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Whistleblowing (Duty to Act) Policy

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Policy

Introduction

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- **Lead officer:** Elizabeth Goodwin, Chief Internal Auditor
- **Contact:** elizabeth.goodwin@southampton.gov.uk
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1. Whistleblowing is a way for employees of an organisation to raise reasonably and honestly held concerns they may have about serious matters that could put the council and/or the wider public at risk. Whistleblowing usually involves bringing forward concerns that is in the public interest to investigate and resolve. Examples are crime, fraud, the giving or taking of bribes, financial malpractice, or practices that might endanger individuals or the environment. The aim of this policy is to outline what you can do if you believe you need to raise an issue of this nature, and how you will be protected if you do.
2. The Council is committed to fostering an open and supportive culture in which employees feel confident to raise concerns at the earliest opportunity. In most cases, concerns can and should be raised and addressed through normal management, supervision, or established internal processes. These routes will usually provide the most direct and effective means of resolving issues quickly and appropriately.
3. However, there may be circumstances where an individual does not feel able to raise a concern through usual channels, for example where the matter is particularly serious, involves senior staff, or where previous attempts to raise the concern have not been addressed. In such cases, whistleblowing provides an important alternative route to ensure concerns can still be raised safely and appropriately.
4. All of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, illegality, financial malpractice, endangering an individual's health or safety, or dangers to the public (including care users and clients), employees, pupils or the environment, it can be difficult to know what to do.
5. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
6. Southampton City Council has introduced this policy, to provide a clear route for raising serious concerns where other channels are not appropriate or effective. The policy applies to all Council workers, including employees, temporary workers, agency staff and contractors. We would rather that you raised the matter when it is just a concern rather than wait for proof.
7. If you have a concern about your personal employment situation, you should raise this through the appropriate procedures, such as the Resolution of Grievances Policy. This policy is not intended to replace existing procedures but provides an additional route for concerns that are in the wider public interest. Concerns that have already been fully considered through other formal processes should not normally be re-raised under this policy.
8. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.
9. The Council recognises that, as a public body, it might receive a disclosure of information from members of the public. A disclosure made by any person who is not a worker of the Council does not meet the legislative definition of whistleblowing (a protected/qualifying disclosure) and will be addressed by applying other relevant Council policies. It is expected that all organisations that are partly or wholly owned by the Council will have their own whistleblowing arrangements which ensure that proper reporting arrangements are in place which are consistent with the requirements of the Public Interest Disclosure Act 1998 and that workers are fully protected in line with this legislation. If such organisations do not have their own Whistleblowing Policy arrangements, then the Council's will apply.
10. Appendix 1 provides guidance on choosing the most appropriate reporting route. If in doubt, seek advice. If there is an immediate risk of harm or danger, emergency services should be contacted.

Legislative context

11. The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures about malpractice. 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. A protected disclosure may relate to a range of concerns including (but not limited to) criminal offences, failure to comply with legal obligations, breaches of health and safety, damage to the environment, or the deliberate concealment of any such matters. From 6 April 2026, disclosures about sexual harassment are legally protected disclosures under whistleblowing law (The Employment Rights Act 1996, as amended by the Employment Rights Act 2025). This means that if you raise a concern about sexual harassment occurring now, in the past, or likely to occur in the future, you may be legally protected from dismissal or any detriment for making that disclosure. Sexual harassment concerns may still

be raised under other council policies. However, workers may also raise disclosures of sexual harassment under this Whistleblowing Policy where they reasonably believe the issue is in the public interest.

Our assurances to you

12. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you reasonably believe what you are reporting is true, and that the disclosure is in the public interest, it does not matter if you are mistaken. The Public Interest Disclosure Act 1998 provides legal protection against dismissal or victimisation of those who make an allegation based on reasonable belief and make the disclosure under this internal procedure or externally in the appropriate way. We recognise it may be difficult to raise a concern, and this can sometimes feel stressful or worrying. You can also access support through the Council's Employee Assistance Programme which offers confidential support should you need it. Details are on the intranet. Protection under this Policy also applies where a worker was involved in, or contributed to, the wrongdoing they are reporting. If you disclose your own involvement honestly and in the public interest, the Council will take all reasonable steps to ensure you are not subjected to unfair treatment or disadvantage for having raised the concern. Any investigation into your conduct will be handled separately and fairly. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. In that case, disciplinary action may be taken against you. If disciplinary action or redundancy procedures have already been started, raising a concern will not stop or pause any ongoing investigation into the original matters. In such circumstances any qualifying disclosures will be treated separately in line with this Policy.
13. We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Taking reprisals against an employee who has raised a concern in good faith is unacceptable and may give rise to disciplinary proceedings. If you have raised a concern and feel at any stage subsequently that you are suffering as a result of doing so, please let the Director for Legal & Governance know so that appropriate action can be taken.
14. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.
15. You can raise concerns anonymously. If you choose to do this, we will still look into it. Anonymous disclosures will be logged in the same way as named disclosures with a unique case reference. We will assess the information provided and investigate where possible. However, because we do not know who you are, we cannot contact you for more information, offer you support or protect you from any potential unfair treatment. This means we may not be able to give you the same level of protection and assurance that we can provide when you share your identity. The absence of contact details will never prevent us from reviewing and acting on concerns where sufficient information is available.
We will consider all matters raised and investigate where appropriate, irrespective of whether they are raised openly, confidentially or anonymously.

How we will handle the matter

16. Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.
17. When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. In most cases, concerns should be addressed internally first so they can be addressed promptly. However, the law also allows workers to raise concerns directly with certain independent regulators, known as 'prescribed persons', where the issue falls within their specific area of responsibility. For example, serious fraud, bribery or corruption can be reported to the Serious Fraud Office, which is a prescribed body for such matters; concerns about safeguarding or education settings may be reported to Ofsted; and issues involving charities can be raised with the Charity Commission, which is recognised as a regulator for whistleblowing in the charity sector. There is more information about 'prescribed persons' in Appendix 2. In some situations, depending on the nature of the concerns raised with us, the Council may also need to refer a matter to a relevant regulator so that it can be properly investigated. If your concern falls more properly within the Resolution of Grievances Policy, we will tell you.
18. While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in

writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else

19. Southampton City Council is committed to meeting its responsibilities under the Data Use and Access Act 2025, which amends aspects of UK data protection law, as well as under the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and the Freedom of Information Act (FOIA) 2000. These laws require the Council to ensure that any personal information involved in whistleblowing investigations is handled lawfully, fairly and securely, while also recognising that some information may be subject to access requests under the FOIA. Where legal exemptions apply - for example, to protect the identity of individuals or the integrity of an investigation - the Council will withhold information as permitted.
20. If you have any personal interest in the matter, please tell us at the outset. If we believe your concern would be better handled under another council procedure - such as the Resolution of Grievances Policy, the Corporate Complaints Procedure, or safeguarding processes - we will let you know and guide you to the appropriate route.
21. If your concerns relate to one of the Officers in Step three below, they will not be involved in any discussions regarding further action.
22. There is no formal appeal process for whistleblowing investigations, as the purpose of whistleblowing is to raise concerns in the public interest rather than to resolve individual disputes. However, if you believe your concern has not been handled appropriately, you may raise this with the Director, Legal & Governance or Chief Internal Auditor for review.

How to raise a concern internally

23. Where appropriate, concerns should normally be raised through management or established internal routes in the first instance. The steps below set out a typical escalation pathway; however, they are not mandatory, and individuals may use the route most appropriate to the circumstances, particularly where a matter is serious or involves those within the usual management chain.
24. Step one:
 - If Officers (or staff in schools) have a concern about malpractice, wherever possible please raise it with your manager first. This may be done orally or in writing.
 - For Members, we hope you will feel able to raise it first with the relevant Head of Service. This may be done orally or in writing.
25. Step two:
 - If Officers (or staff in schools) feel unable to raise the matter with their manager, for whatever reason, please raise the matter with the appropriate Head of Service or Headteacher. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.
 - If you feel unable to raise the matter with the relevant Head of Service or Head teacher, for whatever reason, please raise the matter with the appropriate Executive Director. Members should also raise the matter with the appropriate Executive Director if they feel unable to refer to the relevant Head of Service, for whatever reason.
26. Step three:
 - For officers (or staff in schools) and Members, if these channels have been followed and you still have concerns, or the above are not appropriate to you (for example, you are a contractor or consultant) or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Richard Ivory

Director

Legal & Governance

Telephone: 023 8083 2794

Email: richard.ivory@southampton.gov.uk

Mel Creighton

Executive Director

Enabling Services

Telephone: 023 8083 3528

Email: mel.creighton@southampton.gov.uk

Elizabeth Goodwin

Chief Internal Auditor

Internal Audit

Telephone: 07908 184889

Email: elizabeth.goodwin@southampton.gov.uk

Any member of school staff or of a school's governing body nominated by the governing body as a contact.

27. Step four:

- For officers (or staff in schools) and Members, if for whatever reason, you feel uncomfortable in reporting your concerns direct to the named officers above then there is a facility to submit a report via email to the following generic in-box: Duty.to.act@southampton.gov.uk

Independent advice

28. If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:

- if applicable, your union; or
- your professional body (e.g. British Association of Social Workers, National College for Teaching and Leadership etc).or
- Protect (the UK's whistleblowing charity). Protect is the UK's leading charity specialising in whistleblowing. They offer free, confidential, legally informed advice to help you understand your options and rights before or after raising a concern. Their advice line supports thousands of individuals each year and is recognised nationally as a trusted source of guidance.
- Phone: 020 3117 2520
- Website: [Protect | Speak Up, Stop Harm](https://www.protect.org.uk)

External contacts

29. While the Council encourages concerns to be raised internally in the first instance wherever possible, it recognises that there may be circumstances where it is appropriate to report matters to external bodies, such as regulators or the police.
30. Where you do not feel able to raise the matter internally, concerns may be reported to relevant external organisations. This may include prescribed regulators or other bodies with responsibility for addressing the matter. You need to ensure that any disclosure is made in line with whistleblowing legislation. In particular, protection is more likely to apply where the individual has a reasonable belief that the information disclosed is substantially true and that the disclosure is in the public interest. Disclosures to certain external bodies, such as prescribed regulators or legal advisers, may be protected under whistleblowing legislation. Wider disclosures (for example to other third parties or the media), are subject to more stringent conditions and may not be protected.
31. Further guidance on external disclosures and prescribed bodies is provided in Appendix 2.

If you are dissatisfied

32. If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.
33. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. By using this policy, you will help us to achieve this

Appendix 1**Which route should I use?**

You may use the Whistleblowing Policy, particularly where the concern is serious, in the public interest, or cannot appropriately be raised through other routes.

If you are not sure which is the best route to use to report your concern, this series of questions may help.

Can your concern be raised and resolved through normal management, supervision, or another established Council procedure?

Examples:

- Speaking to your line manager or supervisor
- Using HR policies (e.g. grievance, dignity at work)
- Raising a service complaint

Yes →

Where appropriate, you should normally use these routes first, as they are often the quickest and most effective way to resolve issues.

No / Not appropriate / Already tried →

Go to Question 1.

1) What is your concern about? Is anyone (child or adult) at immediate risk of harm?

Yes →

This is a safeguarding concern.

- Contact the **MASH** (children) or **Adult Safeguarding Team** immediately.
- If it is an emergency or someone is in immediate danger, **call 999**.

No →

Go to next question.

2) Is the concern about serious wrongdoing that affects other people, the public, or the Council as a whole?

Examples:

- Fraud, bribery, corruption
- Criminal activity
- Health & safety risks
- Environmental damage
- Discrimination or unlawful conduct
- Coverups
- Sexual harassment as a protected disclosure
- Misuse of public funds
- Systemic safeguarding concerns
- Breaches of legal obligations
- Abuse of authority

Yes →

Use the Whistleblowing Policy.

This covers issues raised in the **public interest**, even if evidence is not yet available.

No →

Go to next question.

3) Is the issue about how you have been treated at work?

Examples:

- A disagreement with your manager
- Bullying or harassment toward you
- Concerns about workload, duties, or work environment
- Relationships/conflict with colleagues

- From 6 April 2026, a disclosure about sexual harassment may qualify for protection under whistleblowing law (Public Interest Disclosure Act 1998 and the Employment Rights Act 1996, as amended by the Employment Rights Act 2025). You can use the whistleblowing route where you reasonably believe the information tends to show sexual harassment has occurred, is occurring or is likely to occur, and you reasonably believe that raising it is in the public interest.

Yes →

Use the Dignity at Work Policy or Prevention of Sexual Harassment at Work Guidance (depending on the issue).

No →

Go to next question.

4) Is the concern about the quality of a service the Council provides to the public?

Examples:

- Delays or poor service delivery
- A decision you believe is wrong or unfair
- The behaviour or attitude of staff (as experienced by the public)

Yes →

Use the Complaints Procedure - [How to make a complaint](#)

No →

Go to next question.

5) Is the concern about the conduct of a Councillor?

Yes →

Use the [Complaints about Councillors](#) process

No →

If you are still unsure which route to follow, then use the contacts in the Whistleblowing Policy. They will listen and help direct you to the correct procedure.

Appendix 2

Prescribed Persons (Regulators)

While the Council encourages concerns to be raised internally in the first instance where appropriate, individuals may also raise concerns with relevant external organisations (known as “Prescribed Persons” or “Prescribed Bodies”). ‘Prescribed persons’ are independent regulators or oversight bodies named in law who are legally authorised to receive whistleblowing disclosures in their specialist areas. They do not provide advice, but they can receive disclosures directly where the issue falls within their remit.

Below is a non-exhaustive list of regulators or independent supervisory bodies which may be relevant. Please note that contact details for regulators can change so you need to check the latest GOV.UK prescribed persons list before making a disclosure. This should always be treated as the definitive and up-to-date source. This is the link at the time of writing - [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

Serious Fraud Office (SFO)

Serious or complex fraud, bribery, corruption. Refer via GOV.UK prescribed persons list.

Ofsted Whistleblowing Team

Safeguarding/education concerns. Hotline: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk

Address: WBHL Ofsted, Royal Exchange Buildings, St Ann’s Square, Manchester M2 7LA.

Charity Commission

Serious wrongdoing in charities. Email: whistleblowing@charitycommission.gov.uk

Phone: 0300 066 9197.

HM Treasury (OFSI)

Financial sanctions breaches. Email: report@hmtreasury.gov.uk.

Secretary of State for Business & Trade (OTSI)

Trade sanctions breaches. Online reporting via GOV.UK.

Secretary of State for Transport

Transport sanctions matters. Check GOV.UK list for current contacts.

Ofcom

Broadcasting, communications, online regulated services. Phone: 0300 123 3333.

Other regulators may be relevant depending on the nature of the concern (for example, health and safety, financial conduct, or information rights).

Note on advice vs. disclosure

Regulators **receive disclosures**; they generally **do not advise** individuals on whether/how to whistleblow.

- For **independent, confidential advice**, contact **Protect (the UK whistleblowing charity)**: Phone: 020 3117 2520
- [Protect | Speak Up, Stop Harm](#)

Protect provides legally-informed advice and is widely referenced by government and regulators.