals during the course of an investigation. If the Council receives a request for information identifying a whistleblower, the Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.

7.5 The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.

7.6 When processing personal data as part of a whistleblowing investigation, the Council will take all necessary precautions to protect such data and not share it more widely than is necessary as part of the investigation. The Council will apply the General Data Protection Regulations and the Data Protection Act 2018 in all aspects of any whistleblowing investigation.

8. MONITORING OF WHISTLEBLOWING COMPLAINTS

8.1 The Head of Corporate Assurance will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. The collection, monitoring, review and storage of these records will at all times be carried out within the safeguarding principles set out at Section 6 of this policy.

8.2 As such, the receiving manager should report details of any allegation to the Head of Corporate Assurance who will log and allocate each case a reference number. The outcome of the investigation should be notified to the Whistleblowing Officer by the Investigating officer.

8.3 The records held by the Head of Corporate Assurance will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any concerns raised under the PIDA. This information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit and Governance Committee as part of this process.

8.4 The Chief Executive has overall responsibility for the maintenance and operation of this policy. In accordance with its Terms of Reference for the oversight of the internal control

and governance framework of the Authority, the Audit and Governance Committee will review this Policy and consider its effectiveness through a process of periodic review.

8.5 A Confidential Reporting (Whistleblowing) record sheet (**Appendix C**) should be used to record a summary for each case. A copy should be held with the central record of whistleblowing referrals and one retained with the investigation paperwork on completion.

9. HOW THE MATTER CAN BE TAKEN FURTHER

9.1 This policy is intended to provide employees with an avenue to raise concerns within the Council and be satisfied with the Council's response. However, should an employee feel dissatisfied with the Council's response, and feels it is right to take the matter outside the Council, they can do so. Contact can be made through one of the following contact points:-

- the Authority's External Auditors, Grant Thornton UK LLP:
  - Leeds Office: - 1 Whitehall Riverside, Leeds LS1 4BN: Telephone 0113 245 5514;
  - Michael Green (Key Audit Partner): - 1 Whitehall Riverside, Leeds LS1 4BN: Telephone 0113 200 2535
- the relevant professional bodies or regulatory organisation ;
- the whistleblowing charity 'Protect' (refer to the Note below);
- Trade Union;
- a Solicitor, or
- the Police.

Note – Protect can also be contacted should someone wish to seek independent advice about how best to raise a concern (appendix B – Frequently Asked Questions provides contact details). Seeking this independent advice would not constitute legal notification to the Council.

9.2 It should be remembered that failing to raise the matter within the Council first may result in the disclosure being unprotected within the provisions of the Public Interest Disclosure Act 1998.

9.3 Employees who are in any doubt regarding the provisions of the Policy should contact Human Resources. Advice as to whether or how a matter should be raised should be sought by contacting one of the Whistleblowing Officers.

10. TRAINING AND AWARENESS

10.1 Service Directors and Heads of Service are responsible for ensuring that their employees are aware of the Confidential Reporting Policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the Council's Confidential Reporting Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.

10.2 Employees have a responsibility to ensure that they are aware of and understand the Council's policy in relation to Whistleblowing.

Appendix A

EXAMPLES OF WHISTLEBLOWING

Concerns around suspected wrongdoing, malpractice, illegality or risk in the workplace may include:

- criminal offences (actual or potential);
- failure to comply with a legal duty;
- miscarriages of justice;
- fraud or corruption;
- a misuse or theft of Council money, physical assets or the abuse of working arrangements;
- abuse of authority/position;
- serious breaches of Council policy or procedure, including but not limited to, Council Financial Regulations, Contract Standing Orders, Corporate Anti-Bribery Policy, Recruitment Procedures;
- a misuse or abuse of the Council's computers, its systems, data or information;
- unethical conduct and actions deemed unprofessional or inappropriate (this could include, but is not limited to, the malpractice in dealing with or mistreatment of a client of the Council; breaches of regulations requiring school governors to 'act with integrity, objectivity and honesty and in the best interests of the school' and breaches of the 'Nolan Principles' which are the basis of ethical standards expected of public office holders (**Appendix D**);
- the health and safety of any individual has been, or is likely to be, endangered;
- the environment has been, is being or is likely to be, damaged (as a result of the Council's actions or inactions); and
- information about any of the above has been, is being, or is likely to be, deliberately concealed.

Appendix B

FREQUENTLY ASKED QUESTIONS

What is the difference between whistleblowing and making a complaint or a grievance?

In general terms, whistleblowing occurs when an employee raises a concern about danger or illegality that affects others and which has a public interest dimension to it. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concerns. As a result, the whistleblower should not be expected to prove their case; rather he or she raises the concern so others can address it.

A grievance or private complaint is, by contrast, a dispute about the employee's own employment position and has no additional public interest dimension. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint, and, for this reason, is expected to be able to prove their case.

For example – bullying and discrimination issues should be dealt with under the respective policy or under grievance procedure

Can concerns be raised confidentially or anonymously?

The Council encourages whistleblowers to identify themselves and raise concerns openly. Openness makes it easier for the Council to assess the issue, work out how to investigate the matter, understand any motive and get more information. The effectiveness of any whistleblowing investigation may be limited where an individual chooses not to be identified.

An individual raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without their consent. An individual raises a concern anonymously if he or she does not give his or her name at all. Clearly, if the Council does not know who provided the information, it is not possible to reassure or protect them.

Does the Public Interest Disclosure Act (PIDA) require an employer to keep a whistleblower's identity secret?

The simple answer is no. PIDA contains no specific provision on confidentiality. The protections within the Act can be deemed to encourage employees to raise issues openly. A good whistleblowing policy will provide a confidential port of call for a worried employee and employers should respect any promise of confidentiality they make. However in some cases it will be impossible to take action on the concern without the open testimony of a whistleblower. Further it may later become necessary to waiver anonymity because of the course of the investigation for example if the matter has had to be referred to the police

Am I protected from dismissal if I blow the whistle?

It is unlawful to dismiss an employee for the reason that they have blown the whistle. This would be an unfair dismissal. As long as disclosures meet the legal tests an employee should not be dismissed for raising concerns.

The types of whistleblowing eligible for protection as qualifying disclosures are provided at **Appendix A**.

Who is protected?

The following people are protected:

- employees;
- agency workers;
- people who are training with an employer, but not employed.

A worker will be eligible for protection if:

- they honestly think what they're reporting is true;
- they are telling the right person;
- they believe that their disclosure is in the public interest.

Who is not protected?

An employee will not be afforded protection if:

- they break the law when they report something, for example because they signed the Official Secrets Act;
- they were part of the wrongdoing;
- they found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), for example if they are a solicitor;
- it is not in the public interest

Workers who are not employees cannot claim unfair dismissal because of whistleblowing, but they are protected and can claim 'detrimental treatment'.

What information should a whistleblower provide?

Supporting evidence for the allegations, if available, is clearly helpful. However, the law does not require individuals to have evidence before reporting the matter, but it does say that the individual must reasonably believe the information is substantially true.

Individuals should report concerns to line management or other at the earliest opportunity rather than wait to collate any evidence.

Whistleblowers are encouraged to provide their contact details to allow the Council to seek further information, where necessary and advise on outcomes

Where can I get independent advice?

Free, independent, confidential advice and information about PIDA law can be obtained from the Whistleblowing Charity 'Protect' (formally Public Concern at Work). The charity runs a UK helpline on their advice line tel: 020 3117 2520 or visit their website **www.protect-advice.org.uk**.

Appendix C

CONFIDENTIAL BARNSLEY METROPOLITAN BOROUGH COUNCIL CONFIDENTIAL REPORTING (WHISTLEBLOWING) CASE RECORD	
Date the concern / allegation received	
Name, Job title and contact details of the officer receiving the referral/concerns	
Directorate Involved	
How the report was received (verbal / written)	
Does the individual raising the concern wish to remain anonymous?	
If not, details of officer raising concern / allegation i.e. name, job title, contact details etc.	
Was confidentiality requested / explained or promised?	
A summary of the concern / allegation raised:	

CONFIDENTIAL BARNSLEY METROPOLITAN BOROUGH COUNCIL CONFIDENTIAL REPORTING (WHISTLEBLOWING) CASE RECORD	
Has formal acknowledgement been provided to the employee in line with the Policy? (Acknowledgement of receipt within 5 working days with a further acknowledgement sent within 10 working days)	
Date reported to the Whistleblowing Officer	
Officer(s) handling the investigation: (Name(s) and job title(s))	
Summary outcome of investigation: (Proved / not proved, action plans, recommendations)	
Date notification of outcome provided to the employee raising the concern / allegation:	
Papers retained (location), responsible officer and review date:	

Appendix D

SEVEN NOLAN PRINCIPLES

The following are the Seven Nolan Principles underpinning standards for Public Life:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services.

1. Selflessness: Holders of public office should act solely in terms of the public interest.

2. Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability: Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.

5. Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty: Holders of public office should be truthful.

7. Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Source: The Committees website is at **http://www.public-standards.gov.uk/**

Appendix E

WHISTLEBLOWING BY INDIVIDUALS EMPLOYED IN MAINTAINED SCHOOLS

1. Individuals employed in schools which fall under the Council's confidential reporting policy arrangements include those employed in schools maintained by the Council i.e. the Council is the legal employer.

2. Each locally managed school should have their own whistleblowing policy and reporting arrangements which reflect the principles and requirements set out in the Council's Policy. In most cases, school based staff are encouraged to raise their concerns in accordance with the schools own reporting procedures, rather than directly to the Council.

3. However, if the employee has a concern which they feel they cannot discuss with the management of the school or have good reason to believe that their complaint or disclosure will not be properly handled, then they may report their concerns directly to the Council or prescribed regulator using the Council's whistleblowing reporting procedures.

4. **Safeguarding** – any concerns relating to a child protection issue should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy. Further information is available on the Council's website:

   Safeguarding Children
   Local Authority Designated Officer

5. The Confidential Reporting Policy is not to be used where other more appropriate reporting procedures are available within school, for example, in relation to any grievance relating to employment matters or to make a general complaint in relation to the school.

6. The Council expects schools to respond to a disclosure or allegation in the same way as the Council would respond. The Headteacher or Chair of Governors would be expected to seek advice as necessary from the Council.

7. The Corporate Assurance Team can offer advice and support to schools on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.

8. The action taken by schools in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:

   - investigated by school management, or the Council's Corporate Assurance Team;
   - referred to the Police;
   - referred to the External Auditor;
   - subject of an independent enquiry.

9. For monitoring purposes the Headteacher or Chair of Governors must report (at the earliest opportunity) details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within school to the Council's Head of Corporate Assurance.

10. Employees who wish to raise concerns over practices in other schools should report these directly to the Council.

11. This policy does not extend to staff employed in **Voluntary Aided Schools** as, in these schools; the governing body is the employer and not the Council. Each school should have their own whistleblowing policy and arrangements for reporting, logging and investigating concerns. The governing body must decide how employees and workers may make a qualifying disclosure under PIDA or raise an allegation of wrongdoing.

12. The Council's ability to legally investigate disclosures of serious wrongdoing in voluntary aided schools is reduced unless the allegations relate to safeguarding matters, Special Educational Needs and/or financial mismanagement concerns. The Council should be notified of details of all concerns reported in relation to these matters.

13. **Academy Schools** should adopt their own whistleblowing policy and procedures as the Council has no legal power to investigate, except for those concerns relating to safeguarding issues and Special Educational Needs.

14. The Council will acknowledge receipt any disclosures received relating to these institutions and advise whistleblowers on an appropriate course of action regarding concerns raised. If the disclosure relates to serious wrongdoing in respect of safeguarding issues involving children or vulnerable adults the Council has a legal obligation to investigate and will do so irrespective of the status of the school.

15. Any notifications that are received in relation to locally managed schools will be logged and monitored by the Whistleblowing Officers. Whilst the Council may not investigate every concern raised (as this may be undertaken by the individual school concerned), logging the issues enables the Council to monitor progress and where possible deal with the concerns having regard to any legal obligations or duty of care in relation to the school.