

# Audit and Governance Committee



Date of meeting: 22 July 2025

Title of Report: **Whistleblowing Policy revised 2025**

Lead Member: Councillor Sue Dann (Cabinet Member for Customer Services, Sport, Leisure and HR and OD)

Lead Strategic Director: Liz Bryant, Service Director for Legal and Monitoring Officer

Author: Liz Bryant, Service Director for Legal and Monitoring Officer

Contact Email: Liz.bryant@plymouth.gov.uk

Your Reference: Whistleblowing2025

Key Decision: No

Confidentiality: Part I - Official

## Purpose of Report

This report is a refresh of the Whistleblowing Policy which was last reviewed at Audit and Governance 12 March 2024. It incorporates the updates requested at that meeting.

## Recommendations and Reasons

The Committee is recommended to approve the updated Policy

*Reason: To incorporate amendments requested at the March 2024 Audit and Governance Committee*

## Alternative options considered and rejected

Not undertaking the review. This option was rejected as the Policy states it will be reviewed on an annual cycle. Not undertaking a refresh would also have ignored the updates requested by the Committee.

## Relevance to the Corporate Plan and/or the Plymouth Plan

No direct impact from this policy however under our Responsibility thread, this policy will help us care about the impact of our decisions and actions.

## Implications for the Medium Term Financial Plan and Resource Implications:

None directly arising from this report.

## Financial Risks

None directly arising from this report.

## Legal Implications

(Provided by EB)

As set out in the Whistleblowing policy.

## Carbon Footprint (Environmental) Implications:

No impacts directly arising from this report.

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

No impacts directly arising from this report.

\*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12 of the Local Government Act 1972 by ticking the relevant box</i>						
		1	2	3	4	5	6	7
A	Whistleblowing Policy August 2022							
B	Schedule of Audit and Governance requested amends							

*\*Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

**Sign off:**

Fin	ITG.2 5.26.0 52	Leg	LS/00 0036 09/39 /14/0 7/25	Mon Off	N/A	HR	CS.25 .26.00 9	Asset s	N/A	Strat Proc	N/A
<p>Originating Senior Leadership Team member: Ian Trisk-Grove</p> <p>Please confirm the Strategic Director(s) has agreed the report? Yes</p> <p>Date agreed: 14/07/2025</p> <p>Cabinet Member approval: Councillor Jemima Laing approved via email</p> <p>Date approved: 14/07/2025</p>											

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## I. Introduction

- I.1 Whistleblowing is a way for our employees to raise reasonably and honestly held concerns they may have about serious matters that could put the council and/or the wider public at risk.
- I.2 Whistleblowing usually involves bringing forward concerns that are in the public interest to investigate and resolve. Examples are crime, fraud, the giving or taking of bribes, financial malpractice, or practices that might endanger individuals or the environment.
- I.3 All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. This Policy has been developed in accordance with the provisions of the Employment Rights Act 1996, as amended by the [Public Interest Disclosure Act 1998](#). It is also supplemental to and supports the Council's [Anti-Fraud, Bribery and Corruption Policy](#) and is part of the Council's role in identifying and taking measures to remedy all malpractice, particularly regarding issues of fraud and corruption.
- I.4 Who is protected by law? As a Whistleblower, the law states you are protected if you're a "worker", which is broadly defined to include employees, contractors, trainees, agency staff, and those providing services under certain circumstances.
- I.5 If you are a Councillors or an individual not classified as a "worker" and you wish to bring a complaint against a Councillor you should use the Standards Arrangements and submit a complaint to the Monitoring Officer, in the first instance.
- I.6 The aim of this policy is to outline what you can do if you believe you need to raise an issue of the nature referred to in paragraph I.2, and how you will be protected if you do.
- I.7 We understand you may be worried about raising such issues or may want to keep the concerns to yourself. You may feel it's none of your business or that it's only a suspicion; that raising the matter would be disloyal to Plymouth City Council, your colleagues or managers.
- I.8 Plymouth City Council has in place this policy, which reflects the legal framework, and the legal obligations placed upon the council to enable you to raise your concerns about improper, illegal, or negligent professional behaviour at an early stage and in the right way.
- I.9 What this policy does not cover is any issues you may have regarding your personal position. In these circumstances, please use the Grievance Resolution Policy. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. The aims and scope of this policy are set out in more detail at paragraph 3 below.

## 2. Policy Statement

- 2.1 Plymouth City Council is committed to the highest possible standards of honesty, openness and accountability in public life.

- 2.2 We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible. We welcome all genuine concerns and will treat your issues seriously - this policy explains how to raise a concern, the types of activity you should report, the protection we can provide, confidentiality, our response and how you can take matters further, if necessary.
- 2.3 By promoting a culture of openness within the Council, we want to encourage individuals to feel confident and come forward to raise both disclosures and serious allegations of wrongdoing; this may involve the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities. Disclosures can be made through established internal channels, without fear of victimisation, detriment or risk to job security

### **3. AIMS AND SCOPE OF THE POLICY**

#### **Aims:**

- 3.1 The policy sets out the procedure of how the Council will deal with a whistleblowing complaint and, where the complainant is an employee, the measures in place to ensure the protection due to them under the Employment Rights Act 1996.
- 3.2 A whistleblowing complaint is the disclosure of information which relates to suspected wrongdoings or dangers at work within the Council. This may include:
- (a) criminal activity
  - (b) failure to comply with any legal or professional obligation
  - (c) failure to comply with regulatory requirements
  - (d) miscarriages of justice
  - (e) danger to health and safety
  - (f) damage to the environment
  - (g) bribery and/or corruption
  - (h) financial fraud or mismanagement
  - (i) conduct likely to damage our reputation or financial wellbeing
  - (j) unauthorised disclosure of confidential information
  - (k) negligence
  - (l) the deliberate concealment of any of the above matters.
- 3.3 The Policy aims to:
- (a) Provide the framework for employees to feel that there are protections in place for them and the reassurance that there will be protection from reprisals or victimisation for employees who raise a whistleblowing complaint in good faith in accordance with this procedure.
  - (b) Ensure employees, and all other persons to feel confident in raising that when they wish to raise concerns there is a process in place under which they will be dealt with;
  - (c) Provide avenues for employees to raise these concerns and receive feedback on any action taken;

- (d) Set out a procedure by which the matter can be taken further where there is dissatisfaction with the Council's response.

## Scope

### 3.4 This whistleblowing policy applies to all:

- employees of Plymouth City Council
- employees of contractors working for the Council, for example, agency staff, builders and drivers
- employees of suppliers
- those providing services under a contract or other agreement with the Council in their own premises, for example care homes, and
- voluntary workers working with the Council

3.5 UK law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

3.6 Whilst the process for dealing with complaints in this policy applies to any person raising a whistleblowing complaint, where allegations are raised by other individuals who are not employees (or "workers in accordance with the statutory definition") the protection measures within this policy will not apply.

3.7 Although the Council will endeavor to provide appropriate advice and support wherever possible in this eventuality, it is recommended that advice is sought from a trade union representative or from Protect (formerly Public Concern at Work) an independent charity set up to provide advice and guidance about whistleblowing issues. Contact details for [Protect](#) are given in Section 10 below.

3.8 This policy does not replace:

- (e) **Our existing [Grievance Resolution Policy and Procedure](#).** You should use these policies if you have a personal grievance or are unhappy with the way you are being treated. This includes harassment, discrimination or unfair treatment as a result of a protected characteristic under the [Equality Act 2010](#). The Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance or complaint once you have exhausted the relevant employment procedures.

- (f) **Corporate Complaints Procedure**

Individuals wishing to bring a complaint about the delivery of a Council service to them where it is not a serious issue (as falling within 2.2 above) should use the Corporate Complaints Procedure.

- (g) **Our Councillor Standards Complaints Arrangements**

Individuals (other than employees, due to the statutory protection of staff whistleblowing) wishing to bring a complaint against a Councillor should use the Standards Arrangements and submit a complaint to the Monitoring Officer, in the first instance. This will not prevent

the complaint being taken forward under the Whistleblowing arrangements, where appropriate.

**(h) Safeguarding Procedures (Adults and Children)**

Where there is a concern for the safety of a child or vulnerable adult the referral should be via the appropriate safeguarding process.

## **4. SAFEGUARDS**

### **4.1 Harassment or Victimisation (employees)**

The Council recognises that 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, or suspected of, the malpractice. The Council will not tolerate harassment or victimisation of any employee as a result of them raising a whistleblowing complaint. The Council will take action to protect staff when they do so in good faith. However this does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, those procedures will be halted because of their 'Whistleblowing'.

### **4.2 Confidentiality**

The Council will do its utmost, subject to any over-riding legal obligations, to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be realised and appreciated, however, that the investigation process itself may well reveal the source of the information, and, depending on the outcome, a formal statement by the individual may be required as part of the evidence.

### **4.3 Anonymous Allegations**

**4.4 We recognise that your preference may be to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. However, this policy is designed to encourage employees to put their names to allegations. If you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position or to give you feedback. Concerns which are reported anonymously are much less powerful, but if they contain sufficient detail they will be considered at the discretion of the Council. The factors to be considered would include:**

- (a) The seriousness of the issue raised
- (b) The credibility of the concern
- (c) The likelihood of confirming the allegation from attributable sources

### **4.5 Untrue Allegations**

If an employee makes an allegation in good faith, reasonably believing it to be true, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented

## **5. RAISING A CONCERN**

**5.1** Initially, employees are encouraged to raise concerns with:

- (a) Their immediate line manager or their line manager's manager;
- (b) For Voluntary Controlled, Community schools / Nursery staff, with the Headteacher or Chair of Governors, where the Governing Body had adopted this policy

5.2 If this is not appropriate due to the nature of the concerns, or where the person is **not** an employee, the individual can raise their concerns with:

- (a) A Head of Service
- (b) A Service Director
- (c) A Strategic Director
- (d) The Chief Executive

5.3 Individuals who are unsure about reporting or do not feel at ease raising their concern through any of the above routes are encouraged to seek advice from one of the following:

- (a) The Head of Devon **Assurance** Partnership
- (b) **The Service Director for** Legal Services (Monitoring Officer)
- (c) Service Director for Human Resources & Organisational Development

5.4 Employees may ask their Trade Union or professional association to raise the concern on their behalf.

5.5 Concerns should be raised in writing, where possible. The background and history of the concern should be set out, giving names, dates and places where possible, and the reason why the individual is concerned about the situation. Those who do not feel able to put their concerns in writing may raise the matter verbally with the appropriate officer.

5.6 Although employees are not expected to prove the truth of their concern, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

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

6.1 Within ten working days of receiving a concern the relevant Service Director from the Council will contact the individual raising the complaint:

- (a) Acknowledging that the concern has been received;
- (b) Indicating how it proposes to deal with the matter;
- (c) Telling the employee whether any initial enquiries have been made;
- (d) Telling the employee whether further investigations will take place, and if not, why not.

6.2 The action taken by the Council will depend on the nature of the concern.

6.3 The matters raised may:

- (a) Be investigated internally
- (b) Be referred to the Police
- (c) Be referred to the External Auditors
- (d) Form the subject of an independent inquiry by the Ombudsman



- 6.4 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 which fall within the scope of other, existing, procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 6.5 Some concerns may be resolved without the need for investigation. Where a formal investigation is required, it is likely to take the form of an investigation by a manager or by Devon Assurance Partnership. In certain cases, the matters raised may be referred to the Police or the Council's external auditors for investigation or an independent inquiry could be set up.
- 6.6 The amount of contact between the managers considering the issues raised and the complainant will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided.
- 6.7 When any meeting is arranged, employees have the right, if they so wish, to be accompanied by a Trade Union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.
- 6.8 The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.
- 6.9 The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, and the requirement for confidentiality of others involved in the process, employees will receive information about the outcomes of any investigations.
- 6.10 If an employee is not assured that the matter has been properly addressed, they should contact the Head of Devon Assurance Partnership or consider an alternative method of taking forward a complaint (section 7).

## **7. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT**

- 7.1 This policy is intended to provide employees with an avenue to raise concerns within the Council. If an individual is not satisfied, and feels it is right to take the matter outside this process, possible contact points are listed below including Protect (formerly Public Concern at Work), an independent charity set up to provide advice and guidance about whistleblowing issues:

- (a) Any Plymouth City Councillor (if you live in the area of the Council)
- (b) The External Auditor
- (c) Relevant professional bodies or regulatory organisations
- (d) Individuals' solicitors
- (e) A relevant charity or voluntary organisation such as Protect
- (f) The Police
- (g) Any MP elected to represent Plymouth

7.2 If an employee does take the matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. This should be checked with one of the designated contact points, Devon Assurance Partnership, Legal Services, Human Resources or if preferred, an outside organisation such as the Ombudsman or Protect.

## **8. THE RESPONSIBLE OFFICER**

8.1 The Service Director for Legal Services (Monitoring Officer) has overall responsibility for the maintenance and operation of this policy.

8.2 Working with the Service Director for Legal Services, the Head of Devon Assurance Partnership will maintain a record of concerns raised and the outcomes (in an anonymous format) and will report as necessary to the Audit and Governance Committee.

## **9. REVIEW AND MONITORING**

9.1 This policy is to be reviewed and monitored every year; the next review date is April 2026.

9.2 The Head of Devon Assurance Partnership will monitor this policy. In this regard managers, councillors and trade union representatives must inform Devon Assurance Partnership immediately should concerns falling under the scope of this policy be raised with them.

## **10. RELATED POLICIES AND DOCUMENTS AND SUPPORT**

- [Anti-Fraud, Bribery and Corruption Policy](#)
- [Anti-Fraud, Bribery and Corruption Strategy and Response Plan](#)
- [Grievance Resolution Policy and Procedure](#)
- [Employee Assistance Programme \(Bullying & Harassment\)](#)
- [Employee Handbook](#)

## II. KEY CONTACT INFORMATION

**Devon Assurance Partnership:** Internal Audit Team Tel: 01752 306710

Email: [Internal.Audit@plymouth.gov.uk](mailto:Internal.Audit@plymouth.gov.uk)

Counter Fraud Team Tel: 01752 304450

Email: [corporate.fraud@plymouth.gov.uk](mailto:corporate.fraud@plymouth.gov.uk)

**Legal Services:** Tel: 01752 304330

**Human Resources (HR):** HR Helpdesk Tel: 01752 304444 - Option 5

**Protect (formerly Public** Tel: 020 3117 2520

**Concern at Work)** Website: <https://protect-advice.org.uk/advice-line/>

**Local Government and Social** Tel: 0300 061 0614

**Care Ombudsman** Website: <https://www.lgo.org.uk>

## **Appendix A**

### **Whistleblowing Policy**

#### **Changes**

August 2021: Reviewed and updated to include reference to Modern Slavery

March 2023: Reviewed and updated to provide clarity

March 2024: Reviewed by Audit and Governance

#### **Policies are available in large print, Braille or other languages**

If you would like help understanding the contents of this policy, please speak to your line manager or contact the HR Policy Team for assistance.

**Appendix B****Schedule of Audit and Governance requested amends**

<b>Minute</b>	<b>Action</b>	<b>Response</b>
Minute 60  <b>Whistleblowing Policy</b>  12 March 2024	Ross Jago (Head of Governance, Performance and Risk) agreed to provide members with an explanation as to why Councillors, agency workers and contractors were exempt from the Whistleblowing Policy.	For the purposes of legal protection for whistleblowers, workers, as defined in law, includes agency workers and contractors but does not include councillors. This policy does not exclude councillors from whistleblowing, but as stated in 3.8c there is a separate policy available to them.
Minute 60  <b>Whistleblowing Policy</b>  12 March 2024	It was suggested that Section 3.4 be considered for re-wording, as it put too much pressure on people to put their name to a whistleblowing report.	The relevant section is now 4.4 and has been amended to give optional anonymity.
Minute 60  <b>Whistleblowing Policy</b>  12 March 2024	Section 2.2 did not include inappropriate behaviour, so Ross Jago (Head of Governance, Performance and Risk) agreed to provide information to members on how this would be dealt with through existing HR policies, or if it needed to be included in the Whistleblowing Policy.	As stated in 1.2 whistleblowing usually involves bringing forward concerns that are in the public interest to investigate and resolve. Examples are crime, fraud, the giving or taking of bribes, financial malpractice, or practices that might endanger individuals or the environment. There are separate policies in place to deal with issues around inappropriate behaviour.
Minute 60  <b>Whistleblowing Policy</b>  12 March 2024	It was suggested that Section 6.1 a should be changed to 'any Councillor'.	Paragraph 7.1 now reads  a) Any Plymouth City Councillor"
Minute 60  <b>Whistleblowing Policy</b>	It was suggested that 'MPs' be included in Section 6.1.	Paragraph 7.1 now reads

12 March 2024		(h) Any MP elected to represent Plymouth
Minute 60 <b>Whistleblowing Policy</b> 12 March 2024	Ross Jago (Head of Governance, Performance and Risk) agreed to provide information to the Committee on process if the Service Director was the subject of a Whistleblowing issue.	Where a Service Director is the subject of a Whistleblowing issue, paragraph 5.2 still remains in place, substituting another Service Director, however the recommendation would be to refer to paragraph 5.3.