

HERTFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP

WHISTLEBLOWING POLICY

For the avoidance of doubt, this policy should be read in conjunction with [Hertfordshire County Councils \(“HCC”\) Whistleblowing policy](#).

Introduction

1. A Discloser is the person who is the whistle-blower.
2. This procedure outlines the process to follow for a Discloser when reporting a perceived wrongdoing within the LEP, including something they believe goes against the core values of Standards in Public Life (the Nolan Principles) and the Code of Conduct for LEP Board Members and staff. The Standards in Public Life include the principles of; integrity, honesty, objectivity, accountability, openness, honesty, leadership and impartiality.
3. In particular LEP Board Members, as the key decision makers of the LEP, have a right and a responsibility to speak up and report behaviour that contravenes these values.
4. It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly.

Definitions

5. This document uses the following definitions:
 - *Whistleblowing* - where an individual who has concerns about a danger, risk, contravention of rules or illegality provides useful information to address this. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individuals own position and has no or very limited public interest.
 - *The LEP* – Hertfordshire Local Enterprise Partnership.
 - *Discloser* – this is the person who is the whistle-blower. They might be an employee, a LEP Board Member, a contractor, a third party or member of the public.
 - *Reporting Officer* - this is the person, appointed by HCC as Accountable Body for the LEP, with overall responsibility for maintaining and operating this whistleblowing policy. They will maintain a record of concerns raised and the

outcomes (but will do so in a form that does not endanger confidentiality). The Contact Details for the Reporting Officers are as follows:

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| The Monitoring Officer (Chief Legal Officer) Kathryn Pettitt Postal Address: Room 212, County Hall, Hertford, SG13 8DE Postal Point: CHO241 Telephone: 01992 555527 Comnet: 25527 E-mail: whistle@hertfordshire.gov.uk <i>This is a dedicated e-mail address for whistleblowing complaints to which only the Monitoring Officer and her two nominated Deputy Monitoring Officers will have access.</i> | |
| Assistant Director of Human Resources Sally Hopper Postal Address: Room 202, County Hall, Hertford, SG13 8DE Postal Point: CHO243 Telephone: 01992 556653 Comnet: 26653 E-mail: sally.hopper@hertfordshire.gov.uk | |
| The Head of Assurance Services Terry Barnett Postal Address: First Floor, Robertson House, Six Hills Way, Stevenage, SG1 2FQ Postal Point: SROB 105 Telephone: 01438 845508 Comnet: 55508 E-mail: terry.barnett@hertfordshire.gov.uk | |

- *Relevant Concern* – something the Discloser has been asked to do, or is aware of which they consider to be wrong-doing and is in the public interest.

Scope

6. The LEP is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment, we encourage Disclosers with serious concerns about the work of the LEP to come forward and voice their concerns without fear of reprisal.
7. Disclosers should note that where the concern is one that might fall under HCC's or where applicable the LEP's staff or work force policies on equality and diversity or harassment and bullying or other staff policies, they should consider using the reporting mechanisms for those other policies first. See the [HCC Employee Handbook](#) for more information.
8. HCC has a pre-existing complaints procedure that in many cases will be more appropriate for third parties or members of the public to follow. Third parties or members of the public should review the separate confidential complaints

procedure outlined in the [LEPs Complaints Policy](#) on the LEP's website first before going through the whistleblowing process.

9. However, if a member of the public or third party believes that their complaint fits the description of a 'relevant concern' outlined below, they may report their concerns through the whistleblowing policy procedure.

Policy Statement

10. The LEP acknowledges that Disclosers may often be the first people to realise that there may be something seriously wrong within the organisation.

11. This policy aims to:

- Encourage people to feel confident about raising serious concerns and to question and act upon their concerns without fear of victimisation or harassment;
- Provide avenues for Disclosers to raise those concerns and receive feedback on any action taken;
- Allow Disclosers to take the matter further if they are dissatisfied with the LEP's response; and
- Reassure all Disclosers, employees in particular who may have specific concerns about their position and employment status, that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.

What is a relevant concern?

12. If a Discloser is asked to do something, or is aware of the actions of another, which they consider to be wrongdoing, they can raise it using this procedure. The Discloser must have a reasonable belief that raising the concern is in the public interest.

13. In relation to the LEP, a Discloser may decide to raise a concern under the whistleblowing policy if they are aware, for example, of a situation that they feel:

- is against the LEP's procedures and protocols as set out in its code of conduct and individual LEP Assurance Framework;
- falls below established standards of practice the LEP subscribes to;
- amounts to improper conduct; or
- is an abuse of power for personal gain.

14. The types of matters regarded as a relevant concern for the purpose of this procedure include, but are not limited to, the following:

- Fraud or financial irregularity
- Corruption, bribery or blackmail

- Other Criminal offences
 - Failure to comply with a legal or regulatory duty or obligation
 - Miscarriage of justice
 - Endangering the health or safety of any individual
 - Endangering the environment
 - Improper use of authority
 - Concealment of any of the above.
15. Disclosers should not raise malicious or vexatious concerns, nor should they raise knowingly untrue concerns. In addition, this procedure should not be used to raise concerns of a HR/personal nature, for example, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, for example, the HCC grievance procedure. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the LEP but, for example, an employee or LEP Board Member is required to act in a way which conflicts with a deeply held personal belief.

Safeguards

16. The [Public Interest Disclosure Act \(1998\)](#) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The LEP believes that no member of staff should be at a disadvantage because they raise a legitimate concern.
17. The LEP will not tolerate harassment or victimisation and will take action to protect Disclosers when they raise a concern in the public interest.

Raising a concern

18. If a Discloser experiences something in the workplace which they consider a relevant concern, it is important that the concern is raised as early as possible. Proof is not required at this point – it is for the Reporting Officer to investigate. The Discloser must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern.
19. All concerns will be treated in confidence and every effort will be made to protect the Discloser's identity if they wish to remain anonymous. However, at the appropriate time, it is possible that the Discloser will need to come forward as a witness for the matter to progress.
20. It is important to follow the correct procedure when raising a whistleblowing concern.

Procedure for making an Allegation

21. It is preferable for allegations to be made to an employee's immediate manager, if the Discloser is an employee, or to the HCC employee to whom they report if the Discloser is not an employee. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the Discloser believes that management is involved it would be inappropriate to raise the matter directly with them. The Discloser may then make an allegation direct to any one of the three Reporting Officers.
22. If an officer who is not a Reporting Officer (e.g. the Discloser's line manager) receives an allegation he/she will discuss the allegation with the Discloser. If, following discussion, the Discloser wants to proceed with the allegation, the officer who received the allegation will inform the Monitoring Officer who will then deal with the allegation under this Procedure as if the allegation had been made direct to the Monitoring Officer.
23. An allegation may be made to a Reporting Officer orally or in writing. If an allegation is made orally the Reporting Officer to whom it is made may ask that it be confirmed in writing. Whether a written or oral report is made it is important that relevant information is provided including:
 - The name of the person making the allegation and a contact point. As referred to above it will be more difficult for the County Council to pursue issues if allegations are made anonymously;
 - The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
 - The specific reason for the allegation.
24. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the Reporting Officer to establish that there are reasonable grounds for the allegation.
25. The earlier the allegation is made the easier it is to take action.
26. Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another County Council procedure the right to be accompanied will at that stage be in accordance with the relevant procedure (e.g. the Disciplinary Procedure gives the right to be accompanied by a trade union representative or work colleague).
27. Ultimately, the Discloser can raise their concern with the LEP Chief Executive who reserves the right to escalate any issues to the LEP Board if necessary.

How the concern will be handled

28. The Reporting Officer will record details of the allegation using the pro-forma record form approved by the Monitoring Officer. If not the Monitoring Officer, the Reporting Officer will, within 5 working days of receipt of the allegation, inform the Monitoring Officer in writing that the allegation has been made and forward to the Monitoring Officer copies of:
 - The record of the allegation;
 - The acknowledgement of the allegation;
 - Any documents supplied by the Discloser.
29. The Reporting Officer will ask the Discloser for his/her preferred means of communication and contact details and use these for all communications with the Discloser in order to preserve confidentiality.
30. The Reporting Officer who received the allegation will notify the other Reporting Officers and work with them to determine whether the allegation should be investigated and, if so, the best way of investigating the allegation. If the Allegation relates to fraud, potential fraud or other financial irregularity the Head of Assurance Services will determine whether the allegation should be investigated and the method of investigation.
31. If the allegation discloses evidence of a criminal offence the Monitoring Officer, will discuss the matter with the other Reporting Officers and a decision will be made as to whether to inform the Police.
32. If the allegation concerns suspected harm to children, the Monitoring Officer of HCC will consult HCC's Local Authority Designated Officer (LADO). If the issue is around suspected harm to vulnerable adults, the Monitoring Officer will consult with HCC's Head of Adult Safeguarding (Health & Community Services).
33. Some allegations may be resolved by agreed action without the need for investigation. Where this is the case the Reporting Officer(s) will document the justification for this decision.
34. The Reporting Officer to whom the allegation has been made will acknowledge the allegation in writing within 10 working days by sending the Discloser an acknowledgement in the standard format approved by the Monitoring Officer and containing the following information:
 - An indication of how the County Council propose to deal with the matter
 - An estimate of how long it will take to provide a final response
 - An indication of whether any initial enquiries have been made
 - Information on Discloser support mechanisms, and
 - Indicating whether further investigations will take place and if not, why not

35. Where the allegation has been made anonymously, obviously the County Council will be unable to communicate what action has been taken.
36. The amount of contact between the Reporting Officer and the person making the allegation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the County Council will seek further information from the person making the allegation.
37. The County Council will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a Discloser is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.
38. The County Council accepts that Disclosers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation. On conclusion of any investigation feedback will also be requested from the Discloser on the process set out in this procedure for considering their allegation.

Confidentiality and anonymity

39. This procedure encourages Disclosers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove.
40. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Monitoring Officer.
41. In exercising discretion to accept an anonymous allegation the factors to be taken into account by the Monitoring Officer would include:
 - The seriousness of the issue raised
 - The credibility of the allegation; and
 - Whether the allegation can realistically be investigated from factors or sources other than the complainant

Protection

42. If a concern is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the Discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation (see gov.uk for more information on who is covered by whistleblowing legislation). Where a Discloser has been victimised for raising a concern, the LEP concerned will take appropriate action against those responsible, in line with the LEP's disciplinary policy and procedures.

Changes to procedures or policy as a result of whistleblowing

43. If changes are made to LEP policies and processes as result of whistleblowing investigations, the LEP will publicise the changes as appropriate, taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

Untrue Allegations

44. No disciplinary or other action will be taken against a Discloser who makes an allegation in good faith genuinely believing it to be true even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a Discloser who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

How this matter can be taken forwards if you are not satisfied

45. This procedure is intended to provide Disclosers with an avenue to raise legitimate concerns. If you are either unable to raise the matter with the LEP Executive Team directly or via the Whistleblowing policies and procedures or you are dissatisfied with the action taken, you can report it directly to

- i. The LEP Chair by contacting chair@hertfordshirelep.co.uk or by writing to Herts LEP, BioPark, Broadwater Road, Welwyn Garden City, Hertfordshire, AL7 3AX. You should clearly mark your letter as 'FAO LEP Chair – Official - Whistleblowing'.
- ii. The Cities and Local Growth Unit in the Department of Communities and Local Government and the Department of Business Energy and Industrial Strategy, at the following email address: LEPPolicy@communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official - whistleblowing".

46. In addition, if you are either unable to raise the matter with the LEP directly or via the Whistleblowing policies and procedures or you are dissatisfied with the action taken you may consider raising it with:

- The police
- The relevant regulatory body or professional body
- Your Trade Union
- Your solicitor
- Your Citizens Advice Bureau

47. Further information and signposting for potential Disclosers is available on www.gov.uk.

48. If a Discloser does take the matter outside of HCC or the LEP, to an external body, they should ensure they do not disclose information that is confidential, for example, if you are an employee your contract of employment may set out expectations of your regarding what is confidential.

Feedback on Whistleblowing Policy

49. Any feedback or comments on this policy should be directed to the LEP Chief Executive, which can be forwarded onto the LEP Board and Reporting Officer if required.

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