

SECTION A. Standards and Corporate Policies

POLICY A4. Whistleblowing

Policy Statement

The Authority is committed to the highest possible standards of openness, probity and accountability and encourages staff 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 you to lodge a grievance relating to your own employment and this policy covers concerns that fall outside the scope of these procedures.

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1. INTRODUCTION

A 'whistleblower' is someone who reports a certain type of wrongdoing that is in the public interest. 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.

Staff may be the first to realise that there may be something seriously wrong within an organisation but 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 feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

We are committed to the highest possible standards of openness, probity, and accountability. Staff and others are encouraged to come forward with their serious concerns, without fear of reprisals, within the Authority rather than ignoring a problem or reporting it to an outside body.

We understand and endorse that seeking advice from and being represented by your Trade Union may be the best course of action for you to raise any issue under this policy.

2. POLICY AIMS AND SCOPE

This policy covers concerns that fall outside 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 is it an alternative to disciplinary or grievance procedures. 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 Standards of Conduct.

Concerns raised should be about something believed to be:

- Unlawful or a criminal offence
- A breach of a legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest)
- A miscarriage of justice
- Mistreatment or abuse of a client or a member of the public for whom the Authority has a responsibility
- Likely to endanger the health and safety of an individual
- Seeking undue favour over a contractual matter or a job application; or against the Authority's Financial Regulations
- Amounts to improper conduct or unauthorised use of public funds
- Has led to or could lead to damage to the environment
- Deliberately covers up information to show any of the above

This policy aims to:

- Provide avenues for staff, Members, and volunteers to raise concerns and receive feedback on any action taken.
- Allow staff, Members, and volunteers to take matters further if dissatisfied with the response.
- Reassure staff, Members, and volunteers that they will be protected from reprisals or victimisation when reporting concerns in good faith.

3. SAFEGUARDS

Harassment or Victimisation

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. We will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. Harassment or victimisation will be dealt with under the bullying and harassment and disciplinary procedures. This does not mean that if you are already the subject of disciplinary, capability or redundancy procedures, that those procedures will be halted because of your whistleblowing.

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

Confidentiality

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

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

Anonymous Allegations

You are encouraged to put your name to your concern as it may not always be possible to investigate or act upon them anonymously, particularly if important information is not available.

The following will be considered when deciding whether to act 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 may be raised anonymously through the trade union who may raise the concern on behalf of the whistleblower.

Untrue Allegations

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

4. RAISING A CONCERN

As a first step, concerns should normally be raised with your 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 Enterprise and Operations) – 01398 322222, bbarrett@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
- Independent Member (Authority's Standards Committee) – details available from the Corporate Support Officer

Concerns are better raised in writing. Set out the background and history of the 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 (e.g., an interpretation service or recorded statement). The earlier you express your concern, the easier it is to act.

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.

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.

5. RESPONDING TO CONCERNS

To protect everyone concerned, 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 (e.g., bullying/harassment/discrimination issues), will normally be referred for consideration under those procedures.

The action taken by us 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

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

Within ten working days of a concern being received, we 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 your first language).

You will be assured that the matter has been properly addressed and, subject to legal constraints, receive information about the outcome of any investigations and/or proceedings.

We must ensure those who report a concern in good faith suffer no detriment by reason of doing so.

6. FURTHER ACTION

If you are not satisfied with our response, then you may wish to raise the matter with the Chief Executive or Chair of the Authority.

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

7. RESPONSIBLE OFFICER

The Chief Executive has overall responsibility for the operation of this policy.

We 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.

Confidential information will be stored within the Human Resources folder which can only be accessed by the HR Officer, Head of Enterprise and Operations, and Data Protection Officer.

USEFUL LINKS:

[Protect](#) (free and confidential whistleblowing advice)

[Unison](#)

[ACAS](#)

ENPA POLICIES:

Anti-Fraud, Corruption and Bribery Policy

Grievance Procedures

Standards of Conduct Policy

E-LEARNING:

Whistleblowing with Confidence

Bullying and Harassment in the Workplace

| Reviewed | By | Amendment | Next review |
|----------|--------|--|-------------|
| 2019 | EW/HR1 | Revised to ensure fully compliant whistleblowing procedures in place, following Safeguarding audit | N/A |
| 2021 | EW | Minor amendments to formatting – links, policies and e-learning added | 2024 |
| 2024 | EW | Formatting amendments and name changes | 2027 |