

FOI number: HBC_FOI_20200195
Date FOI Received: 02/03/2020
Department: Legal
Title: External Whistle Blowing
Description: Information on External Whistleblowers

Request: (As Redacted sent by requestor)

Dear Sir or Madam

My contact details are as follows:

<REDACTED>

I write seeking information about your Local Authority's role as a prescribed body under the Public Interest Disclosure (Prescribed Persons) Order 1999.

I would be grateful if you would provide responses to me by email to the below questions please:

The context is that an external whistleblower is making a disclosure to your Authority about a matter in respect of which you are a prescribed body or person as per the above:

Q1 Does your organisation take action to protect external whistleblowers from unjustified treatment by their employers or others?

Please select one of the below answers if possible –

- i. Yes (please explain what action is taken)
- ii. No
- iii. Not known

Q2 Does any protection against unjustified treatment provided by your organisation extend to persons reporting on behalf of external whistleblowers?

- i. Yes (please explain what action is taken)
- ii. No
- iii. Not known

Q3 Does any protection extend to proposed or intended unjustified action against an external whistleblower contemplated by his/her employer or another in respect of the disclosure?

- i. Yes (please explain what action is taken)
- ii. No
- iii. Not known

Q4 Does your organisation offer any reward or bounty for information received from an external whistleblower in respect of information about which you are the prescribed body or person?

- i. Yes
- ii. No
- iii. Not known

Q5 Does your organisation publish for the public a step by step guide on how it follows up on external whistleblower information?

- i. Yes
- ii. No
- iii. Not known

Q6 Where your organisation does not feel itself to be legally competent to engage with a disclosure made by an external whistleblower, do you have a policy and process to refer that disclosure to another prescribed body/person/regulator or other agency better placed to deal with it?

- i. Yes (please provide a copy of the policy, where written)
- ii. No
- iii. Not known

Q7 Where in the circumstances described in Q6 above, your organisation passes information to another prescribed body etc., do you have a policy and process to advise the external whistleblower that the disclosure has been passed to another body etc.?

- i. Yes (please provide a copy of the policy, where written)
- ii. No
- iii. Not known

Q8 Where an external whistleblower may be dissatisfied with his/her dealings with your organisation, is there an appeals policy and process which engage someone who is independent of the investigating department?

- i. Yes (please provide a copy of the policy, where written)
- ii. No
- iii. Not known

Q9 Does your organisation publish FAQ to advise and assist external whistleblowers considering making a disclosure to you?

- i. Yes (please provide the FAQ or direct me to it)

- ii. No
- iii. Not known

Q10 Does all your staff which communicates with or otherwise manages external whistleblowers receive specialist and on-going training for that purpose?

- i. Yes
- ii. No
- iii. Not known

Q11 Where, following a disclosure to your organisation by an external whistleblower about a matter for which you are prescribed, an alleged act of retaliation occurs against the external whistleblower by the employer or another person, does your organisation investigate the alleged act of retaliation?

- i. Yes
- ii. No
- iii. It would depend on the facts
- iv. Not known

Q12 Please describe what criteria you consider in deciding whether to investigate information received from an external whistleblower about a matter in respect of which you are prescribed?

Q13 Does your organisation distinguish between public complaints and external whistleblowers?

- i. Yes (please describe the essential differences in your approach between managing public complaints and external whistleblower disclosures)
- ii. No
- iii. Not known

Q14 Apart from any information on your website, does your organisation undertake any public awareness programme(s) regarding whistleblowing?

- i. Yes (if so please provide details)
- ii. No
- iii. Not known

Thank you

Your sincerely

Response: (Response as Redacted sent by service)

Dear Mr Moore

The Council's response to your request is set out below. The answer to each of your questions is highlighted in bold.

Q1 Does your organisation take action to protect external whistleblowers from unjustified treatment by their employers or others?

Please select one of the below answers if possible –

- i. **Yes - By offering confidentiality to protect their identity**
- ii. No
- iii. Not known

Q2 Does any protection against unjustified treatment provided by your organisation extend to persons reporting on behalf of external whistleblowers?

- i. Yes (please explain what action is taken)
- ii. **No**
- iii. Not known

Q3 Does any protection extend to proposed or intended unjustified action against an external whistleblower contemplated by his/her employer or another in respect of the disclosure?

- i. Yes (please explain what action is taken)
- ii. **No**
- iii. Not known

Q4 Does your organisation offer any reward or bounty for information received from an external whistleblower in respect of information about which you are the prescribed body or person?

- i. Yes
- ii. **No**
- iii. Not known

Q5 Does your organisation publish for the public a step by step guide on how it follows up on external whistleblower information?

- i. Yes
- ii. **No**
- iii. Not known

Q6 Where your organisation does not feel itself to be legally competent to engage with a disclosure made by an external whistleblower, do you have a policy and process to refer that disclosure to another prescribed body/person/regulator or other agency better placed to deal with it?

- i. Yes (please provide a copy of the policy, where written)
- ii. **No**
- iii. Not known

Q7 Where in the circumstances described in Q6 above, your organisation passes information to another prescribed body etc., do you have a policy and process to advise the external whistleblower that the disclosure has been passed to another body etc?

- i. Yes (please provide a copy of the policy, where written)
- ii. **No - but this would be done as a matter of good administrative practice.**
- iii. Not known

Q8 Where an external whistleblower may be dissatisfied with his/her dealings with your organisation, is there an appeals policy and process which engage someone who is independent of the investigating department?

- i. Yes (please provide a copy of the policy, where written)
- ii. **No**
- iii. Not known

Q9 Does your organisation publish FAQ to advise and assist external whistleblowers considering making a disclosure to you?

- i. Yes (please provide the FAQ or direct me to it)
- ii. **No**
- iii. Not known

Q10 Does all your staff which communicates with or otherwise manages external whistleblowers receive specialist and on-going training for that purpose?

- i. **Yes**
- ii. No
- iii. Not known

Q11 Where, following a disclosure to your organisation by an external whistleblower about a matter for which you are prescribed, an alleged act of retaliation occurs against the external whistleblower by the employer or another person, does your organisation investigate the alleged act of retaliation?

- i. Yes
- ii. **No**
- iii. It would depend on the facts
- iv. Not known

Q12 Please describe what criteria you consider in deciding whether to investigate information received from an external whistleblower about a matter in respect of which you are prescribed?

The Council is a prescribed person in relation to (1) Food Safety and (2) workplace Health and Safety that does not fall within the remit of the Health & Safety Executive. The only criterion used will be the extent to which a protected disclosure indicates a potential breach of Food Safety law or a potential breach by an employer regulated by the Council of any of their statutory duties under the Health and Safety at Work etc. Act 1974.

Q13 Does your organisation distinguish between public complaints and external whistleblowers?

- i. Yes (please describe the essential differences in your approach between managing public complaints and external whistleblower disclosures)
- ii. **No**
- iii. Not known

Q14 Apart from any information on your website, does your organisation undertake any public awareness programme(s) regarding whistleblowing?

- i. Yes (if so please provide details)
- ii. **No**
- iii. Not known

If you have any queries about the processing of your request then please do not hesitate to contact me. Further information explaining the Council's process for responding to information requests together with a complaints/appeals procedure is available in our reception or via our website at:

<https://www.hertsmere.gov.uk/Your-Council/Official-Publications--Guides--Policies/Access-to-Information.aspx>

The Information Commissioner oversees the application of the Freedom of Information Act. You may contact the Information Commissioner at:

Information Commissioners Office
Wycliffe House, Water Lane
Wilmslow
Cheshire SK9 5AF
Telephone: 01625 545700
Website: www.informationcommissioner.gov.uk

Please include the above reference number on all correspondence related to this request.

Thank you for your request.

Kind regards

Information Services