

South Holland District Council

Whistleblowing - Confidential Reporting Code

August 2006



POLICY TITLE

Whistleblowing – Confidential Reporting Code

REVISION DATE

Rev 3.0 August 2006

REPLACES POLICY

Replaces Whistleblowing Policy issued in June 2003

POLICY NUMBER

0001/2003

POLICY AIM

The aim of this policy is to maintain a working environment where people, whether they are employees of the Council, suppliers, contractors, councillors or private individuals co-opted on to committees of the Council are able to raise concerns where they think there is misconduct or malpractice, and to know that their concerns will be taken seriously and investigated. The policy is intended to give confidence to employees to whistleblow and, as such, it incorporates statutory provision for protection under the Public Interest Disclosure Act 1998. Members of the public may also have concerns. That is why we have produced this whistle-blowing policy not only to help our staff but we have published this document on our website to enable the public to also contact us with their concerns.

POLICY STATEMENT

Our commitment

The Council attaches high priority to ethical standards and probity and is committed to taking appropriate action where misconduct or malpractice is identified. We are committed to being open, honest and accountable. Our Standards Committee has a role to play in promoting high standards and it wants anyone to be able to raise any concerns they have. The Corporate Governance Matrix Group also has a role to play and has specific responsibility for producing the Council's Annual Statement of Internal Control (SIC).

The Council will protect both former and current staff from being penalised for raising concerns about misconduct or malpractice provided that allegations are made in good faith and without mischievous or malicious intent.

WHO IS AFFECTED BY THE POLICY?

- All former and current employees including part time, agency and temporary staff
- Councillors
- Private individuals co-opted on to committees of the Council
- Suppliers and those providing services under a contract whether working for the Council on Council premises or their own premises.

IMPLEMENTATION

Introduction

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In line with the policy statement we encourage employees and others that we work with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. It is recognised that most cases will be confidential. We wish to make it clear that they can do so without fear of victimisation, subsequent discrimination or disadvantage. This 'Whistleblowing – Confidential Reporting Code' aims to encourage and make it possible for employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside the Council.

Aim and Scope of the Policy

This policy aims to:

- encourage anyone to feel confident in raising serious concerns and to question and act on their concerns about practice
- provide avenues for anyone to raise those concerns and receive feedback on any action taken
- make sure that anyone receives a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure anyone that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures in place which make it possible for staff to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other policies and procedures. These concerns include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- the Council's Constitution (including Standing Orders, Financial or Contract Regulations etc) not being observed or are being breached by members and/or officers
- possible fraud and corruption
- sexual or physical abuse of clients
- other unethical conduct
- information relating to any of the above being deliberately concealed or attempts being made to conceal the same.

This means that any serious concerns anyone has 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 this policy. This may be about something that:

- makes anyone feel uncomfortable in terms of known standards, their experience or the standards they believe the Council subscribes to
- is against Financial Regulations, Council Procedure Rules, Contract Procedure Rules and so on
- falls below established standards of practice
- amounts to improper conduct.

What is not covered?

This policy cannot be used to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- Staff complaints about their employment. These complaints are dealt with through our Grievance Procedure
- Customers' complaints about our services. These complaints are dealt with through our Corporate Complaints Procedure
- Allegations against councillors. Those wishing to whistleblow on councillors should do so directly to the Standards Board for England or, if advice is needed, to speak with the Monitoring Officer (Head of Legal and Member Services) who will advise you accordingly

Safeguards

The Council is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If what is being reported is true, there should be nothing to fear because the person reporting will be doing their duty to the employer and those for whom they are providing a service. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take suitable action in agreement with the Harassment at Work policy to protect anyone when a concern is raised in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal anyone's identity if they so wish. At the appropriate time however, you may need to come forward as a witness.

Anonymous Allegations

This policy encourages anyone to put their name to an 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
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person concerned. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them where appropriate.

How to Raise a Concern

If the person works for the Council, they should normally raise their concerns with their line manager, their Head of Service or their Director. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that management is involved they should approach the Chief Executive, or if he is absent or the complaint relates to him, the ***Head of Legal and Member Services*** as the Council's Monitoring Officer.

Concerns may be raised verbally or in writing. Anyone who wishes to make a written report is invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

The earlier the concern is expressed the easier it is to take action. Although no one is expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person being contacted that there are reasonable grounds for their concern. Advice and guidance on how to pursue matters of concern may be obtained from:

- The Chief Executive
- The Monitoring Officer.

It may be appropriate to consider discussing a concern with a colleague first and it may be easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. Anyone may also invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Unions and professional associations may also raise matters of concern on behalf of their members employed by the Council. If anyone prefers not to raise their concern through their line manager, Head of Service or Director, they may report it direct to Internal Audit.

If you are a member of the public you should contact the Monitoring Officer direct or, in his absence, the Chief Executive.

How the Council will respond

The Council will respond to any concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry
- be referred to the Standards Committee or the Standards Board for England.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form should it take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example fraud or discrimination issues) will normally be referred for consideration under those procedures. 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 carried out.

Within ten working days of a concern being raised, a line manager, Head of Service, the Chief Executive or the Monitoring Officer, depending upon who has been approached, will write:

- advising that the concern has been received
- advising how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information on staff support mechanisms where appropriate
- advising whether further investigations will take place and, if not, why not.

The amount of contact between the officers considering the issues and the person raising them will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will get further information from them.

The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if it is necessary to give evidence in criminal or disciplinary proceedings, the Council will arrange for advice about the procedure.

The Council accepts that individuals need to be confident that the matter has been properly addressed. Therefore, subject to legal constraints, we will tell them the outcome of any investigation.

The Responsible Officer

The Monitoring Office has overall responsibility for the maintenance and operation of this policy. In the absence of the Monitoring Officer, the Deputy Monitoring Officer, will act on his behalf. They maintain a record of concerns raised and the outcomes (but in a form which does not endanger anyone's confidentiality) and will report as necessary to the Council.

How the matter can be taken further

This policy is intended to provide anyone with an avenue within the Council to raise concerns. If internal advice is required before starting action, you may talk to:

- an immediate line manager, a Head of Service or a Director
- the Monitoring Officer or his Deputy about any matters relating to Councillors, the Codes of Conduct, the Council's Constitution and its contents
- an HR Business Partner or the Head of HR about staffing issues
- the local union branch.

The Council hopes everyone will be satisfied with any action taken. If they are not, and they feel it is right to take the matter outside the Council, the following are possible contact points:

- the District Auditor
- the Standards Board for England
- UNISON Whistleblowers hotline 0845 355 0845
- the local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- the independent charity Public Concern at Work. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The charity's contact details are:
 020 7404 6604  020 7404 6576  www.pcaw.co.uk
 whistle@pcaw.co.uk (enquiries)  helpline@pcaw.co.uk (helpline)
 Public Concern at Work, Suite 306, 16 Baldwin Gardens, London EC1N 7RJ

If the matter is taken outside the Council, please make sure that you do not disclose confidential information. Check with the Chief Executive or Monitoring Officer about that.

Whistleblowing do's and don'ts

Do

- keep calm
- think about the risks and outcomes before you act
- remember you are a witness, not a complainant
- phone Public Concern at Work for advice on 020 7404 6604

Don't

- forget there may be an innocent or good explanation
- become a private detective
- use whistleblowing procedures to pursue a personal grievance
- expect thanks.

MONITORING

The policy will be reviewed again in 2009 subject to any interim changes in legislation and will be monitored in the following ways:

MONITORING ACTIVITY	PERSON RESPONSIBLE

Check to see if the policy has been implemented effectively	Head of Legal and Member Services and the Corporate Governance Matrix Group
Data collection and reporting	Head of Legal and Member Services
Review of policy	Head of Legal and Member Services

POLICY CONSULTATION

The Standards Committee, Heads of Service and Directors were consulted on a draft version of this revised policy before full implementation. Changes were made to the policy reflecting the outcomes of the consultation. Any future fundamental changes to the policy will also involve consultation with trade unions.

POLICY APPROVAL

Cabinet – 29 July 2003

BACKGROUND

This policy was first introduced in November 2000, reviewed in June 2003 following major restructuring of the Council and again in August 2006.

RELATED POLICIES AND STRATEGIES

South Holland District Council's:

- Officers' Code of Conduct
- Members' Code of Conduct
- Harassment at Work Policy
- Equal Opportunities Policy
- Protocol on Officer/Member Relations
- Suggestions and Complaints Procedure
- Health and Safety Policy Statement
- Constitution
- Council Procedure Rules
- Officer Employment Procedure Rules