



# Speak Out Policy (formerly Whistleblowing)

## Document Control Sheet

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Unless this copy has been taken directly from Ryedale District Council's intranet, there is no assurance that this is the most up to date version.

This policy supersedes all previous issues.

## 1. Scope

- 1.1. Ryedale District Council is committed the highest possible standards of openness, probity and accountability. The council expects its employees to speak out and voice any legitimate concerns.
- 1.2. This policy applies to all employees of Ryedale District Council and Elected Members

## 2. Purpose

2.1. The purpose of this policy is to;

- Ensure all employees are aware how to 'Speak Out' and make a disclosure, who the disclosure should be made to and how the information will be handled.
- Reassure all employees that they will not be subject to detriment from the council or anyone acting on its behalf by having made or proposing to make a disclosure under this policy, unless the disclosure is not made in good faith or in making it, a crime is committed.
- Secure and maintain trust and confidence with all of our employees and in this procedure for facilitating a disclosure of concerns and enabling them to 'Speak Out'.

## 3. Policy Remit

3.1. This policy covers;

- Information which shows or tends to show one of the following matters is either happening now, took place in the past or is likely to happen in the future
  - A criminal offence.
  - A breach of a legal obligation.
  - A miscarriage of justice. Miscarriage of justice means miscarriage of justice in civil or criminal proceedings.
  - A danger to the health or safety of any person including Elected Members, Customers and Colleagues
  - Damage to the environment
  - Deliberate covering up of any information tending to show any of the above five matters.
  - Bullying/Harassment/ Intimidation of any person including Elected Members, Customers and Colleagues.
- Relevant failures which;
  - Concern the Council or

- Relate solely or mainly to the conduct of a Member, employee, contractor, subcontractor, supplier or agent of the Council or
- Concern a matter for which the Council has a legal responsibility or
- Are a matter where the Council has regulatory powers or powers of enforcement

3.2. This policy does not cover;

- A disclosure of information which is not a relevant failure.
- A disclosure of information which does not concern the Council, its functions, powers and duties or any of its Members, employees, contractors, suppliers or agents.
- Any instance where the person disclosing the information commits or would commit an offence, for example if the disclosure was prohibited under the Official Secrets Act 1989.
- A disclosure of information, which would be protected from disclosure because of legal professional privilege, that is to say if it was made by the legal adviser (or, say, a clerk in the adviser's office) to whom the information was disclosed in the course of obtaining legal advice.
- Grievances or any response or answer to a grievance made in accordance with the Council's Resolving Issues at Work Policy.
- Matters of dispute between individual employees or groups of employees.

#### **4. What does it mean to 'Speak Out'?**

- 4.1. To 'Speak Out' means to make a disclosure to the Council about a legitimate concern you have about any of the situations detailed in section 3.1 of this policy.
- 4.2. By 'Speaking Out' you are making a disclosure to the Council about something that has happened in the past, is happening at the moment, or is likely to happen in the future.

#### **5. Who should you 'Speak Out' to?**

- 5.1. In the case of information that is in relation to fraud or corruption within the Council's Anti-Fraud and Corruption Strategy or failure to comply with the Council's financial rules, then you should 'Speak Out' to the Audit Manager (Or his/her nominee)
- 5.2. In the case of information which is raised in the course of a disciplinary investigation or in response/mitigation of an allegation made under the disciplinary policy, you should raise the issue concerned with the Disciplinary

Investigating Officer.

- 5.3. In the case of information in relation to any other relevant failure or any of the situations listed in section 3.1 of this policy, you should 'Speak Out' to the Council's Monitoring Officer (or his/her nominee)
- 5.4. In the cases where the information shows or tends to show that the situation is linked to the person who you should normally 'Speak Out' to, you should 'Speak Out' to the Council's Chief Executive, who will decide on the process which should be followed.

## **6. How to 'Speak Out'?**

- 6.1. You will need to inform the relevant person (detailed above) of your concerns, if possible you should do this in writing, if initially you do this verbally you should confirm what you have said in writing. To help enable you to do this you can use the 'Speak Out Form' which can be found ([LINK](#))
- 6.2. The information you give and the confirmation in writing should where possible include;
  - Set out the facts with the relevant dates, the names of the people involved and what their roles are/were.
  - How those facts show or seem to show that there is a relevant failure.
  - Any documents or evidence which needs to be protected or gathered as evidence.
  - Any person identified that their interests need to be protected as a matter of urgency e.g. children, the elderly and others who need help from the Council.
  - What may be necessary to correct the relevant failure or to stop it happening again.
  - Whether the matter has been reported before, when, in what manner and to whom.

## **7. How will we respond?**

- 7.1. Initial enquires will be made by the relevant person as detailed in Section 5, to establish whether an investigation should take place and what form it should take. If the disclosure does not fall within the remit of this policy then it will normally be referred to the appropriate department for further consideration.
- 7.2. When the disclosure does fall within this policy, an investigation will be carried out.
- 7.3. There may be some instances where an agreed action can resolve the matter without the need for a detailed investigation.

7.4. The relevant person who the disclosure has been made to will write to the employee who spoke out to;

- Acknowledge that the concern has been received;
- Indicate how they propose to deal with the matter;
- State whether further investigations will take place, and if not, to detail the reason(s) for this.
- All disclosures will be treated with strict confidentiality

## **8. Independent advice**

8.1. It is possible to get independent advice about 'Speaking Out' at work from an independent charity. Details of which can be found below;

- Public Concern at Work: 020 7404 6609

## **9. Further Information**

9.1. The Public Interest Disclosure Act 1998 can be found at;

<https://www.gov.uk/government/publications/the-public-interest-disclosure-act>



## 'Speak Out' Form

This document will form the basis of the investigation if one is needed. It is important that it is completed as fully and accurately as possible. Please read the Council's Speak Out Policy before completing this form.

**Note: All disclosures will be treated with strict confidentiality**

Report submitted to:			
<input type="checkbox"/> Audit	<input type="checkbox"/> Investigating Officer	<input type="checkbox"/> Monitoring Officer	<input type="checkbox"/> Chief Executive
Your name			
Your preferred contact details			
Your job role			
What are you reporting? Please tick relevant box	A criminal offence.	<input type="checkbox"/>	
	A breach of a legal obligation.	<input type="checkbox"/>	
	A miscarriage of justice	<input type="checkbox"/>	
	A danger to the health or safety of any person	<input type="checkbox"/>	
	Damage to the environment	<input type="checkbox"/>	
	If you also believe that there is deliberate covering up of any information tending to show any of the above five matters please also tick this box	<input type="checkbox"/>	
	Bullying/Intimidation/Harassment	<input type="checkbox"/>	

**Please give as much information as possible**

Please set out the facts with the relevant dates, the names of the people involved and what their roles are/were.

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Describe how those facts show or seem to show that there is a relevant failure.
Indicate any documents or evidence which needs to be protected or gathered as evidence and location if you are not able to provide yourself.
Indicate whether any person identified needs their interests to be protected as a matter of urgency e.g. children, the elderly and others who need help from the Council.
What do you feel may be necessary to correct the relevant failure or to stop it happening again.
Give details of whether the matter has been reported before, when, in what manner and to whom.

**Additional information**

Is there anyone else who may be able to help the Council look into the events/facts? If so what are their names, where can they be contacted and state briefly what you think they may know?
Have any threats been made against you personally in connection with the matter revealed in this report, by whom and when?
Have you lodged a grievance under the Councils' Grievance Procedure which relates to the events/facts referred to in this report? If so please give the date on which the notice was given under that policy and at what stage that process has now reached?
Are you or any of the people referred to in this report subject to a disciplinary investigation or disciplinary action in connection with the events or facts which you are reporting?

**Declaration**

I believe that the information disclosed in this report, and any allegations contained in it or to be inferred from it, are substantially true.

Signature:

Date:

Date Received	
Date Acknowledged	