



Confidential Reporting (Whistleblowing)

Purpose and Scope

As an employee, you are often the first to realise that there may be something seriously wrong within the Council. However, you may not feel able to express your concerns because you feel that speaking up would be disloyal to your colleagues or to the Council. You may also fear harassment or victimisation. In these circumstances you may feel it is easier to ignore the concern than report what may be a suspicion of malpractice.

However, be assured that you can expect the Council to deal with the complaint and not the person(s) raising it.

This policy document represents the Council's commitment to creating an environment in which you can raise a concern without fear of victimisation, subsequent discrimination or disadvantage. It aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. These can be found on the Council's intranet. This Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures such as:

- the unauthorised use of public funds;
- possible fraud and corruption;
- showing undue favour over a contractual or employment matter;
- conduct which is an offence or a breach of law;
- a breach of standing orders, financial regulations or a code of conduct;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- sexual or physical abuse of clients, or
- other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Code.



Most cases raised and investigated under this Policy will be dealt with on a confidential basis. However, some serious matters may require disclosure of information to outside agencies, such as the Audit Commission, the Local Government Ombudsman, the Standards Board and the Police.

The policy applies to all employees and Members. It also applies to other contractors for the supply of goods and services to the extent that it provides an avenue for individuals employed by those contractors to raise a concern. How we will treat a contractor's concern will be a matter of judgement by the Authority on a case-by-case basis.

These procedures are in addition to the Council's complaints procedure for the referral mechanisms for allegations of breach of the Members Code of Conduct and other statutory procedures that apply to some departments. You are responsible for making service users aware of the existence of these procedures.

This policy has been discussed with the relevant trade unions and has their support.

This policy does **not** replace the corporate Complaints Resolution procedure.

Applicable to:

ALL (X) Non-management () Management () Members ()

The role of the Monitoring Officer (Head of Legal & Democratic Services)

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This officer maintains a record of concerns raised and the outcomes of investigative work in a form which does not endanger your confidentiality. Confidential reports are presented to the Standards Committee and the Council as necessary.

To enable this role to be effectively performed, individuals are encouraged to address concerns directly to the Monitoring Officer in the first instance. Other officers who receive information under this policy are required to inform the Monitoring Officer of the matter within three days of it first being raised. On no account should investigative work be commenced before the Monitoring Officer has been informed of a matter.

Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.



In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

How to Raise a Concern

As a first step, you may wish to raise your concerns with your line manager. If this approach is taken, the Monitoring Officer must be informed of the matter within three days of it first being raised. If your concern relates to a serious or sensitive matter or you suspect management is involved, you should approach the Monitoring Officer, the Chief Financial Officer or the Audit Manager. However, in order to preserve the integrity of the investigative process, you are urged in all cases to address your concerns directly to the Monitoring Officer in the first instance.

The above officers can be contacted as follows:

Monitoring Officer (Head of Legal & Democratic Services) – Tel: 4460

Chief Financial Officer (Strategic Director of Financial and Regulatory Services) – Tel: 4297

Audit Manager – Tel: 4242

If you are unsure about whether or how to use this Code or want independent advice, you may contact the independent charity Public Concern at Work. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work. Their address is:

Suite 306, 16 Baldwins Gardens, London, EC1N 7RJ
Tel: 020 7404 6609

If you wish to raise a matter with an independent person, you can contact the Chairman of the Council's Standards Committee. The Chairman is an independent Member of the Council and his details can be obtained from Committee Services.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. In such instances, care should be taken to ensure the confidentiality of the matter.

Concerns may be raised verbally or in writing. If you wish to make a written report you are invited to use the following format:

- set out the background and history of the concern (giving relevant dates);
- explain the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of any allegation, you will need to demonstrate that there are reasonable grounds for your concern

and provide sufficient detail to support the commencement of an investigation. Mere allegation is unlikely to be an adequate basis for any action to be taken.

You may invite your trade union representative or a work colleague to be present at any meetings or interviews held in connection with the concerns you have raised.

Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, consideration may be given to taking disciplinary action against you.

How the Council Will Respond

The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

In order to protect individuals and those accused of misdeeds or possible malpractice, the Monitoring Officer will make initial enquiries to decide whether or not an investigation is warranted by the evidence provided and, if so, what form it should take. The Monitoring Officer's decision to proceed or not will be determined by whether or not it would be in the public interest to do so. The decision taken and the reasons for it will be formally recorded.

As appropriate, the matter raised may be:

- investigated by internal audit;
- investigated by management under a relevant human resources policy;
- referred to the Police;
- referred to the external auditor; or
- subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The outcomes of investigations carried out by internal audit or management will be reported back to the Monitoring Officer.

Within ten working days of a concern being received to her, the Monitoring Officer will write to you acknowledging that the concern has been received;

If further investigation is to take place the letter will also:

- indicate how it is proposed to deal with the matter;
- give an estimate of how long it will take to provide a final response;
- tell you whether any initial enquiries have been made; and
- supply you with information on staff support mechanisms.

If further investigation is not to take place, the letter will outline the reasons for this decision.

The amount of contact you have with the individuals investigating the issued raised will depend on the nature of the matter, the potential difficulties involved and the clarity of the information provided. Contact is, however, likely to be necessary in order to pursue the matter particularly if further detail or clarification is needed.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a work colleague. Colleagues can support you by addressing the meeting. However, they cannot answer and ask questions on your behalf unless this is for a specific reason for doing so (eg disability) which is agreed before the meeting. With your agreement, the meeting might be recorded to ensure that all information given is accurately recorded.

The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the process used to address your complaint. Action taken against individuals is unlikely to be given due to duties of confidentiality to relevant individuals but changes to systems and procedures as a result of an investigation will be communicated.

How The Matter Can Be Taken Further

This code is intended to provide you with an avenue within the Council to raise certain concerns. The Council hopes you will be satisfied with any action taken.

If you are unhappy with the outcome of an investigation and can provide additional information not heard before, a review process will be undertaken. If you have no further information to provide or remain unhappy following a review process, you may feel it is right to take the matter outside the Council. The following contact points are available to you:

- 'Public Concern at Work' (see above);
- the Audit Commission – hotline 020 7630 1019;
- your trade union – Unison – 08453 55 08 45;
- your local Citizens Advice Bureau - 08456 88 98 97
- relevant professional bodies or regulatory organisations e.g. Chartered Institute of Public Finance and Accountancy, Association of Accounting Technicians, Institute of Internal Audit, Chartered Institute of Housing ; and
- the police or another appropriate body

If you do take the matter outside the Council, you should be aware of the confidential nature of the information you possess and only divulge what is absolutely necessary to establish the concern. The contact point will advise you on how you might progress the matter. It is strongly recommended that you seek the advice of the Head of Legal & Democratic Services or a trade union officer before taking this action.



Safeguards : Harassment or Victimisation

The Council is committed to good practice and high standards and seeks to be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty as an employee and to those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. Should harassment or victimisation occur, the Council will take action under its Bullying and Harassment Policy. The Council will not apply pressure on you to withdraw a concern nor should you fear detrimental treatment as a result of raising a concern.

Any investigation into allegations of potential malpractice should not influence or be influenced by any disciplinary or redundancy procedures that already affect you. Should you require support during an investigation you can contact ppcworldwide the Council's

Confidentiality and Respect

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. You are reminded, however, that you have a duty to maintain the confidentiality of the matter under investigation.

Whilst every effort will be made to respect the requirements of the Human Rights Act Article 6, it may in some cases be necessary to disclose information to the Police, District Audit, the Standards Board or other outside agencies.

Links to relevant information:

Policies:

Standard documentation:

Employment Law:
Local Government Act 1972

For further advice contact :

Directorate Partner
Employee Relations Officer
Head of HR
Head of Legal &
Democratic Services



Other:

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Policy Sponsor :
Head of Legal & Democratic Services



