



**EXTRACTS FROM  
WHISTLEBLOWING POLICY**

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## **WHISTLE BLOWING POLICY**

The adoption of a whistle blowing policy helps to ensure compliance with legislation, including the Public Interest Disclosure Act 1998 (the 1998 Act) and the Employment Rights Act 1996.

This policy protects those people who make a disclosure (whistle blow) about any action by Rossendales or its Staff (employees, workers or contractors or Bailiffs). This relates to the following:

- A criminal offence
- Failure to comply with a legal obligation
- A miscarriage of justice
- Endangering the health and safety of another
- Damage to the environment
- Indication that there is or is likely to be concealment of any of the above

The above will be referred to as “concerns” in the policy and procedure note.

### **Introduction**

1.0 Rossendales recognises that our Staff are often the first to realise that there may be something seriously wrong in the way we do things. However, employees, workers and contractors might not express their concerns because:

- They do not know how to or who to speak to
- They feel that speaking up would be disloyal to colleagues or to the company
- They fear harassment or victimisation

2.0 We are committed to the highest possible standards of openness, fairness and accountability. With our commitment we expect our Staff who have serious concerns about any aspect of our work, operations or procedures to come forward and voice those concerns. In some circumstances this will have to proceed on a confidential basis.

3.0 This policy document and the attached procedure note advises:

- How to raise those concerns and who you should speak to
- What we will do about it
- How you can do so without fear of victimisation, discrimination or disadvantage if it is done in the right way
- That you will receive a response to your concerns

4.0 This policy has been discussed with the relevant trade unions and has their support.

## **How we will deal with the following issues**

### **5.0 Safeguards**

- 5.1 Rossendales is committed to good practice and high standards and wants to be supportive of Staff.
- 5.2 We recognise that the decision to report a concern can be a difficult one to make. Concerns that are raised in good faith will be supported as you are acting in the best interest of Rossendales and its clients
- 5.3 Rossendales will not tolerate any form of harassment, victimisation or less favourable treatment for whistle blowing and will take appropriate action to protect you.
- 5.4 Any investigations into allegations of potential malpractice will not affect any disciplinary, redundancy or internal promotion procedures that already affect you.

### **6.0 Confidentiality**

- 6.1 All concerns will be treated in confidence and all reasonable efforts will be made not to reveal your identity if requested, although you may need to come forward as a witness at an appropriate time.

### **7.0 Anonymous allegations**

- 7.1 You are encouraged to put your name to your allegation.
- 7.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of Rossendales.
- 7.3 In exercising this discretion the factors taken into account will include:
  - The individual appears to be acting in good faith
  - Credibility of the concern raised
  - Likelihood of confirming the allegation
  - Reasonable grounds for anonymity request

### **8.0 Expectations of you when you are considering whistle blowing**

- 8.1 Internal – Where you have a concern to raise about Rossendales you should raise this internally in the first instance in accordance with this policy. In raising the concern within the company you must be acting in good faith. Where you wish to raise a concern about the actions of a person outside of Rossendales, or a person with legal responsibility, then you can raise your concern with their organisation providing you are acting in good faith.
- 8.2 External – If you have raised a concern internally without success or have good faith reasons not to do so you may raise your concern externally with a “prescribed person”. There is a list of organisations identified by the Secretary of State who you can “whistle-blow” to under the Legislation. You must be still acting in good faith but you must also reasonably believe that the concern relates to a matter that the “prescribed person” is responsible for and that the allegation is substantially true. An example would be a tax matter to the Inland Revenue, which is a “prescribed person”.
- 8.3 External – other than listed above – If you make a whistle blowing disclosure to anyone else (for example the press) you must make it for all of the following reasons:

- In good faith
- In the reasonable belief that the information disclosed and any allegation contained in it are substantially true
- Not for personal gain
- In the belief that your own organisation will subject you to detriment if you make a disclosure or will conceal or destroy the evidence, or that you have already made a disclosure to your own organisation of substantially the same information
- In all of the above circumstances of the case it is reasonable to make the disclosure

The above guidelines (8.3) are of exceptionally high standards to meet and Staff are advised not to whistle blow to external organisations without being certain they can meet these standards.

**9.0 Failure to meet the expectations of you as set out in this policy**

9.1 If you make an allegation in accordance with this policy, but it is not confirmed by the investigation, no action will be taken against you.

9.2 If you make an allegation in breach of the expectations of you (see section 8 above) then disciplinary action may be taken against you.

**10.0 Work for or on behalf of a Local Authority**

10.1 This clause applies to organisations, like Rossendales, that are employed to provide works, goods or services to or on behalf of a Local Authority. If any employee of an organisation like this has genuine concerns relating directly or indirectly to that contract then the employee should follow the procedures set out in this whistle blowing policy – unless you genuinely believe that it is necessary to inform the Local Authority directly.

10.2 The reasons for informing the Local Authority directly are set out in section 8 above or if you are not satisfied with the outcome of an internal enquiry.

**Whistleblowing Policy “Steps”**

- Step 1 Before you raise a concern
- Step 2 Deciding who to raise a concern with
- Step 3 Decide how you are going to express your concern
- Step 4 How the organisation will respond
- Step 5 What the organisation will provide
- Step 6 The investigation
- Step 7 The outcome
- Step 8 If you are not satisfied that the matter has been dealt with properly

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