

East Surrey Council

“Speak Up” Policy

(Including Whistleblowing and Public Interest Disclosures)

Document Control

Item	Detail
Policy Title	“Speak Up” Policy (Including Whistleblowing and Public Interest Disclosures)
Policy Owner	Monitoring Officer
Approval Body	Audit & Governance Committee
Responsible Officer	Monitoring Officer
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Review Date	Every two years, or earlier, if legislation or best practice changes
Related Documents	“Speak Up” Procedure; Code of Conduct for Employees; Members' Code of Conduct; Grievance Policy; Complaints Policy; Anti-Fraud and Corruption Strategy; Safeguarding Policies; Disciplinary Policy; Constitution [NB These titles may change]

1. Purpose

East Surrey Council is committed to maintaining the highest standards of honesty, integrity, openness and accountability in everything it does.

Creating a culture where people feel confident to raise concerns is essential to good governance, effective public services and maintaining public confidence.

This policy explains how concerns about wrongdoing can be raised safely and confidently. It sets out how concerns will be considered, investigated where appropriate and responded to fairly, consistently and without fear of reprisal.

The Council encourages concerns to be raised as early as possible. Early reporting allows issues to be addressed before they become more serious and helps the Council learn and improve.

Nothing in this policy prevents anyone from making a protected disclosure under the Employment Rights Act 1996 or the Public Interest Disclosure Act 1998.

2. Our “Speak Up” Principles

Everyone who raises a genuine concern should expect the Council to:

Listen

- We will listen carefully and respectfully.

Take Concerns Seriously

- Every concern will be considered on its own merits.

Act Fairly

- We will investigate concerns proportionately, independently where appropriate, and without predetermined outcomes.

Protect People

- We will not tolerate victimisation or retaliation against anyone who raises a genuine concern.

Learn

- We will use concerns to improve our services, governance and organisational culture.

Be Accountable

- We will monitor themes, report appropriately to Councillors and use learning to strengthen our systems of governance.

3. Our Commitment

The Council is committed to creating an environment where speaking up is viewed as a positive contribution to improving public services.

We recognise that raising concerns can sometimes feel difficult. Individuals may worry about the consequences of speaking up or believe that nothing will happen if they report a concern.

The Council is committed to ensuring that:

- concerns are welcomed and encouraged;

- people are treated with dignity and respect;
- concerns are considered promptly and objectively;
- confidentiality is respected wherever possible;
- individuals who speak up in good faith are protected from detriment;
- concerns are investigated proportionately;
- lessons learned are used to improve services and governance.

No person should suffer disadvantage because they have raised a genuine concern under this policy.

4. Who Can Speak Up?

This policy applies to anyone who works for or with the Council, including:

- employees;
- agency workers;
- apprentices and interns;
- casual workers;
- consultants;
- contractors;
- suppliers;
- volunteers;
- work experience placements;
- This policy will be expected to apply to schools but this is a decision for the individual headteacher/chair;
- Councillors;
- anyone providing services on behalf of the Council.

The Council will also consider concerns raised by members of the public where the concern relates to serious wrongdoing affecting the Council or the public interest.

5. What Is Speaking Up?

Speaking up means raising a concern where there is a reasonable belief that wrongdoing, malpractice or unacceptable conduct has occurred, is occurring or is likely to occur.

The concern should normally relate to matters affecting the wider public interest rather than a personal employment issue.

Examples include:

- fraud or corruption;
- criminal offences;

- financial malpractice;
- abuse of authority;
- breaches of the law;
- serious breaches of Council policies;
- safeguarding failures;
- health and safety risks;
- environmental harm;
- misuse of public funds;
- conflicts of interest;
- deliberate concealment of wrongdoing;
- serious ethical misconduct;
- conduct likely to damage public confidence in the Council.

This list is illustrative and not exhaustive.

6. Matters Covered by Other Procedures

Not every concern should be raised under this policy.

The following matters will normally be dealt with under separate procedures:

Issue	Appropriate Procedure
Personal employment concerns	Grievance Policy
Complaints about Council services	Corporate Complaints Procedure
Standards complaints about Councillors	Members' Code of Conduct Arrangements
Customer service issues	Corporate Complaints Procedure
Requests for information	Freedom of Information or Data Protection legislation
Safeguarding referrals	Safeguarding Procedures

Where a concern falls under more than one procedure, the Monitoring Officer will determine the most appropriate process or processes.

7. Protected Disclosures

Some concerns raised under this policy may amount to a protected disclosure under whistleblowing legislation.

A protected disclosure is one made in accordance with the Employment Rights Act 1996 (as amended) where an individual reasonably believes that the information disclosed tends to show specified types of wrongdoing and that the disclosure is made

in the public interest. ([Whistleblowing for employees: What is a whistleblower - GOV.UK](#)).

The Council will always seek to protect individuals who make genuine disclosures, whether or not the disclosure ultimately qualifies for statutory protection.

Individuals are not expected to prove wrongdoing before raising a concern. They should simply have a reasonable belief that the information they are providing is true and should raise the concern honestly and in good faith.

8. Equality and Inclusion

The Council is committed to ensuring that everyone can raise concerns regardless of their role, background or personal circumstances.

Reasonable adjustments will be made wherever necessary to enable individuals to use this policy.

No one will be disadvantaged because of age, disability, sex, gender reassignment, pregnancy or maternity, race, religion or belief, sexual orientation, marriage or civil partnership or any other protected characteristic.

The Council expects everyone involved in the operation of this policy to treat others fairly, respectfully and professionally.

9. How to Raise a Concern

The Council encourages concerns to be raised as soon as possible. Individuals do not need proof of wrongdoing before speaking up but should have a reasonable belief that the information they are providing is true.

Concerns may be raised verbally or in writing.

Where possible, concerns should include:

- a description of the concern;
- who is involved;
- when and where the matter occurred;
- any supporting information or evidence available;
- whether the matter has already been reported elsewhere; and
- whether confidentiality is requested.

Individuals are encouraged to identify themselves when raising a concern, as this will usually assist any investigation. However, anonymous concerns will still be considered in accordance with this policy.

10. Reporting Routes

The appropriate reporting route will depend on the nature of the concern.

Normally, concerns should be raised with one of the following:

- the individual's line manager;
- another manager where the line manager is involved in the concern;
- the Monitoring Officer;
- a Deputy Monitoring Officer;
- the Chief Executive;
- the Section 151 Officer (where the concern relates to financial matters);
- the Chief Internal Auditor;
- Human Resources, where appropriate.

Where the concern involves the Monitoring Officer, it should be reported directly to the Chief Executive.

Where the concern involves the Chief Executive, it should be reported directly to the Monitoring Officer or the Chair of the Audit and Governance Committee.

Where the concern involves both the Chief Executive and the Monitoring Officer, it should be reported to the Chair of the Audit and Governance Committee, who will determine the appropriate arrangements for independent consideration.

Nothing in this policy prevents an individual from making a protected disclosure to a prescribed person or body where permitted by law.

11. What Happens When a Concern Is Raised?

Every concern received under this policy will be acknowledged promptly (no later than three working days from receipt), in writing, by the person receiving the concern.

Anyone who receives a concern under this policy, including those in section 10 above, will immediately contact the Monitoring Officer. The Monitoring Officer will ensure that the concern is recorded. The Monitoring Officer, or another appropriate senior officer designated by the Monitoring Officer where the Monitoring Officer cannot act, will undertake an initial assessment to determine (in any case where a concern involves the Monitoring Officer, the Chief Executive will designate an appropriate senior officer to act

- whether the concern falls within this policy;
- whether immediate action is required;
- whether another procedure is more appropriate;
- whether the concern should be investigated;
- whether the concern should be referred to the Service Director;
- whether the matter should be referred to another agency.

The Monitoring Officer will seek to keep the individual informed about the progress of the matter wherever it is lawful and appropriate to do so.

Not every concern will require a formal investigation. Some concerns may be resolved quickly through management action, clarification or referral to another process.

12. Investigation of Concerns

Where an investigation is required, it will be carried out in a manner that is:

- fair;
- proportionate;
- objective;
- confidential;
- evidence-based; and
- completed as promptly as reasonably practicable.

The Monitoring Officer (or other Lead Officer designated by the Monitoring Officer or where the Monitoring Officer cannot act, or by the Chief Executive where the concern involves the Monitoring Officer) may appoint an internal officer independent of the service, or an independent investigator where this is considered appropriate because of the nature or sensitivity of the concern.

During an investigation the Council may:

- interview relevant individuals;
- examine records and documents;
- obtain professional advice;
- refer matters to Internal Audit;
- refer matters to the Police or another regulator;
- commission an external investigation where necessary.

The Council will ensure that those who are the subject of concerns are treated fairly throughout the process.

13. Outcomes

Following consideration or investigation, the Monitoring Officer may decide to:

- take no further action where there is insufficient evidence;
- resolve the matter through management action;
- amend policies or procedures;
- provide training or guidance;
- commence disciplinary proceedings;

- refer the matter to an external regulator;
- report criminal matters to the Police;
- take any other action considered appropriate.

Where possible, the individual who raised the concern will receive feedback on the outcome. In some cases, confidentiality, legal obligations or employment law considerations may limit the information that can be shared, or whether any information can be shared at all.

14. Confidentiality

The Council will make every reasonable effort to protect the identity of anyone who raises a concern.

Information will only be shared where it is necessary to investigate the concern or where disclosure is required by law.

Individuals should appreciate that it may not always be possible to investigate effectively without revealing their identity. Where this becomes necessary, the Council will discuss the position with the individual wherever reasonably practicable.

All records relating to concerns raised under this policy will be handled in accordance with data protection legislation and the Council's records management arrangements.

15. Anonymous Concerns

Anonymous concerns will not automatically be disregarded.

The Council will consider:

- the seriousness of the concern;
- the credibility of the information provided;
- whether the concern can be investigated without further information;
- whether sufficient evidence exists to justify further enquiries.

Individuals are encouraged to provide contact details wherever possible, as this assists communication and enables appropriate support to be offered.

16. Protection for People Who Speak Up

The Council will not tolerate any form of victimisation, retaliation or detrimental treatment against anyone who raises a genuine concern or assists an investigation.

Examples of unacceptable treatment include:

- dismissal;
- disciplinary action;
- bullying or harassment;
- discrimination;
- denial of opportunities;
- intimidation;
- threats;
- any other unfair treatment arising because a concern has been raised.

Any employee who victimises an individual for speaking up may be subject to disciplinary action.

Where a Member is responsible for victimisation, the matter may be dealt with under the Members' Code of Conduct.

Where a contractor, consultant or supplier is responsible, the Council may take appropriate contractual action.

The Council also expects individuals who are the subject of concerns to be treated fairly and with respect until matters have been properly considered.

17. Deliberately False or Malicious Allegations

The Council recognises that concerns raised in good faith may not ultimately be substantiated.

No action will be taken against an individual simply because their concern proves to be mistaken.

However, where it is established that an allegation has been made knowingly, maliciously or for personal gain, the Council may take appropriate action, including disciplinary or contractual action where justified.

This provision does not prevent individuals from raising concerns honestly where they have a reasonable belief that wrongdoing may have occurred.

18. Roles and Responsibilities

Creating a culture where people feel able to speak up is the responsibility of everyone who works for or on behalf of the Council.

All Employees, Councillors and Others Working for the Council

Everyone is expected to:

- act with honesty and integrity;
- raise genuine concerns promptly;
- cooperate with any investigation where requested;
- maintain confidentiality where appropriate; and
- treat colleagues involved in any investigation with dignity and respect.

Individuals should not investigate concerns themselves before reporting them and must only do so once the Monitoring Officer has confirmed they should.

Managers

Managers play an important role in encouraging an open and supportive culture.

Managers are expected to:

- encourage individuals to raise concerns;
- take concerns seriously;
- seek advice where appropriate;
- ensure concerns are referred promptly through the correct channels;
- support individuals who raise concerns;
- avoid any action which could discourage people from speaking up; and
- implement improvements arising from investigations.

Managers should not seek to prevent an individual from raising a concern under this policy.

Monitoring Officer

The Monitoring Officer has overall responsibility for the operation of this policy.

The Monitoring Officer will:

- oversee the operation of the Speak Up arrangements;
- ensure concerns are assessed appropriately;
- determine the most appropriate route for investigation;
- commission investigations where necessary;
- ensure appropriate records are maintained;
- determine investigation outcomes following consultation with service directors where appropriate;
- identify themes and organisational learning;
- provide advice to officers and Councillors on the application of this policy;

- report periodically to the Corporate Leadership Team and Audit and Governance Committee on the operation of the policy; and
- keep the policy under review.

The Monitoring Officer may delegate operational responsibilities to an appropriately authorised Deputy Monitoring Officer where necessary.

Chief Executive

The Chief Executive will:

- promote a positive organisational culture;
- ensure sufficient resources are available to operate this policy effectively;
- support independent investigations where appropriate;
- consider recommendations arising from significant investigations; and
- ensure improvements are implemented across the organisation.

Corporate Leadership Team [NB. Title could change]

The Corporate Leadership Team will:

- promote a culture of openness;
- support managers in responding to concerns;
- ensure recommendations arising from investigations are implemented;
- monitor organisational learning; and
- promote continuous improvement.

Audit and Governance Committee

The Audit and Governance Committee provides strategic oversight of the Council's Speak Up arrangements.

The Committee will:

- receive annual reports on the operation of the policy;
- monitor trends and themes;
- receive assurance that concerns are investigated appropriately;
- oversee organisational learning arising from disclosures;
- monitor the effectiveness of the Council's arrangements; and
- recommend changes to policy where appropriate.

Reports to the Committee will normally be presented in a way that protects confidentiality while providing appropriate governance assurance.

19. Learning and Continuous Improvement

The Council is committed to learning from concerns that are raised.

Where investigations identify weaknesses in governance, policies, procedures or management arrangements, appropriate improvement actions will be identified and monitored.

The Council will use information from Speak Up concerns to:

- improve services;
- strengthen governance;
- reduce future risks;
- improve policies and procedures;
- identify training needs;
- improve organisational culture.

The purpose of this policy is not simply to investigate concerns, but to help prevent similar issues arising in the future.

20. Records Management

The Monitoring Officer will maintain appropriate records of concerns raised under this policy.

Records will be maintained securely and in accordance with:

- the Data Protection Act 2018;
- UK General Data Protection Regulation;
- the Council's Records Retention Schedule; and
- the Council's Information Governance Framework.

Information will only be retained for as long as necessary and in accordance with the Council's retention arrangements.

21. Monitoring the Effectiveness of the Policy

The effectiveness of this policy will be monitored through:

- the number of concerns raised;
- the nature of concerns;
- investigation outcomes;

- time taken to resolve concerns;
- themes and trends;
- implementation of recommendations;
- feedback received from those using the process; and
- periodic review of organisational culture.

Monitoring information will be used to improve the Council's governance arrangements and support continuous improvement.

22. Review of the Policy

This policy will normally be reviewed every two years, or earlier where there are:

- changes in legislation;
- changes to statutory guidance;
- changes in recognised best practice;
- organisational changes affecting governance; or
- learning arising from significant investigations.

The Monitoring Officer may make minor administrative amendments to maintain the accuracy of the policy, including updates to job titles, contact details, references, hyperlinks and legislative citations, provided these do not alter the policy's substantive effect.

Any substantive amendments will be reported to the appropriate Member decision-making body for approval.

Appendix A – Sources of Advice

Individuals considering whether to raise a concern may seek confidential advice before doing so.

Advice may be obtained from:

- the Monitoring Officer;
- a Deputy Monitoring Officer;
- Human Resources;
- a recognised Trade Union representative;
- an independent legal adviser;
- Protect (the UK's whistleblowing charity); or
- a prescribed person or regulator where permitted by law.

Seeking advice does not prevent an individual from subsequently raising a concern under this policy.

Appendix B – Related Policies

This policy should be read alongside the Council's:

- Speak Up Procedure;
 - Code of Conduct for Employees;
 - Members' Code of Conduct;
 - Anti-Fraud and Corruption Strategy;
 - Financial Procedure Rules;
 - Contract Procedure Rules;
 - Complaints Policy;
 - Grievance Policy;
 - Disciplinary Policy;
 - Safeguarding Policies;
 - Equality, Diversity and Inclusion Policy;
 - Information Governance Framework;
 - Data Protection Policy;
 - Constitution.
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Appendix C – Speak Up Process

Step 1 – A concern is raised.

Step 2 – The concern is acknowledged by the person receiving it and referred to the Monitoring Officer (or another officer if they cannot act) and recorded.

Step 3 – A preliminary review is conducted and a decision is made whether the matter should be investigated or referred to another process.

Step 4 – Where appropriate, an investigation is undertaken or other action is taken.

Step 5 – Appropriate action is taken.

Step 6 – Lessons learned are identified and improvements implemented.

Step 7 – Themes are reported through the Council's governance arrangements to provide assurance and support continuous improvement.