

"WHISTLEBLOWING" POLICY

1. PREAMBLE

- 1.1. 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 these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of wrongdoing.
- 1.2. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable persons to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3. This policy has been discussed with the relevant trade unions and professional organisations and has their support in principle.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1. This policy aims to:
 - provide confidential avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the Council's response, and

- reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns about wrongdoing that fall outside the scope of other procedures.

3. EXAMPLES OF WRONGDOING

Concerns may be about something that is considered to be:

- Unlawful
- corruption or fraud
- in breach of the Council's Standing Orders or Financial Regulations
- in breach of agreed procedures
- discrimination on grounds of sex, race, disability, sexual orientation, religion or belief, age
- harassment or victimisation
- an unsafe working practice

4. SAFEGUARDS

4.1. *Harassment or Victimisation*

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

4.2. This does not mean that, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

4.3. ***Confidentiality***

The Council will do its best to protect your identity when you raise a concern and do not want this to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.4. ***Anonymous Allegations***

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

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

4.5. In exercising the 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.

4.6. ***Untrue Allegations***

If you make an allegation in good faith, but it is not substantiated, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

5. HOW TO RAISE A CONCERN

5.1. As a first step, you can raise concerns with your Line Manager or Service Unit Manager. Alternatively, you may, if you wish, contact anyone from among the list of persons below:

- *Monitoring Officer - ext. 5470 (currently Ian Marshall)*
- *Managing Director - ext. 5400 (currently Jack Hegarty)*
- *Deputy Managing Director - ext. 5586 (currently Vic Allison)*
- *Personnel, Payroll & Development Manager - ext. 5380 (currently Kim Stallard))*

- *Head of Planning - ext. 5279 (currently Gill Collin)*
- *Council Leader - ext. 5150 (currently Paul Miiddlebrough)*
- *Head of Housing and Revenues - ext. 5480 (currently Liz Dyde)*

N.B. It is the Council's intention to maintain a gender mix in relation to the list of people you may wish to raise concerns with.

- 5.2. You are welcome to raise the concern by telephone or through a direct meeting with the officer in question. If you wish to set out the background to the concern in writing and provide documents in support, this would be helpful. Alternatively, you may choose to explain the reasons for your concern verbally.
- 5.3. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the officer contacted that there are sufficient grounds for your concern. Remember that the earlier you express the concern, the easier it may be for action to be taken. If in doubt, you should contact one of the officers named above and talk to them about the situation.
- 5.4. If you wish, you may ask your trade union, professional association or solicitor to raise a matter on your behalf. They will have an equal right to contact the officers named above on the same terms as yourself.

6. HOW THE COUNCIL WILL RESPOND

- 6.1. Any action taken by the Council will depend on the nature and scale of the alleged wrongdoing and the evidence that is available.
- 6.2. The matters raised may:
 - be investigated internally
 - be referred to the Police
 - be referred to the external Auditor

- form the subject of an independent inquiry
- 6.3. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Allegations or concerns which fall within the scope of specific procedures (for example, harassment or fraud/corruption) will normally be referred for consideration under those procedures.
- 6.4. Some matters may be resolved without the need for investigation or formal action.
- 6.5. Within ten working days of an allegation or concern being received, the Council will write to you:
- acknowledging receipt of the allegation or concern
 - indicating how it proposes to deal with the matter
 - telling you whether any initial enquiries have been made
 - telling you whether further investigations will take place, and if not, why not
 - if the matter is to be dealt with internally, giving you an estimate of how long it is likely to take to provide a full response
- 6.6. The amount of contact between the officers considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you. Depending on the circumstances, you may be asked to maintain confidentiality.
- 6.7. When any meeting is arranged with you, you have the right, if you so wish, to be accompanied by a trade union or professional association representative, a solicitor or friend; such a person must respect any confidentiality that applies.
- 6.8. 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 advise you about the procedure.

- 6.9. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigation which may still remain confidential.

7. HOW THE MATTER CAN BE TAKEN FURTHER

- 7.1. This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied.
- 7.2. If you are not satisfied, and if you feel it is right to take the matter outside the Council, the following are possible contacts:
- the external Auditor
 - relevant professional bodies or regulatory organisations
 - your solicitor
 - the Police
- 7.3. If you do take the matter outside the Council, you need to take care with regard to the possible disclosure of confidential information. If you are in any doubt as to your position, you should check with either your external contact or the Council's Monitoring Officer
- 7.4. You are strongly advised not to refer concerns to the press. If, notwithstanding this advice, you do decide to contact the press, you should make certain that:-
- (a) you have exhausted all the avenues described above;
 - (b) you do not disclose confidential information;
 - (c) you do not make false allegations which could result in libel proceedings;
- 7.5. Adverse publicity can damage the reputation of the Council and its

avenues available, it is likely that you will be in breach of your contract of employment and liable to disciplinary action.

8. COUNCILLORS

- 8.1. Allegations or concerns about possible wrongdoing by Councillors should be discussed with the Council's Monitoring Officer, Ian Marshall on 01386 565470 or the independent Chairman of the Council's Standards Committee, Mr. John Blakeley (who is not an elected Councillor) on 01789 772798.
- 8.2. All Councillors are subject to a Code of Conduct and, if there is evidence that they have breached this, they are liable to be reported and, where appropriate, investigated under the statutory regime. It is possible that hearings will be arranged in order to determine whether or not there has been misconduct and, if so, the imposition of appropriate sanctions.

9. PERSONS WORKING FOR COUNCIL CONTRACTORS

- 9.1. The Council wishes the principles and procedures set out above to apply, so far as possible, to persons working for Council contractors.
- 9.2. Such persons may have concerns about possible wrongdoing:
 - by Council officers
 - by Councillors
 - by work colleagues engaged in performing works or services for the Council
- 9.3. If persons have any concerns, they are encouraged to contact either their Manager or the Council's Monitoring Officer, Ian Marshall on 01386 565470 in the first instance.
- 9.4. The Monitoring Officer will follow the same approach and endeavour to

provide the same safeguards as would apply to a concern expressed by a Council employee.

10. **PUBLIC INTEREST DISCLOSURE ACT 1998**

- 10.1. The Public Interest Disclosure Act 1998 gives statutory protection to persons who raise concerns about possible wrongdoing in good faith. Additional provisions are inserted into the Employment Rights Act 1996 relative to "protected disclosures" and the rights of employees not to suffer detriment through making such disclosures.
- 10.2. The Council's Whistleblowing Policy is intended to complement the statutory protection now given to employees, rather than detract from it. For the avoidance of doubt, an employee's statutory rights will not be affected in any way by the Whistleblowing Policy.

IGM

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