

# Whistleblowing Policy

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# 1. Introduction

- 1.1. The Authority is committed to ensuring that it operates with high standards of honesty, integrity and accountability. The Authority encourages all staff to come forward and voice any suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate. The aim of this policy is to ensure staff feel comfortable raising genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.2. The policy applies to all employees, volunteers, and to those contractors working for the Authority on its premises, such as agency workers, consultants, casual workers and self-employed contractors (collectively referred to as “staff” throughout this policy).
- 1.3. This policy does not form part of any contract of employment or other contract to provide services, and the Authority may amend it at any time.

# 2. Aim and Scope of this policy

- 2.1. This policy aims to:
  - provide a procedure in the event that staff wish to raise concerns, together with the appropriate contact persons for them to approach for advice and guidance;
  - inform staff of their ability to take the matter further if they are dissatisfied with the Authority’s response; and
  - reassure staff that they will be protected from reprisals if they raise genuine concerns in line with this policy.

## What is whistleblowing?

- 2.2. “Whistleblowing” is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
  - Bribery;
  - Facilitation of tax evasion;
  - Failure to comply with any legal obligation;
  - Fraud or other criminal activity;
  - Miscarriages of justice;
  - Danger to health and safety;
  - Damage to the environment;

- A breach of the Authority’s Standing Orders or internal policies and procedures;
  - Conduct falling below the Authority’s standards or practice which damages the Authority’s reputation; and
  - The deliberate concealment of any of the above.
- 2.3. A “whistle-blower” is a person who raises a genuine concern relating to any of the above. If staff have any genuine concerns related to suspected wrongdoing or danger affecting any of the Authority’s activities, they should report it under this policy.
- 2.4. If staff wish to make a complaint relating to their own personal circumstances (for example, a complaint regarding the way they have been treated at work), they should use the Authority’s Grievance Procedure. If, however, their complaint also involves concerns regarding one of the bullet point reasons listed above, they should discuss their concern with their line manager or Director (or, if the concern is about them, the Monitoring Officer or other designated officer appointed by them). A full list of contacts is set out in section 9.
- 2.5. If staff are uncertain about whether their concern falls within the scope of this policy, the Authority encourage staff to seek advice from their immediate line manager or Director.

### **3. Safeguards**

#### **Protection for Staff**

- 3.1. Staff must not suffer any detrimental treatment as a result of raising a concern and the Authority will not tolerate any such conduct. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If staff believe that they have suffered any such treatment, staff should inform the Chief Executive immediately. If the matter is not resolved, staff should raise it formally under the Authority’s Grievance Procedure.
- 3.2. Staff must not threaten or retaliate against whistle-blowers in any way. The Authority will subject staff to disciplinary action if they carry out such conduct. In some cases, the whistle-blower could have a right to bring a claim against staff personally for compensation in an employment tribunal.

#### **Confidentiality**

- 3.3. The Authority encourage staff to feel able to voice any concerns openly. However, if staff wish to raise the concern confidentially, the Authority will respect their wish and do its best to protect their identity. It may however be appropriate for the

purpose of the investigation process to reveal the source of the information and include their statement of disclosure. If this is necessary, the Authority will discuss this with them in advance.

- 3.4. If staff have any particular concerns about possible reprisals if their identity is revealed, they should report this to the Monitoring Officer. Appropriate measures can be taken to preserve staff's confidentiality. If staff are in any doubt, they can seek advice from Protect (the independent whistleblowing charity) who offer a confidential helpline. Their contact details are at the end of this policy.

### **Anonymous Allegations**

- 3.5. This policy encourages staff to raise their concerns without the need to do so anonymously. The Authority will of course try to investigate any concerns raised (even those raised anonymously) however, concerns expressed anonymously may be more difficult or impossible to investigate if the Authority are unable to obtain further information. The following will be considered to determine whether the Authority can consider a concern raised anonymously:

- the seriousness of the issue(s) raised; and
- the credibility of the concern(s).

### **Untrue Allegations**

- 3.6. If staff raise an allegation in good faith, but it is not confirmed by the investigation, action will not be taken against them. If, however, staff raise a malicious or vexatious allegation they know to be untrue, then the Authority will not investigate the case further and will instigate disciplinary action against them.

## **4. How to Raise a Concern**

- 4.1. The Authority would encourage staff to raise concerns with their immediate line manager or section head or Director. This depends, however, on the seriousness and sensitivity of the issues involved and whether they feel comfortable raising it to them. Alternatively, staff may prefer to approach the other officers listed in section 9.
- 4.2. The Authority will arrange a meeting with them to discuss the concern as soon as possible after the concern has been raised. Staff may bring a trade union or other companion, who may be a colleague, to any meetings under this policy. The companion must respect the confidentiality of the meeting and any subsequent investigation. The Authority want to ensure that staff feel comfortable raising any concerns therefore, it may be possible for the meeting to be held at a 'neutral' venue (i.e. away from their normal office or other work base).

- 4.3. The Authority will take a written note of the meeting and will provide you with a copy after the meeting. The Authority will also aim to give you an indication of how the Authority propose to deal with the matter.

## 5. How the Authority will Respond

- 5.1. Once a concern is raised, the Authority will take action by carrying out an initial assessment to determine the scope of any investigation, if appropriate. The Authority will also consider whether any concerns or allegations fall within the scope of other procedures (for example discrimination issues).
- 5.2. The action taken by the Authority will depend on the nature of the concern. The matters raised may:
- be investigated internally, in which case one of the designated officers will determine the appropriate investigatory measures. Staff with specialist knowledge of the subject matter may also be part of the investigation; or
  - be referred to an external party (for example, but not limited to, the Police or auditors).
- 5.3. The Authority aim to keep staff informed of the progress of any investigation. Following the initial meeting, the Authority will write to them to:
- acknowledge that the concern has been disclosed;
  - indicate how it proposes to deal with the matter;
  - advise them whether initial enquiries have been made;
  - advise them whether further investigations will take place, and if not, why not; and
  - give an estimate of how long it will take to provide an outcome.
- 5.4. Some concerns may be resolved by agreed action without further investigation. Alternatively, staff may be required to attend additional meetings in order to provide further information.
- 5.5. At the conclusion of any investigation, a report will be produced highlighting the main findings. This will be shared with those who have a genuine and legitimate need to know. The designated officer will endeavour to keep staff informed of the progress of the investigation, but will not necessarily be able to share either the final report or the conclusions of the investigation with them due to confidentiality. Staff should treat any information about the investigation as confidential.

## 6. Other Action

### If you are not satisfied

- 6.1. Whilst the Authority cannot guarantee the outcome staff are seeking, it will try to deal with their concern fairly and in an appropriate way.
- 6.2. If staff are not satisfied with how the concern has been handled, staff may raise it to one of the contacts set out at the end of this policy.

### External Disclosures

- 6.3. This policy is intended to provide staff with an avenue within the Authority to raise concerns, start investigation and remedy any wrongdoing. The Authority hopes that staff will be satisfied with any action taken and, in most cases, staff should not find it necessary to alert anyone externally.
- 6.4. The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. The Authority strongly encourages staff to seek advice before reporting a concern to anyone external. An appropriate contact is the independent whistleblowing charity, Protect, who operate a confidential helpline and who also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 6.5. For whistleblowing on matters relating to failures of public authorities to comply with environmental law, the prescribed body (since December 2022) is the Office for Environmental Protection (OEP). Its mission is to protect and improve the environment by holding government and other public authorities to account. The OEP's powers and duties include scrutinising environmental improvement plans and targets, scrutinising environmental law, advising government on environmental law and enforcing against failures to comply with environmental law. [Office for Environmental Protection | Office for Environmental Protection \(theoep.org.uk\)](https://theoep.org.uk)
- 6.6. Where staff wish to raise matters outside the Broads Authority, whistleblowing through the OEP, rather than disclosing an issue publicly may help avoid reputational damage, and could enable to identify systemic problems within or across organisations at the earliest opportunity. This could be, for example, by failing to take proper account of environmental law when carrying out your activities, or by unlawfully performing, or failing to perform, any activities you have to carry out under environmental law. More information on the OEP's whistleblowing policy is available on their website.
- 6.7. When whistleblowing concerns relate to actions of a third party (such as suppliers), in some circumstances, the law will protect staff to raise the matter with the third party directly. However, the Authority encourages staff to report such concerns

internally first. Staff should contact one of the designated internal officers to discuss this.

## 7. Support for Whistle-blowers

- 7.1. The Authority wants to support staff who raise concerns as much as possible and encourages staff to be open and transparent if they feel they need extra support.
- 7.2. If staff do not wish to speak internally at the Authority, a confidential support and counselling hotline is available to whistle-blowers who raise concerns under this policy. The contact details are set out at the end of this policy.

## 8. Responsibility for the success of this policy

- 8.1. The Chief Executive has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 8.2. The Director of Finance has day to day operational responsibility for this policy, and staff should refer any questions about this policy to them in the first instance. The Director of Finance must ensure that regular and appropriate training is provided to all managers and other staff who may deal with concerns or investigations under this policy.
- 8.3. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected wrongdoing or danger.

## 9. Contacts

### Internal

Job Title	Contact Details
Interim Chief Executive	Emma Krelle 01603 756060 <a href="mailto:Emma.krelle@broads-authority.gov.uk">Emma.krelle@broads-authority.gov.uk</a>
Director of Resources	Emma Krelle 01603 756060 <a href="mailto:Emma.krelle@broads-authority.gov.uk">Emma.krelle@broads-authority.gov.uk</a>
Director of Delivery and Data Protection Officer	Rob Rogers 01603 756085 <a href="mailto:Rob.rogers@broads-authority.gov.uk">Rob.rogers@broads-authority.gov.uk</a>
Monitoring Officer	Lorraine Taylor 01603 756063 <a href="mailto:Monitoring.officer@broads-authority.gov.uk">Monitoring.officer@broads-authority.gov.uk</a>

Job Title	Contact Details
Head of Internal Audit	Teresa Sharman 01603 430138 <a href="mailto:Teresa.Sharman@southnorfolkandbroadland.gov.uk">Teresa.Sharman@southnorfolkandbroadland.gov.uk</a>

## External

Organisation	Contact Details
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 Online form: <a href="https://protect-advice.org.uk">Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk)</a> Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>
External Audit	David Riglar 01223 394400 Email: <a href="mailto:driglar@uk.ey.com">driglar@uk.ey.com</a> Ernst & Young LLP One Cambridge Square, Cambridge North, Cambridge CB4 0AE
Office for Environmental Protection	The Disclosure Team Office for Environmental Protection Wildwood Drive Worcester WR5 2QT Email: <a href="mailto:whistleblowing@theoep.org.uk">whistleblowing@theoep.org.uk</a> Phone: +44 (0)330 236 92109 Website: <a href="http://theoep.org.uk">theoep.org.uk</a>
Norfolk Constabulary (for all suspected breaches of the law)	Operations and Communications Centre Jubilee House Falconers Chase Wymondham NR18 0WW Call: 101

## 10. Review

- 10.1. This Strategy will be reviewed every three years, or more frequently where there are significant changes to legislation within which the Authority operates.