



Whistleblowing Policy (updated February 2018)

Definitions

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 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.

BCC Ltd – Any reference to BCC Ltd shall be deemed to include:

- Black Country Consortium Limited
- Black Country Local Enterprise Partnership
- Active Black Country and;
- Black Country Skills Factory

all of whom are situated at The Deckhouse, Waterfront West, Dudley Road, Brierley Hill DY5 1LW

Discloser – this is the person who is the whistle-blower. They might be an employee, a LEP Board Member, a contractor or a third party.

Responsible Officer – this is Nicky Horne being the person appointed by the BCC Ltd, 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) and will report as necessary to the Chief Executive of BCC Ltd, Black Country Local Enterprise Partnership Board, Active Black Country Board and Black Country Skills Factory Board. The Responsible Officer may be contacted at The Deckhouse, Waterfront West, Dudley Road, Brierley Hill, DY5 1LW or e-mail: nicky_horne@blackcountryconsortium.co.uk If the concern relates to the Responsible Officer then in the alternative the concern should be raised with the Chief Executive, Sarah Middleton, Black Country Consortium Limited, The Deckhouse, Waterfront West, Dudley Road, Brierley Hill, DY5 1LW or e-mail: sarah_middleton@blackcountryconsortium.co.uk

Relevant Concern – is something that the Discloser is aware of which they consider to be wrongdoing and is in the public interest. A concern is only a Relevant Concern if it goes beyond matters of personal concern. A concern is not a Relevant Concern if it relates to a personal grievance.

A Relevant Concern may include a situation that the Discloser feels:

- Is against the BCC Ltd procedures and protocols as set out in its code of conduct and individual Assurance Framework;
- Falls below established standards of practice the BCC Ltd subscribes to;
- Amounts to improper conduct; or
- Is an abuse of power for personal gain.

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Other 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 and safety of any individual
- Endangering the environment
- Improper use of authority
- Concealment of any of the above.

Introduction and Scope

1. This whistleblowing policy plays a key part in maintaining the highest possible standards of openness, honesty and accountability by requiring everyone to report appropriate concerns. Whistleblowing is about helping people to raise legitimate concerns or worries that are in the public interest without fear of reprisal.
2. This procedure outlines the process to follow when reporting a perceived wrongdoing within BCC Ltd, including something they believe goes against the core values of the Standards in Public Life (the Nolan Principles) and the Code of Conduct for Board Members and staff. The Standards in Public Life include the principles of: integrity, honesty, objectivity, accountability, openness, leadership and impartiality.
3. In particular, Board Members, as key decision makers of BCC Ltd, 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.
5. Where a concern is one that might fall under the BCC Ltd staff or work policies on equality or diversity or harassment or bullying or other staff policies, then these concerns should be raised using the reporting mechanisms for those policies.
6. The BCC Ltd 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 set out on the website and outlined in the complaints policy before going through the whistleblowing process.
7. Disclosers should not raise malicious or vexatious concerns, nor should they raise knowingly untrue concerns. This policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by BCC Ltd but, for example, an employee or Board Member is required to act in a way which conflicts with a deeply held personal belief.
8. However, if a member of the public or third party believes that their complaint fits the description of a Relevant Concern as defined above, they may report their concern through this whistleblowing procedure.

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Safeguards

9. The Public Interest Disclosure Act (1999) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing serious concerns. You will not be at risk of losing your job or suffer any detriment or retribution from your employer because you have raised a genuine concern. BCC Ltd believes that no member of staff should be at a disadvantage because they raise a legitimate concern.
10. BCC Ltd will not tolerate discrimination, harassment or victimisation and will take action to protect Disclosers when they raise a concern in the public interest.

Anonymity and Confidentiality

11. The best way to raise a concern is to do so openly, as this makes it easier for BCC Ltd to investigate and provide feedback.
12. Any disclosures made under this procedure will be treated in a sensitive manner. However, BCC Ltd recognises that the Discloser may want to raise a concern in confidence, i.e. they may want to raise a concern on the basis that their name is not revealed without their consent or without revealing their name at all. When anonymous concerns are raised, they will be treated as credible and investigated so far as possible.
13. BCC Ltd will respect any request for confidentiality and will at all times endeavor to keep the identity of the Discloser confidential restricting information on a “need to know” basis. For reporting purposes, the Discloser will be identified by a reference number. If the situation arises where BCC Ltd cannot resolve the concern without revealing the Discloser’s identity (for example because the Discloser’s evidence is needed in court) this will be discussed fully with the Discloser as to how to proceed.
14. All concerns will be investigated including those that are raised anonymously and feedback will be provided where relevant and where contact details have been provided and therefore potential Disclosers are encouraged to identify themselves when reporting a concern. However, such protection shall not apply to a Discloser if they raise a concern that they know to be untrue, malicious or vexatious and in any such cases will be followed up (where applicable) and may result in disciplinary action.

How should I raise a genuine relevant concern?

15. In many cases, if the Discloser experiences something in the workplace which they consider a Relevant Concern, it is important that the concern is raised as early as possible. Providing that the Discloser has a reasonable belief that disclosing the information is in the public interest, then they should report it. The Discloser is not required to provide proof at this point. It will be for the BCC Ltd to investigate the concern. When raising a concern, the Discloser should clearly state that this is being raised under the whistleblowing procedure.
16. It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to:
 - It is important that the concern is raised with the person best placed to deal with the matter. In most cases, this will be your line manager. However, the Discloser may want to raise the concern directly with the Responsible Officer.

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- If it is suspected that the concern may implicate the line manager in some way, then it could be raised with a more senior manager in the line management chain.
- If the Discloser is unable to raise a relevant concern with a line manager or senior manager or feel it has not been adequately addressed, it should be raised directly with the Responsible Officer.
- Ultimately, the Discloser can raise their concern with the Chief Executive, Sarah Middleton, Black Country Consortium Limited, The Deckhouse, Waterfront West, Brierley Hill, DY5 1LW.

Information needed to raise a Relevant Concern

17. When raising a concern under this procedure, the Discloser should try to provide as much information as possible to provide a greater opportunity to establish the facts. This information should include:
- The background and reason behind the concern
 - Whether they have already raised a concern with anyone and the response
 - Any relevant dates and times when actions related to the concern took place
18. This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by the Discloser themselves.
19. If applicable, personal interests must be declared from the outset.

What will happen after the Relevant Concern has been reported?

20. All investigations will be conducted sensitively and as quickly as possible. While BCC Ltd cannot guarantee that the outcome will be as the Discloser may wish, it will handle the matter fairly and in accordance with this procedure.
21. Once the Discloser has reported a concern, BCC Ltd will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. In any case, within ten days, the Discloser will be written to with:
- An acknowledgement that the concern has been received
 - An understanding of the concern that has been reported
 - An indication of how the matter will be dealt with
 - An indication of any initial enquires that have been made
 - Give an estimate of how long it will take to provide a final response
 - Information on staff support mechanisms
 - Notification of any further investigations that will take place and if not, why not
 - How frequently the BCC Ltd will keep them up top date on progress of the investigation

Where appropriate the matters raised may:

- Be investigated by management, Internal Audit, or disciplinary process
- Be referred to the external auditor
- Be referred to another relevant authority for investigation
- Form the subject of an internal enquiry or other formal investigation
- Be referred to the police

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22. The amount of contact between the Discloser and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the BCC Ltd will seek further information from the Discloser. Where any meeting is arranged, off-site if the Discloser wishes, they can be accompanied by a trade union representative, work colleague or friend. The person who accompanies the Discloser should not be involved or have direct interest in the area of work to which the concern relates.
23. Sometimes, the Discloser might be asked for their opinion on how the matter might best be resolved. Again, if this is a matter in which the Discloser has a personal interest, this must be declared.
24. The BCC Ltd will give the Discloser as much feedback as it possibly can. If requested, the response will be confirmed in writing. However, sometimes the BCC Ltd will not be able to tell the Discloser the precise action taken – for example, if this infringes a duty of confidence owed to someone else.
25. Throughout the investigation, the Discloser will still be expected to continue their duties/role as normal unless deemed inappropriate.

Protection

26. 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 a 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, BCC Ltd will take appropriate action against those responsible, in line with the BCC Ltd's disciplinary policy and procedures.

Changes to procedures or policy as a result of whistleblowing

27. If changes are made to BCC Ltd.'s policies and processes as a result of whistleblowing investigations, BCC Ltd will publicise the changes as appropriate, taking into considerations the importance of protecting the anonymity and confidentiality of individuals.

Untrue Allegations

28. If a Discloser makes an allegation but it is not confirmed by the investigation, no action will be taken against them. However, if a malicious or vexatious allegation is made without good reason to: cause trouble; for personal gain; or to discredit BCC Ltd an investigation may take place. Where the Discloser is an employee or a Board Member or a contractor this may result in disciplinary or other action if they have broken their terms of employment, acted against the Code of Conduct or broken a clause in a contract.

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

29. 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 BCC Ltd or you are dissatisfied with the action taken you can report a concern that relates to the Black Country Local Enterprise Partnership directly to 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 e-mail address LEPPolicy@communities.gsi.gov.uk or by writing to LEP Policy Deputy Director,

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Cities and Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your letter as “Official – whistleblowing”

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

Feedback on Whistleblowing Policy

31. Any feedback or comments on this policy should be directed to BCC Ltd.’s Responsible Officer.

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Review Date:	01 April 2019
Approved by BCC Ltd:	
Approved by Black Country Local Enterprise Partnership Board:	
Approved by Active Black Country Board:	
Approved by Black Country Skills Factory Board:	

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