We lift our region… we work together… we make an impact…we are human

Whistleblowing – confidential reporting

Our values guide the way we work and underpin the policies and processes we've developed, helping us all to be clear about what's expected of us as an employer and what's expected of you as an employee.

Our policies and statements reflect the way we want to work together to lift our region and make an impact. This statement outlines how to raise a whistleblowing concern, how it will be dealt with and the support and protection that is available to you when you do so.

Our statement

East Midlands Combined County Authority (EMCCA) is committed to the highest possible standards of openness, probity and accountability in all of its practices. To help achieve these standards it encourages freedom of speech and for you to come forward and voice any serious concerns you may have about any aspect of EMCCA's work.

You and colleagues are often the first to realise that there may be something seriously wrong within EMCCA. 'Whistleblowing' is viewed by EMCCA as a positive act that can make a valuable contribution to our efficiency and long-term success. However, you may decide to not express your concerns because you feel that speaking up would be disloyal to your colleagues or to EMCCA. You may also fear harassment or victimisation.

This Whistleblowing Policy will enable you to disclose information internally about your concerns and provide you with protection from subsequent victimisation, discrimination or disadvantage. This will assist in detecting and deterring malpractice and assist with maintaining public confidence and EMCCA's reputation.

Whistleblowing is one of the most effective ways of preventing and eliminating wrongdoing at work. We recognise that raising a whistleblowing concern can be daunting. However, we encourage you to report concerns internally as soon as possible where you suspect wrongdoing. We are here to listen and will take all concerns that you raise seriously.

If your concern relates to a personal grievance that is not in the public interest, for example, an allegation of bullying or harassment, you should raise it under the Bullying and Harassment policy or Grievance policy. If you are unsure about whether your concerns are best dealt with under this Whistleblowing Policy or Grievance Policy, please speak to HR for further advice.

The policy applies to all colleagues, contractors and suppliers working for EMCCA and those providing services under a contract/agreement with EMCCA.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

Policy aims

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

Whistleblowing concerns

The law provides protection for anyone who raises legitimate concerns about specific matters, these are called “qualifying disclosures”. A qualifying disclosure is ‘one made in the public interest by a worker who has a reasonable belief that one or more of the following has occurred, or is likely to occur’:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety, including risks to the public as well as other employees;
- An act causing damage to the environment;
- A breach of any other legal obligation; or
- Concealment of any of the above;
- Sexual harassment disclosure, defined as unwanted conduct of a sexual nature, as defined in the Equality Act 2010.

The Public Interest Disclosure Act 1998 (PIDA) means it is unlawful to subject someone to a detriment or to dismiss them because they have raised a whistleblowing concern in the workplace. PIDA is now part of the Employment Rights Act 1996. You will have to show three things to claim PIDA protection:

- That you have made a disclosure;
- That you have followed the correct disclosure procedure;
- That you were dismissed or suffered a detriment as a result of making the disclosure.

Confidentiality and anonymity

We want you to feel comfortable about raising a whistleblowing concern openly and actively encourage you to do so. Where you raise a whistleblowing concern openly, we will maintain your confidentiality as far as possible. If we need to identify your identity to anyone, we will notify you beforehand.

Alternatively, you may decide to raise a whistleblowing concern anonymously. We encourage anonymous reporting over remaining silent. Although we will investigate any concern that is reported anonymously as best we can, an anonymous report is likely to be more difficult for us to investigate and we will not be in a position to provide you with any feedback.

Our commitment to you

You have the right not to be subjected to any detrimental treatment because you have raised a whistleblowing concern. If you raise a whistleblowing concern in accordance with this policy, we will ensure that you are treated with respect and provided with adequate support and protection.

If you are told not to raise or pursue a whistleblowing concern, or you believe that you have been subjected to detrimental treatment because you have raised a whistleblowing concern, you should report the matter to HR or you can raise it through our Grievance Policy, if it applies to you.

You will be entitled to be accompanied by a colleague for support during any meetings or interviews in connection with the concerns you raise.

If you make an allegation in good faith and reasonably believe it to be true, but it is not confirmed by an investigation, EMCCA will recognise your concern and you have nothing to fear. If, however, you knowingly make false allegations this will be treated as a disciplinary offence.

Raising your concern

How to raise a concern depends on the seriousness of the issues involved and who is suspected of the malpractice. You should normally raise concerns with:

- Your immediate line manager
- If you believe your line manager is involved, you should approach your Executive Director
- If you believe that senior management is involved, you should approach the Chief Executive
- The Monitoring Officer at whistleblowing@eastmidlands-cca.gov.uk
- The Safeguarding team at EMCCAsafeguarding@eastmidlands-cca.gov.uk

The address for correspondence is PO Box 8712, Council house, Corporation Street, Derby, DE1 9UG.

If, exceptionally, the concern is about the Chief Executive of EMCCA your concern should be raised with the Mayor who will decide how the investigation will proceed. This may include an external investigation.

If you are unsure who to contact, the independent charity **Protect** can advise you. They offer a free and confidential helpline on **020 3117 2520.**

Concerns may be raised verbally or in writing as soon as they arise without undue delay. The earlier concerns are expressed the easier it is to take action. You should provide:

- Details of your concerns including any background information, dates and location of any relevant incidents
- the reason why you are concerned about the situation.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

You may wish to consider discussing a concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

Further reporting options

If following the outcome of the internal investigation, you reasonably believe that the appropriate action has not been taken or have concerns with raising your concern internally you may opt to raise the concern outside of EMCCA to any of the following:

- EMCCA's External Auditor, Forvis Mazars
- the Police
- Public Concern at Work (email whistle@pcaw.co.uk or telephone 0207 404 6609)
- a relevant professional body or inspectorate (e.g. OFSTED or SSI)
- a trade union or professional association.

What EMCCA will do

EMCCA will respond to your concerns as quickly as possible. Do not forget that investigating concerns is not the same as either accepting or rejecting them.

The overriding principle which EMCCA will have in mind is the public interest. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Where appropriate, the matters raised may:

- be investigated by management, audit or through the disciplinary process
- be referred to the Police
- be referred to external auditors
- form the subject of an independent inquiry.

The investigation may need to be carried out under terms of strict confidentiality, i.e., by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Within five working days of a concern being raised, the officer investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how EMCCA proposes to deal with the matter
- supplying information on support mechanisms for you
- confirm a timescale of how long it will take to provide a final response. This is usually within ten working days but could take longer depending on how complex the matter is
- if the complaint can't be completed within ten working days, then this will be communicated accordingly, explaining reasons why
- advising whether initial enquiries have been made.
- if it is possible at this stage, advising whether further investigations will take place and if not, why not.

The amount of contact between you and the officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the officer will seek further information from you and keep you updated throughout the investigation.

Where any meeting is arranged this can be at a neutral site and out of normal working hours, if appropriate and if you so wish.

EMCCA 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, EMCCA will arrange for you to receive appropriate advice and support.

EMCCA accepts that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will be informed of the outcome of any investigation.

Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy and they, or a nominated representative, will act as 'the responsible officer' and will undertake the following activities in relation to this policy:

- Receive a written confidential report from any officer who receives a report of a concern raised under this policy
- Monitor that the relevant officer sends a response within five days of the issue being raised.
- Monitor that the relevant manager sends a final report to the employee detailing the outcome of any investigation.
- Maintain a record of the investigation report, any concerns raised and the outcome in a form that does not endanger confidentiality and report on this to the senior leadership team (SLT) and other Committees as appropriate.

How the matter can be taken further

This policy is intended to provide you with an avenue within EMCCA to raise concerns. We hope you will be satisfied with any action taken, if not, and if you feel it is right to take the matter outside EMCCA you should report the matter to the correct prescribed body or person, a list of prescribed people and bodies can be found at GOV.UK.

If you raise concerns outside of EMCCA you should ensure that it is to one of the prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this policy. You should seek advice if you are thinking of raising your concern with the media as you will not have protection under whistleblowing laws unless certain conditions are met.

Review

This policy will be reviewed every three years, or when legislation changes, whichever is sooner.