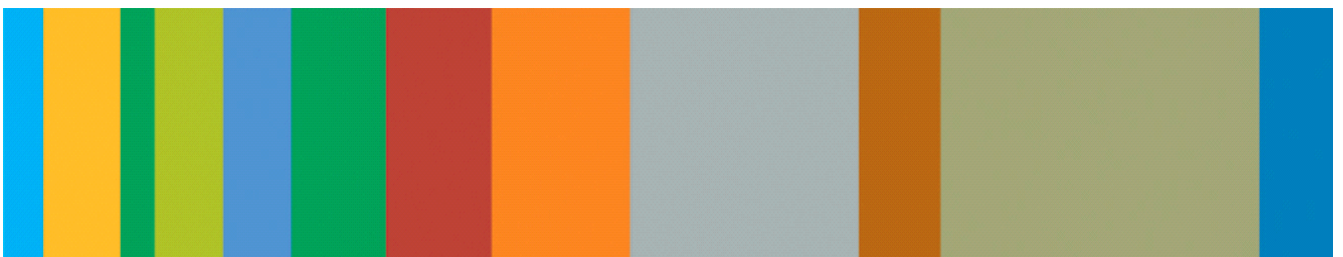


Whistleblowing Policy

January 2008



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1. Introduction

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. **Normally, employees would be expected to raise any concerns initially with their line manager.** However, employees may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Employees may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, or those who work for the Council, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 The Whistleblowing Policy makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. The Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "*blowing the whistle*" outside.
- 1.4 The Policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes, or in other premises where services are delivered.

2. Aims and Scope of the Policy

- 2.1 The Policy aims to:
 - Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about malpractice;
 - Provide avenues for employees to raise those concerns and receive feedback on any action taken;
 - Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
 - Reassure employees that they will be protected by the Council from possible reprisals or victimisation if they have a reasonable belief that a disclosure has been made in good faith.
- 2.2 The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These include:
 - Conduct which is an offence or a breach of the law, including breaches of the Council's Valuing Diversity Policy;
 - Disclosures relating 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;
- Possible fraud and corruption;
- Sexual or physical abuse of clients, or
- Other unethical conduct.

It is important to note there is a Grievance Procedure in place to enable employees to lodge a grievance relating to their own employment.

~~2.12.3~~ ~~Thus, if~~ an employee has any serious concerns about any aspect of service provision or the conduct of officers or Elected Members of the Council or others acting on behalf of the Council these can be reported under the Whistleblowing Policy. This may be about ~~something that:~~

~~2.22.4~~

- Makes an employee feel uncomfortable in terms of known standards, experience or the standards an employee believes the Council subscribes to; or
- Is against the Council's Standing Orders Codes of Conduct ~~and or~~ policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This Policy does not replace the Corporate Customer Complaints Procedure.

3. Safeguards – Harassment or Victimisation

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

3.2 The Council recognises that the decision to report a concern can be a difficult one to make especially for employees who are new to the Authority. If what an employee is saying is true, or suspicions are reasonable, an employee will have nothing to fear because he/she will be doing his/her duty to the Council and to those for whom the Council is providing a service. In fact, an employee may be making him/herself vulnerable if the alarm is not raised.

3.3 The Council will not tolerate or allow any form of harassment, victimisation or discrimination, including informal pressure, and will take appropriate action to protect an employee when he/she raises a concern in good faith. If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'Whistleblower' the Council will take appropriate disciplinary action against the individual(s) concerned. Departmental HR Managers are available to provide support to employees.

~~3.1 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee. (not sure I understand what is meant here)~~

4. Confidentiality

- 4.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal an employee's identity if he/she wishes. However, if an employee's concern(s) requires any further action, he/she may at some future date have to act as a witness and/or provide evidence.

5. Anonymous Allegations

- 5.1 The Policy encourages employees to put their name to an allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 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.

6. Untrue Allegations

- 6.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against him/her.

7. Raising a Concern

- 7.1 As a first step, an employee should normally raise concerns with his/her immediate manager or Departmental HR Manager. This will depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that a manager is involved, an employee should approach his/her Director in the first instance who may, depending on the circumstances, have to liaise with the Assistant Chief Executive.
- 7.2 Concerns must be raised in writing using the Whistleblowing Policy Pro-forma attached at Appendix 1 which enables an employee to identify:
- The background and history of the concern (giving relevant dates);
 - The reason why he/she is particularly concerned about the situation.
- 7.3 The sooner an employee expresses his/her concern the easier it is to take action. Employees will be provided with support by Departmental HR Managers.
- 7.4 Although an employee will not be expected to prove beyond doubt the truth of an allegation, he/she will need to demonstrate that there are reasonable grounds for concern.
- 7.5 Advice and guidance on how to pursue matters of concern may be obtained from:
- Assistant Chief Executive;
 - Departmental HR Managers;

- The immediate Line Manager;
 - A Nominated Person in your Department (you can find out the name of the Nominated Person in your Department from your Departmental HR Manager).
- 7.6 Employees may wish to consider discussing their concern with a work colleague or Trade Union Representative first as they may find it easier to raise the matter through someone they know well.
- 7.7 Employees may invite a Trade Union Representative, or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

8. How the Council will respond

- 8.1 The Council will respond to an employee's concerns as soon as is reasonably practicable. It is important to remember that testing out an employee's concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- Be investigated by appropriate management representatives or through the disciplinary process;
 - Be referred to the Police;
 - Be referred to Internal Audit depending on the nature of the allegation(s) made;
 - Be referred to the external Auditor;
 - Form the subject of an independent inquiry;
- or a combination of these
- 8.3 In order to protect employees and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should 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, child protection, adult abuse or discrimination issues will normally be referred for consideration under these Procedures).
- 8.4 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 The Departmental HR Manager will write, in confidence, to an employee within ten working days of a concern being raised. The letter will:
- Acknowledge that the Whistleblowing Policy Pro-forma has been received;
 - Indicate how it is proposed to deal with the matter;
 - Provide an estimate of how long it will take to provide a final response;
 - Confirm with the employee whether any initial enquiries have been made;
 - Inform the employee of staff support mechanisms available, and

- Confirm, where possible, whether further investigation will take place and if not, why not.

Every effort will be made to ensure that an employee's concerns are dealt with as speedily as possible and he/she is kept informed of progress made.

- 8.6 The amount of contact between the officers considering the issues and the employee will depend on the nature of the concern(s) raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the employee raising the concern.
- 8.7 The Council will take steps to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if he/she is required to give evidence in criminal or disciplinary proceedings the Council will arrange for him/her to receive advice about the procedure.
- 8.8 The Council accepts that an employee will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, an employee will be kept informed of the outcome of any investigation.

9. The Responsible Officer

- 9.1 The Assistant Chief Executive has overall responsibility for the maintenance and operation of the Policy. He/she will maintain a record of concerns raised and the outcomes.

10. Taking the matter further

- 10.1 The Policy is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes employees will be satisfied with any action taken. If you they are not, and they feel it is right to take the matter outside the Council, the following are possible contact points, (this list is not exhaustive):
- The Health and Safety Executive;
 - The Financial Services Authority;
 - H M Customs and Excise;
 - The Inland Revenue;
 - The Police;
 - The District Auditor;
 - The Ombudsman.
- 10.2 If an employee does take the matter outside the Council, he/she should ensure that no confidential information is disclosed. An employee **must** check with the Assistant Chief Executive before disclosing any information.

11. Review of the Policy

- 11.1 The Policy will be reviewed every two years.

WHISTLEBLOWING POLICY PRO-FORMA

DEPARTMENT

WHAT CONCERN(S) DO YOU WISH TO RAISE?

In your own words describe your concern(s), include date(s), time(s), persons involved, including any witnesses, location, the length of time you have been concerned. Please continue on an additional sheet if necessary

WHY ARE YOU CONCERNED ABOUT THE ISSUE(S)?

In your own words describe why you are concerned. Please continue on an additional sheet if necessary

HAVE YOU DISCUSSED THE ISSUE(S) WITH ANYONE ELSE? YES/NO

IF SO, who with WHEN (date)

WHAT WAS THE OUTCOME OF THIS DISCUSSION?

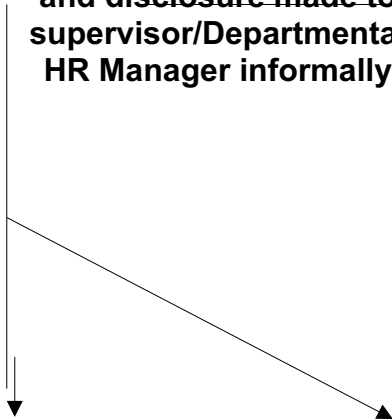
SIGNED DATE

NAME

**ON COMPLETION THIS FORM SHOULD BE SENT TO YOUR DEPARTMENTAL HR
MANAGER IN A SEALED ENVELOPE MARKED PRIVATE AND CONFIDENTIAL**

STEPS IN MAKING A DISCLOSURE

Concern(s) identified
and disclosure made to
supervisor/Departmental
HR Manager informally



Action identified
concern(s) addressed

Concern(s) remain

No Action taken

- STEP 1** Disclosure made formally in writing using pro-forma to Departmental HR Manager
- STEP 2** Departmental HR Manager acknowledges receipt of pro-forma in writing within ten working days
- STEP 3** Formal investigation begins (if appropriate)
- STEP 4** Outcome of investigation submitted in writing to the Chief Officer

STEP 5



1

**FEEDBACK TO THE PERSON
MAKING DISCLOSURE WITHIN 5
WORKING DAYS OF THE
OUTCOME OF THE
INVESTIGATION BEING MADE TO
THE CHIEF OFFICER**

2

**RECOMMENDED ACTION TO
PREVENT RECURRENCE**

3

**FORMAL DISCIPLINARY
PROCEDURE INVOKED
(if appropriate)**