

## Issued by the Human Resources Team

If you require this procedure in another format please go to the end of this document for details.

### Introduction

It is important for individuals (employees, agency workers, volunteers and those contractors working on KCC premises) to have an appropriate means to raise concerns if they believe that something is seriously wrong within KCC.

This document outlines the process that will be followed in the event of a whistleblowing complaint being raised.

### Other Complaints Procedures

This procedure is separate from KCC's Complaints Procedures and other statutory reporting procedures applying to some Directorates. Managers are responsible for making service users aware of these procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affect an individual.

KCC's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

If, as an employee, you wish to raise a concern regarding issues relating to your own employment KCC has a Resolution Policy and Procedure that you can use. Further information on these documents can be found on KNet.

### Use of the Whistleblowing Procedure

You may become aware of, or directly witness, situations or conduct that makes you feel uncomfortable or you regard as inappropriate. The Whistleblowing Procedure provides a means for you to raise concerns about matters not related to your own employment or your work within KCC but which you feel need to be examined. Examples of the type of matters that could lead to you wishing to raise a whistleblowing complaint are outlined in the KCC Whistleblowing Policy.

### How to Raise a Concern

#### General

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on your behalf.

If you intend to make a whistleblowing complaint you are encouraged to include your name. If you specifically request for your name not be released during the examination of your complaint, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

In the event of anonymous allegations being received, KCC will determine whether or not it is possible and appropriate for the allegations to be examined. This will be determined on a case by case basis with reference to the seriousness of the issues raised, the credibility of the concern and the likelihood of being able to confirm the allegation from attributable sources.

### Step One – Raising a Concern

Whenever possible you should raise your concern with your immediate manager or his/her manager, who can, if needed, seek guidance and advice from the Human Resources Team or Internal Audit. If this is not appropriate, you should approach the following according to the nature of the concern:

Directorate	Contact Name	Email
<b>Strategic &amp; Corporate Services</b>	<b>Ann Cook</b>	<a href="mailto:Ann.Cook@kent.gov.uk">Ann.Cook@kent.gov.uk</a> 03000 410 003
<b>Growth, Environment &amp; Transport</b>	<b>Theresa Warford</b>	<a href="mailto:Theresa.warford@kent.gov.uk">Theresa.warford@kent.gov.uk</a> 03000 417 192
<b>Education &amp; Young People's Services</b>	<b>Hilary Williams</b>	<a href="mailto:Hilary.Williams@kent.gov.uk">Hilary.Williams@kent.gov.uk</a> 03000 416 844
<b>Social Care, Health &amp; Wellbeing</b>	<b>Anthony Mort</b>	<a href="mailto:Anthony.Mort@kent.gov.uk">Anthony.Mort@kent.gov.uk</a> 03000 415424
<b>Senior Management contact points</b>	<b>Ben Watts</b> – General Counsel	<a href="mailto:Benjamin.Watts@kent.gov.uk">Benjamin.Watts@kent.gov.uk</a> 03000 416814
<b>Senior Management contact points</b>	<b>Paul Rock</b> - Counter Fraud Manager	<a href="mailto:Paul.Rock@kent.gov.co.uk">Paul.Rock@kent.gov.co.uk</a> 03000 416 621

### Recording Concerns

Internal Audit maintain a central record of whistleblowing concerns. The record will include the areas of Council business that have been affected, a summary of action taken and the resulting outcome, follow up and feedback. Managers that receive Whistleblowing concerns must report the matter to Internal Audit for inclusion on the central record by sending the details to [internalaudit@kent.gov.uk](mailto:internalaudit@kent.gov.uk) with the subject line 'Whistleblowing'.

KCC has an [Anti-Fraud and Corruption Strategy](#) and all suspected financial irregularities must be reported to the Head of Internal Audit.

### **Whistleblowing Hotline**

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. If you wish to raise any type of Whistleblowing concern directly with Internal Audit (anonymously if necessary) please call the Whistleblowing helpline on 03000 414 500 or e-mail [internalaudit@kent.gov.uk](mailto:internalaudit@kent.gov.uk).

### **Step Two - How KCC will respond**

The action KCC takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, Internal Audit or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry

In order to protect individuals and KCC, 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 specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

An appropriate manager will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the manager will seek advice from the Human Resources Team and, where appropriate, safeguarding professionals, Internal Audit or the Counter Fraud Manager.

The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistleblowing Procedure. This may involve disciplinary action against another KCC employee or the involvement of agencies such as the Police or the External Auditor.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how KCC proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not.

### **Contact**

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

## Attending Meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

## Protection from Reprisals and Victimisation

KCC does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect you if you raise a concern via the Whistleblowing Procedure. KCC will treat any reprisals, victimisation or harassment as a serious matter and if this involves a KCC employee it will be investigated in accordance with the Disciplinary Procedure. In the event of a disciplinary case being found, this could potentially result in the person's dismissal.

## Support

KCC will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, KCC will advise or arrange for you to have advice about the procedure.

KCC accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

## How to take the matter further

This procedure is intended to provide individuals with an avenue to raise concerns within KCC. If you are not satisfied, and feel it is right to take the matter further you do have the option to report your concerns with an appropriate external body, e.g. the Public Concern at Work independent helpline or a relevant 'prescribed person'. A 'prescribed person' is someone who is independent of KCC but has an authoritative relationship with it, e.g. a legislative or regulatory body such as the Health & Care Professions Council (HCPC). If you do choose to raise your concerns with a prescribed person or body, it must be one that deals with the matter you are raising, e.g. a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

Further information and a list of [prescribed persons](#) is available on the Government's Gov.UK website.

	External Body	Contact Details
Independent Helpline	PUBLIC CONCERN AT WORK	020 7040 6609

Other reporting options:

- a local Kent County Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If you have a particular concern regarding how child protection issues are being handled by KCC or another organisation you can contact the NSPCC Whistleblowing helpline on 0800 0280285. Further information is available on the [NSPCC website](#).

If your concern involves a service which is regulated by Ofsted you may wish to contact the Ofsted Whistleblowing Hotline on 0300 1233155 (available from 8.00am to 5.00pm Monday to Friday) or e-mail [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

If a matter is taken outside KCC, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the relevant named KCC contact (as set out above).

### **Public Interest Disclosure**

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any KCC employee directly due to the individual having made such a disclosure will automatically be unfair

### **False or Malicious Allegations**

Disciplinary action will only be taken against individuals who make false, malicious or vexatious allegations.

### **Alternative Formats**

This document is available in other formats. Call 03000 421553 or email [alternativeformats@kent.gov.uk](mailto:alternativeformats@kent.gov.uk)

## Whistleblowing Procedure

