



**St James's C of E
Primary School**

Let Your Light Shine

Model Whistleblowing Policy

Ratified on: 28th November 2024

Ratified by: Lee Salton-McLaughlin

Review date: When updated by Dudley

Written by: Dudley MBC

DUDLEY METROPOLITAN BOROUGH COUNCIL

WHISTLEBLOWING POLICY

Dudley Council is committed to ensuring that it and those people working for it comply with the highest standards of openness, honesty, integrity and accountability

This Policy will come into effect from October 2024 and will be reviewed on an annual basis.

Vision

We believe that every child is made in the image of God; inherently valuable and unique. Jesus is the light of the world and God has placed the light of the Holy Spirit within each of us:

Let your light shine to reach your God-given potential.

Let your light shine courageously.

Let your light shine as a beacon of hope.

Let your light shine ~ be the best we can be!

Worried that something may be going seriously wrong in your workplace?

Dudley
Metropolitan Borough Council



-  Fraud
-  Health & Safety
-  Pollution
-  Price Fixing
-  Legality
-  Abuse in Care

Not sure who you can talk to?

Under our Whistleblowing Policy, you can talk in confidence to Mohammed Farooq, Monitoring Officer on 01384 815301 or via emailing at mohammed.farooq@dudley.gov.uk

You can also raise your concern via the dedicated whistleblowing hotline number: 01384 814242 and by e-mail: hotline@dudley.gov.uk

You can also get independent, confidential advice from the charity Protect on 02031172520 or at www.protect-advice.org.uk

CONTENTS

- 1 What is Whistleblowing?
- 2 Raising Concerns
- 3 What are the aims of the Policy and when does it apply?
- 4 Protecting the Whistleblower
- 5 What the Council will do
- 6 The Responsible Officer
- 7 How the matter can be taken further
- 8 Review of the Policy
- 9 Corporate recording and monitoring

Appendices

- Appendix 1 Who to contact
- Appendix 2 Public Interest Disclosure Act 1998
- Appendix 3 Whistleblowing for those employed or working in various educational establishments
- Appendix 4 Confidentiality and Anonymity
- Appendix 5 The Nolan Principles

Whistleblowing Flowchart

You want to raise a concern

Does the concern relate to **serious wrongdoing** and is disclosure in the public interest?

No

The Whistleblowing procedure is not appropriate. However, advice can still be sought by contacting the dedicated Whistleblowing hotline on 01384 814242 and by e-mail: hotline@dudley.gov.uk

Yes

You can raise your concern by contacting the dedicated Whistleblowing hotline on 01384 814242 and by e-mail: hotline@dudley.gov.uk

Online forms can be accessed on the Council's website:

<https://www.dudley.gov.uk/council-community/legal-advice/reporting-suspected-fraud-whistleblowing/>

(Alternatively please see Appendix 1 appended to this policy for other reporting contact details)

Are you happy to raise the matter internally?

No

If you feel uncomfortable about contacting the Council internally, you may take your concern externally to **Protect** on: **0203 117 2520** or at www.protect-advice.org.uk

Confirm your concerns in writing, setting out the background, names, dates, places and reasons why you are concerned

Whistleblowing policy (confidential reporting)

1. What is Whistleblowing?

The term 'Whistleblowing' has a specific legal definition – i.e a disclosure or allegation of serious wrongdoing made by an employee, and a wider public definition, i.e. any disclosure or allegation of serious wrongdoing made by anyone.

The aim of this policy is to allow employees and others who have serious concerns about any aspect of the Council's work to come forward and voice concerns of suspected misconduct, illegal acts or failure to act within the Council.

Employees are often the first to realise there may be something seriously wrong within the Council. 'Whistleblowing' is viewed by the Council as a positive act that can make a valuable contribution to the Council's efficiency, statutory compliance and long-term success; it is not disloyal to colleagues or the Council to speak up.

The Council is committed to ensuring that it and the people working for it comply with the highest standards of openness, honesty, integrity and accountability.

If you are considering raising a concern, you should read this policy first as it explains:

- the types of issues that can be raised.
- how the person raising a concern will be protected from victimisation and harassment.
- how to raise a concern.
- what the Council will do.

2. Raising Concerns

2.1. Who should you raise your concern with?

If you suspect serious wrongdoing within the Council, including schools if they are part of the Council, you can raise your concern by contacting the dedicated Whistleblowing hotline on: 01384 814242 and by e-mail:

hotline@dudley.gov.uk

Online forms can be accessed on the Council's website:

<https://www.dudley.gov.uk/council-community/legal-advice/reporting-suspected-fraud-whistleblowing/>

2.2. How to raise a concern

If you feel uncomfortable making contact via the dedicated Whistleblowing hotline telephone number or email address, you can contact the:

- Monitoring Officer,
- Interim Chief Executive,
- Head of Audit and Risk Management Services.

For contact details see Appendix 1.

If you feel uncomfortable about contacting the Council internally, you may take your concern externally to **Protect** on: **0203 117 2520** or at

www.protect-advice.org.uk

Protect will offer free, independent and confidential advice.

The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true.
- the background and history of the concern (giving relevant dates).

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate that you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and that there are reasonable grounds for your concerns.

You may wish to discuss your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative, or a friend to be present for support during any meetings or interviews in connection with concerns you have raised.

3. What are the aims of the policy and when does it apply?

3.1. Aims of the policy

The policy is designed to ensure that you can raise concerns about wrongdoing or malpractice within the Council without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

This policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice.
- provide avenues for you to raise those concerns and receive feedback on any action taken.
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

3.2. Scope of the policy

This policy is intended to allow anyone who becomes aware of any wrongdoing in the Council to report their concerns at the earliest opportunity so that there can be an investigation within the Council rather than overlooking a problem or 'blowing the whistle' outside the authority.

The 'Whistleblowing' policy is not intended to replace existing procedures.

- or for raising or reconsidering matters that come under existing internal procedures.
- if your concern relates to your own treatment as an employee, you should raise it under existing People and Inclusion Policies and Procedures, e.g. The Employee Conduct and Behaviour Policy and associated tool kits.
- it is not for allegations that fall within the scope of specific procedures (for example child or vulnerable adult protection dealt with by Dudley Safeguarding Board), unless there is good reason to believe those procedures are not being followed.
- if a client has a concern about the services they receive, it should be raised as a complaint to the Council.
- complaints of misconduct by Councillors are dealt with under a separate procedure (for further information contact the Council's Monitoring Officer).

The policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage.

3.3. Who can raise a concern under this policy?

This policy applies to all:

- employees of Dudley Metropolitan Borough 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
- community and voluntary controlled schools where the Council is the legal employer*
- volunteers working with the Council

*those employees working in or assisting Academies, Voluntary Aided Schools, Foundation Schools and Free Schools where the Council is not the employer will have an alternative 'whistleblowing' procedure outside the Council because of the special relationship that exists with the schools' governing bodies. Please see Appendix 3 for further information.

3.4. What should be reported?

Any serious concerns that you have about service provision, the conduct of officers or others acting or purporting to act on behalf of the Council should be reported if they:

- make you feel uncomfortable in terms of known standards.
- are not in keeping with the Council's constitution or policies for example the Council's Standing Orders or Financial Regulations.
- fall below established standards of practice,
- amounts to improper behaviour.

These might relate to, but are not limited to:

- any criminal activity including incitement to commit a criminal act.
- disclosures related to miscarriage of justice,
- All discrimination including, but not limited to, racial, sexual or disability,
- health and safety of the public and employees,

- damage to property,
- damage to the environment,
- unauthorised use of public funds or other assets (including gross waste or mismanagement of funds),
- Possible fraud and corruption,
- abuse of powers of authority or guardianship,
- failure to comply with professional standards, Council policies or codes of practice/conduct,
- sexual, emotional or physical abuse or neglect of colleagues or clients,
- safeguarding children and vulnerable adults,
- any other form of improper action or conduct, for example breaches of the regulations requiring school governors *to act with integrity, objectivity and honesty and in the best interests of the school* (Appendix 3),
- breaches of the *Nolan Principles of Conduct Underpinning Public Life* (Appendix 5),
- any other unethical conduct,
- deliberately concealing any of the above.

This list is not exclusive.

4. Protecting the Whistleblower

4.1. Your legal rights

This policy has been written to take account of the Employments Rights Act 1996, the Public Interest Disclosure Act 1998, and the Enterprise and Regulatory Reform Act 2013.

PIDA protects workers making disclosures about certain matters of concern when those disclosures are made in accordance with the Act's provisions and the public interest.

The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act. See Appendix 2 for further details.

4.2. Harassment or Victimisation

The Council is committed to good practice, high standards, and to supporting you as an employee. It is recognised that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues, and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation of a 'whistleblower' (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. The Council will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

An employee has the right to complain of victimisation as a result of any whistleblowing to an employment tribunal.

Any employee who victimises a whistleblower could:

- be subject to an internal council investigation and potential disciplinary action, including potential dismissal.
- face a civil claim personally, as the affected whistleblower could be entitled to directly issue a legal claim against the culprit.

4.3. Support to you

Throughout this process:

- you will be given full support of senior management,
- your concerns will be taken seriously,
- the Council will do all it can to help you throughout the investigation.

If appropriate, the Council will consider temporarily re-deploying you for the period of the investigation.

For those who are not Council employees, the Council will endeavour to provide appropriate advice and support wherever possible.

4.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other procedures follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support (see appendix 4).

4.5. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Council. In exercising that discretion, the factors to be considered will include:

- the seriousness of the issue raised,
- the credibility of the concern,
- the likelihood of confirming the allegation from other sources.

4.6. Untrue Allegations

If you make an allegation in good faith and reasonably believe it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and there is no further action. However, if your allegation is malicious/vexacious or made for personal gain, appropriate action could include disciplinary proceedings being taken.

5. What the Council will do

The Council will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as accepting or rejecting them.

The overriding principle for the Council will be public interest. In order to be fair to all employees, including those who may be mistakenly or wrongly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Details that will need to be asked of you are listed below but are not exhaustive:

Name (unless they wish to be anonymous)

Contact details..... (unless they wish to be anonymous)

Who has committed the alleged serious wrongdoing?

What is the nature of the alleged serious wrongdoing and when/what date did it occur?

Is the person making a disclosure employed by DMBC?

Does that person work in a school (if so which one)?

Is the person a service user or member of the public?

The investigation may need to be carried out under terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases. Where appropriate, the matters raised may:

- be investigated by management, internal audit or via the disciplinary or grievance process.
- be referred to the Police.
- be referred to the external auditor.
- be referred and put through established child protection or abuse procedures.
- form part of an independent inquiry.

Within 10 working days of a concern being raised, the person investigating your concern will write to you;

- acknowledging that the concern has been received.
- indicating how the Council proposes to deal with the matter.
- supplying you with information on staff support mechanisms.
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or friend may accompany you in support.

The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

The Monitoring Officer will be notified of all whistleblowing referrals.

6. The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy and will report to the Audit and Standards Committee. If your concern is about the Chief Executive, it should be raised with the Leader of the Council who will decide how the investigation will proceed. If your concern relates to an Elected Member, it should be raised with the Monitoring Officer.

7. How the matter can be taken further

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Council, the following are the Council's prescribed contacts:

- your trade union
- the police
- the ombudsman
- other relevant bodies prescribed by legislation (the Monitoring Officer will be able to advise who you can contact)
- the External Auditor (Grant Thornton UK LLP)

If you raise concerns **outside** the Council, you should ensure that it is one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act (see Annex 2) and this policy.

You should not disclose information that is confidential to the Council to anyone else, such as a client or contractor of the Council, except to those included in the list prescribed contacts.

8. Review of the policy

The Council's Audit and Standards Committee will review the policy annually.

The Monitoring Officer will produce an annual report for that Committee. The report will include a summary of the concerns raised, to which directorate they relate to, the post to which the concerns related (if not confidential), and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- the Council and/or the relevant directorate learns from mistakes and does not repeat them.
- there is a consistency of approach across the directorates.

The annual reports will be available for inspection by internal and external audit, after removing any confidential details.

9. Corporate recording and monitoring

The Council is legally required to maintain a list of concerns raised by employees made under the Public Interest Disclosure Act. Inclusion in this list does not amount to acceptance that the communication amounts to a Protected Disclosure and any subsequent decision that the matter falls outside the Act will be added to the record on the list.

The Council will also record all disclosures of serious wrongdoing made by members of the public.

On conclusion of an investigation, the Monitoring Officer will be provided with a copy of the final report.

The Council will record details of all complaints made under this policy, anonymising the identity of the whistleblower. The Council will use this information for the purposes of identifying areas of concern, which may indicate further action is required, and where appropriate, share this information with other appropriate regulatory bodies. The types of information recorded may include:

- the date the concern was raised
- the nature of the concern and/or the risk/s highlighted
- who the concern was initially raised with
- whether confidentiality was requested
- the approach adopted
- the outcome, in terms of whether the concern was founded or unfounded
- whether feedback was given to the member of the public, contractor, employer, worker raising the concern and whether the worker was satisfied with the outcome and if not, why not; and
- the date the case was closed.

Both lists are maintained in accordance with the Data Protection Act 2018 (DPA).

A report on the number of concerns will be published annually. This report will not include any information identifying any whistleblower.

Balvinder Heran

Balvinder Heran

Interim Chief Executive

Date: 22.10.24

Appendix 1

email, telephone or write to any of the following senior officers:

Officer	Tel N°	E-Mail
Balvinder Heran Interim Chief Executive	01384 815330	<u>Balvinder.heran@dudley.gov.uk</u>
Mohammed Farooq Lead for Law & Governance and Monitoring Officer	01384 815301	<u>mohammed.farooq@dudley.gov.uk</u>
Graham Harrison Head of Audit and Risk Management Services	01384 815105	<u>graham.harrison@dudley.gov.uk</u>

All of the above Senior Officers can be contacted by post at:

Dudley Metropolitan Borough Council
The Council House
Priory Road
Dudley
West Midlands
DY1 1HF

Appendix 2

Disclosures made by Dudley Council employees, Trade Unions, Agency Staff, and any other individuals working for the Council.

The Public Interest Disclosure Act 1998 (PIDA)

PIDA is designed to encourage and enable employees (which includes Agency Staff and any other individual working for the Council) to raise any concerns about any suspected serious wrongdoing, an illegal act or a dangerous situation within the Council.

This is called making a “Protected Disclosure” under the Act, and when it is made in the public interest and in accordance with this policy, an employee is legally protected from harassment or victimisation as a result of the disclosure.

The person making the disclosure does not have to be directly or personally affected by the serious wrongdoing, but the disclosure must be made in the public interest.

PIDA will protect any employee or worker making a Protected Disclosure; irrespective of whether or not the disclosure relates to information gained in the course of their employment (e.g. a protected disclosure made by an employee acting as a service user would still fall under the PIDA protection).

If an employee does not feel comfortable making a disclosure to the Council, they may be entitled to make a disclosure to other prescribed persons.

If you are unsure whether or how to use this Policy, you may seek free confidential help from the independent charity, Protect — 02031172520 www.protect-advice.org.uk

Protect will also be able to help if you feel that it would be inappropriate to speak to any of the officers referred to above.

If you are employed by the Council, you may wish to consider discussing your concern with a fellow worker or your current recognised trade union representative first, and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. **You may invite those parties to be present during any meetings or interviews in connection with the concerns you have raised.**

Council employees are also entitled to make a Protected Disclosure through their manager, if they feel confident in approaching their manager to report a concern or allegation of serious wrongdoing that falls under this policy. If doing so, you must be explicit that the disclosure is being made under this policy. The manager must follow the obligation of confidentiality, but must, as

soon as possible after receiving the Protected Disclosure, log the disclosure and then confirm to the employee concerned, in writing or email, that this matter has been recorded.

In the event that an employee does not feel comfortable in making a disclosure to the Council, they are entitled to also make a Protected Disclosure to a number of other organisations. For further information as to whom, other than the Council, a protected disclosure can be made, see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information and you should check with one of the contact points listed in Appendix 1 to ensure that you are not doing so.

Whistleblowing by Members of the Public

Unlike disclosures by employees, the Public Interest Disclosure Act 1998 does not cover disclosures by members of the public.

However, the Council considers that any disclosures or allegations made by members of the public in respect of serious wrongdoing should be handled in the same way as disclosures made by employees.

Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as a disclosure made by an employee under the Public Interest Disclosure Act 1998.

Appendix 3

Individuals employed or working in Schools

Community and Voluntary Controlled schools where the Council is the legal employer have formally adopted the Council's Whistleblowing Policy.

Otherwise, individuals employed in schools are normally expected to raise their concerns within the school initially, using existing policies where they are appropriate.

Where the employee working in a school considers one or more incidents amount to a safeguarding incident, they should make a referral under the Schools Safeguarding policy. However, if the employee has good reason to believe that:

- a. the complaint or whistleblowing will not be managed properly within the school, or
- b. that they will be exposed to victimisation as a result of the complaint; or
- c. the concern is about another school or another service provided by Dudley Council;

then the employee may make the complaint directly to Dudley Council. People who make a complaint to Dudley Council about the school in which they work should set out why they feel unable to make the complaint directly to the school.

This policy requires the Headteacher or Chair of Governors in a community or voluntary controlled primary, secondary or special, voluntary controlled or maintained nursery school to respond to a disclosure in the same way as Dudley Council would respond. The Headteacher or Chair of Governors, as the case may be, is expected to seek advice as necessary from the Council and their HR provider.

The headteacher must notify the Monitoring Officer that a referral has been received and provide the final report.

Foundation and Voluntary-Aided Schools

In foundation and voluntary-aided schools that are also maintained (i.e. funded) by the Council, the governing body, not the Council, is the employer. It is therefore the responsibility of the governing body to adopt a whistleblowing policy.

In a foundation or voluntary-aided school, it is for the governing body to decide how, within its policy, employees and workers may make a qualifying disclosure which they do not feel able to share with the Headteacher or Chair of Governors. For example, a church school may wish to have discussions with the appropriate Diocesan Authority.

Where a concern is sent to the Council in respect of foundation or voluntary-aided schools, they will only be able to deal with those concerns in line with any legal obligations on the Council.

The Council's ability to investigate disclosures of serious wrongdoing made against a foundation or voluntary-aided school is considerably less than disclosures made against schools falling under the Council's whistleblowing scheme, and as such, the Council has limited legal powers to investigate a disclosure made in respect of foundation and/or voluntary aided schools except for certain types of allegations where there are statutory responsibilities of the Council, including but not limited to Safeguarding, Special Educational Needs and/or financial mismanagement allegation.

Employees who have major concerns about other schools or about Council services outside the school where they work; should report those concerns directly to the Council under this policy, as a member of the public.

Academies/Sixth Form Colleges/Free Schools

The Council does not maintain academies, sixth form colleges and/or free schools and these institutions need to adopt their own procedures, If concerns are raised that relate to the functions of the Council they will be dealt with under the Policy.

The Council has no legal powers to investigate a disclosure made in respect of academies, sixth form colleges, further education establishments and/or free schools (except for disclosures made in respect of safeguarding issues and Special Educational Needs). Upon receipt of such concerns, the Council will refer the disclosure to the Education and Skills Funding Agency (ESFA), (the Government Agency that has oversight of academy, sixth form colleges, further education establishments and free schools), and to whom complaints/whistleblowing disclosures in respect of academies, sixth form colleges, further education establishments and free schools should be made. However, the Council may disclose information about the disclosure, without disclosing the identity of the whistleblower, without the whistleblower's consent, where the allegations raised are sufficiently serious enough to warrant it.

In respect of disclosures of serious wrongdoing relating to safeguarding children or vulnerable adults, and/or Special Educational Needs the Council has a legal obligation to investigate, and will do so, irrespective of the status of the school.

Dudley Council will work with the Education and Skills Funding Agency (ESFA) and the Department for Education to review the outcome of any complaint referred to them.

It is recommended that where the academy/free school receives a Protected Disclosure by an employee, they seek advice from their appropriate professional advisor(s).

If they are unable to obtain such advice, they can approach the Charity, Protect (02031172520) www.protect-advice.org.uk, which may be able to assist.

Appendix 4

Confidentiality and Anonymity

Although PIDA does not refer to the confidentiality of concerns raised in a qualifying disclosure, there is a widespread assumption that such a disclosure will be treated in confidence as a means of preventing victimisation. Dudley Council will seek to avoid disclosing information identifying any whistleblower, even if the Council considers that the disclosure, by the whistleblower, falls outside the scope of a qualifying disclosure. However, there are situations where, due to the circumstances of the alleged serious wrongdoing, it is impossible to avoid disclosing information identifying any whistleblower. In these circumstances, Dudley Council will consult with the whistleblower prior to the disclosure taking place and offer support.

There may also be situations where the Council may be obliged to disclose information, such as where there are legal proceedings following on from the investigation of the whistleblowing investigation. This may require the disclosure of witness statements or correspondence, and there is even the possibility that the whistleblower may be expected to give evidence at any hearing. In these circumstances, the Council should discuss the implications for the whistleblower if they proceed with the disclosure, and where appropriate, discuss appropriate support arrangements.

Dudley Council may also be required to disclose the identity of the whistleblower to third parties where there needs to be investigations e.g. where the allegations relate to serious criminal offences where the Council considers that the Police should investigate.

Anonymous complaints will be considered but, depending on the information given and the credibility of the evidence, there may not be enough information for a proper investigation without the investigator being able to make further contact. Whistleblowers are encouraged to put their name to the complaint and request confidentiality if necessary.

Dudley Council, as a public authority, is subject to the Freedom of Information Act. This means that there is a presumption that Dudley Council discloses any information it holds, unless that information falls under one or more exemptions and, in most cases, that the application of that exemption is in the public interest.

The Freedom of Information Act contains exemptions that may be applicable to permit the withholding of information identifying the whistleblower, including:

- s40 Personal Data
- s41 Information which if disclosed would give rise to an actionable breach of confidence

If the Council receives a request for information identifying a whistleblower, it will contact the whistleblower to seek their views in respect of the disclosure or withholding of the information requested and, wherever possible, it will seek to comply with those views.

The Council is mindful, in reconciling the legal obligation to disclose information it holds under the Freedom of Information Act 2000, of its legal obligations under:

- the Public Interest Disclosure Act 1998 to avoid the discrimination or victimisation of employees; and
- the Health and Safety at Work etc. Act 1974, to protect the health and safety (including mental health) of employees.

Appendix 5

The Nolan Principles of Conduct Underpinning Public Life

1. **Selflessness** – Holders of public office should act solely in terms of the public interest.
2. **Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty** – Holders of public office should be truthful.

7. **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

8. **Holders of public office** are defined in law. They include local government Councillors, school governors and clerks to school governing bodies. They also include certain senior local government officers required to be appointed by law.