

Whistleblowing Policy

Document Information

Title:	Whistleblowing Policy
Status:	This policy aims to enable all employees and others working on behalf of the Council to feel confident in raising concerns. It applies to all Council employees, including school-based staff. Where appropriate, this policy will be updated to reflect changes in legislation without further consultation.
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Contents

Document Information	2
Contents.....	3
1. Introduction.....	4
2. Policy Aims.....	4
3. What is whistleblowing?	5
4. Whistleblowing or Grievance	5
5. Local Authority Designated Officer (LADO).....	6
5.1 Protection of children and safeguarding concerns	6
6. Our Assurances.....	6
6.1. Your Protection and Support	6
7. How to Raise a Concern?	7
7.1 What to Include	7
7.2 Escalation.....	7
8. Investigation and outcome.....	8
9. If you are not satisfied	9
10. Advice	9
11. External contacts.....	9
12. Policy Monitoring	10

1. Introduction

The Isle of Wight Council is committed to openness, integrity and accountability and therefore expects all staff to maintain high standards in accordance with the Employee Code of Conduct policy.

Whistleblowing refers to the disclosure of information, made in the public interest, about suspected wrongdoing or malpractice. This may include criminal activity, breaches of legal obligations, risks to health and safety, environmental damage or the deliberate concealment of these matters.

This policy does not form part of any contract of employment and may be reviewed at any time. It does not replace statutory procedures (such as safeguarding) where these apply, nor is it intended to address personal employment matters or revisit decisions appropriately dealt with under other employment policies.

2. Policy Aims

Enables employees and others working on behalf of the Council to raise concerns confidently where they believe a wrongdoing has occurred, is occurring, or may occur and to assure them that such concerns will be taken seriously, investigated appropriately and treated confidentially.

Provide clear guidance on how to raise a whistleblowing concern so individuals understand the routes available to them.

Reassure employees that they can raise genuine concerns without fear of reprisals, even if they are mistaken, provided the disclosure is made in good faith and in the public interest.

3. What is whistleblowing?

Whistleblowing is the disclosure of information relating to suspected wrongdoing or dangers at work. This Whistleblowing Policy is primarily for concerns where the interests of others or the organisation itself is at risk.

This policy is intended to support employees and others working on behalf of the Council to raise concerns about unlawful, improper or unethical conduct, where the matter is in the public interest. This may include concerns relating to danger, bribery, corruption, fraud or other serious wrongdoing.

A *qualifying disclosure* is a disclosure of information which the individual reasonably believes is made in the public interest and tends to show that one or more of the following has occurred, is occurring, or is likely to occur such as:

- Criminal activity.
- Injustices.
- Unauthorised use of public funds.
- Fraud, corruption, bribery or malpractice.
- Failure to comply with any legal or professional obligation or regulatory requirement.
- Damage to the environment.
- Danger to health and safety or welfare of other staff members or the public.
- Breaches of Isle of Wight Council internal policies and procedures including the Employee's Code of Conduct.
- Breaches of agreed Isle of Wight Council or governing body procedures.
- Conduct likely to damage the reputation of the Isle of Wight Council.
- Unauthorised disclosure of confidential information.
- Negligence.
- Allegations of abuse to children, young people and vulnerable adults.
- Sanctions breaches protected: Concerns about UK financial, trade, or transport sanctions.
- Sexual Harassment: disclosures about sexual harassment are now recognised in law as a form of protected whistleblowing disclosure. This means that if you raise a concern about sexual harassment that is occurring, has occurred, or is likely to occur in the future, you may be legally protected from dismissal or other detriment as a result of making that disclosure.
(Sexual harassment concerns may still be raised under other council policies)
- Other unethical conduct.
- Deliberate concealment of any of the above

4. Whistleblowing or Grievance

The Resolution (Grievance) Policy is intended for concerns that relate to an individual's own employment or treatment in the workplace, including discrimination, harassment or bullying. These should normally be raised under the Resolution Policy with the employee's line manager in the first instance.

The Whistleblowing Policy is intended for concerns about suspected wrongdoing or risks that are raised in the public interest. If a concern is raised under this policy and is assessed as being more appropriate for a different policy it may be redirected accordingly.

It is important to use the appropriate policy so that your concern is handled by the correct team, under the correct procedure and timescales and with the correct legal protections.

The whistleblowing process differs from grievance investigations and there is no right to appeal, however as referenced below there are other alternatives that individuals can contact if dissatisfied.

5. Local Authority Designated Officer (LADO)

5.1 Protection of children and safeguarding concerns

The [Managing Allegation guidance](#) sets out the role of the **Local Authority Designated Officer (LADO)** in overseeing concerns about individuals working with children. The LADO should be contacted if you have concerns that someone working with children has:

- Behaved in a way that has harmed a child, or may have harmed a child; and/or
- Possibly committed a criminal offence against or related to a child; and/or behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- If you have concerns that someone working with children has met any of the above criteria, and/or the person you are concerned about is your Designated Safeguarding Lead (DSL) or Manager, or you feel that concerns are not being taken seriously, you should contact the **LADO** directly.

Contact - LADO@iow.gov.uk

6. Our Assurances

6.1. Your Protection and Support

For a disclosure to be legally protected, the individual must reasonably believe that the information tends to show wrongdoing and is made in the public interest. A disclosure does not need to be labelled as whistleblowing to attract protection.

The Isle of Wight Council is committed to a culture of openness, transparency and accountability and recognises that raising a concern can be difficult. Employees and others covered by this policy can raise whistleblowing concerns without fear of reprisal or disadvantage. Support is available via the Employee Assistance Programme and Health and Wellbeing resources.

The Council will not tolerate harassment or victimisation of individuals who raise genuine whistleblowing concerns. In line with the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996, workers have the right not to be subjected to detriment or unfair dismissal for making a protected disclosure. Detrimental treatment may include unfair discipline, dismissal, or any other disadvantage, including bullying or harassment by colleagues.

It is a disciplinary offence to victimise a whistleblower or to knowingly make a malicious or false allegation. The Council is committed to protecting genuine whistleblowers while ensuring the policy is not misused.

If you believe you have suffered detriment as a result of raising a whistleblowing concern, this should be reported promptly so it can be addressed.

7. How to Raise a Concern?

Who to contact? – Concerns should preferably be put in writing (though verbal reports are accepted) and e-mailed to whistle.blowing@iow.gov.uk

Or you can raise a concern with your line manager or union in the first instance and they will carry out an initial assessment.

If you cannot go to your manager? - if you feel unable to raise the matter with your line manager or whistle.blowing@iow.gov.uk you may contact your manager's line manager.

Or alternatively contact one of the designated officers below:
(these officers have specific responsibility for handling whistleblowing concerns)

- Assistant Director of Corporate Services (Monitoring Officer) – **Christopher Potter**
christopher.potter@iow.gov.uk
- Internal Audit – **Geraint Newton** geraint.newton@iow.gov.uk

7.1 What to Include

Please state that it is a whistleblowing disclosure and include as much detail as possible, such as background, names, dates, places, supporting documents and why you are concerned.

Confidentiality - If you want to raise the matter in confidence, please say so at the outset so appropriate arrangements can be made.

No evidence is required - You do not need proof before raising a concern. Simply explain, as clearly as you can, the information or circumstances that led to your concern.

Anonymous Disclosures - The Council does not encourage anonymous disclosures, as they are more difficult to investigate and are generally less effective. Anonymous referrals will be considered at the discretion of the officers overseeing the concern. If you are worried about reprisals, you may contact one of the named officers in [section 7](#) to discuss how your identity can be protected.

7.2 Escalation

If a concern relates to one of the named officers above or to the Head of Paid Service, consideration should be given to raising or escalating with the remaining person or the Chief Internal Auditor.

If you have followed the above channels and still have concerns, or if the matter is so serious you cannot raise it with them, please contact Protect for further advice.

8. Investigation and outcome

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment and whether an investigation is going to be carried out. You may be contacted in order to provide further information.

Once an investigator has been appointed and has completed their investigations into your concerns, they will produce a written report that sets out:

- The background to the whistleblowing concern
- The findings of fact and associated evidence
- The decision and reasons for the decision
- The recommendations and associated action plan

All findings will be reported to statutory officers to determine and agree next steps or any actions; however, it should be noted that you will not receive a copy of the report.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If the allegation concerns an employee, action may be taken under the relevant Council policies, including disciplinary procedures where appropriate. To protect confidentiality, specific details of the investigation or any resulting action *will not be shared* with the individual who raised the concern.

Where the allegation relates to a third party, appropriate action may include speaking or writing to the individual and/or their manager, or where the matter is serious - restricting their access to Council premises or terminating a contract.

There is no right to appeal, however as referenced below there are other alternatives that individuals can contact if dissatisfied.

Acknowledgement and response:

- Your concern will be acknowledged within **5 working days**.
- Within **10 working days**, you will be told how it will be handled, whether further investigation is needed, who will investigate (if applicable) and the expected timescale.
- Depending on the issue, the response may be advice, agreed action or a formal investigation.

Confidentiality:

- You are encouraged to raise concerns openly.
- If you prefer confidentiality, the Council will protect your identity wherever possible.
- If disclosure is necessary, this will be discussed with you first.

Contact and meetings:

- The amount of contact will depend on the nature of the concern.
- If a meeting is needed, you may bring a colleague or trade union representative.

Personal interest:

- If you have any personal involvement in the matter, declare this at the outset.
- If your concern is better dealt with under another Council policy you will be informed.

Fair handling:

- All concerns will be dealt with promptly, fairly and robustly, though outcomes may not always match your expectations.
- The Council takes all concerns seriously and assures employees that no action will be taken

- against anyone who raises a concern in the genuine belief that it is, or may be, true.
- However, if it is determined that a whistleblower has knowingly made false allegations, acted maliciously or raised concerns for personal gain, the individual may face disciplinary action.

9. If you are not satisfied

While we cannot always guarantee the outcome you may want, we will manage your concern fairly and appropriately. Using this policy helps us to achieve that.

If you are not satisfied with the way in which your concern has been managed, you can raise it with one of the other key contacts in [section 7](#) or through your trade union representative.

10. Advice

If you are unsure whether this policy is the right route for your concern, or if you would like confidential guidance (if possible) at any stage, you can email whistle.blowing@iow.gov.uk

A member of the Audit team will contact you in confidence to discuss your options and if appropriate support you in raising a whistleblowing concern.

You may also seek advice from your trade union representative who can provide independent support to employees.

11. External contacts

The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you **should not** find it necessary to alert anyone externally.

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where it may be appropriate for you to report a concern to an external body such as:

- External Local Auditor
- Relevant professional bodies or regulatory organisations
- The Police
- The Local Government and Social Care Ombudsman
- Local Authority Designated Officer (LADO) – [section 5](#)
- Your Trade Union Representative
- Your Local Member of Parliament

It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external including the media, you may contact [Protect](#) (the UK's independent whistleblowing charity) or if applicable your union representative who will be able to advise you on such an option if you wish.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party. The law allows you to raise a concern in the public interest with a third party, where you believe it relates mainly to their actions or something that is legally their responsibility.

However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in [section 7](#).

12. Policy Monitoring

The Chief Internal Auditor in conjunction with HR monitor the operation of this Policy.

The Officer receiving the whistleblowing allegation should ensure that the Chief Internal Auditor is provided with sufficient details to include the disclosure on a central register.