

WHISTLE-BLOWING POLICY  
FOR  
LOCAL GOVERNMENT EMPLOYEES

Adopted on 23 February 2006

## **WHISTLE-BLOWING POLICY**

### **1. INTRODUCTION**

- 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, they may feel it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council prides itself on having an open and honest culture and is committed to the highest possible standards of probity and accountability. In line with that commitment we encourage employees and members with serious concerns about any aspects of the Council's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible and within any requirements of the law.
- 1.3 This policy supports the Council's Anti-Fraud and Corruption Policy and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
- 1.4 This policy operates alongside other specific whistle-blowing investigation procedures developed, for example in Benefits.

### **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 This policy aims to:
  - provide 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
  - reassure you that you will be protected from reprisals or victimisation for confidential reporting in good faith.
- 2.2 There are procedures in place to enable employees to lodge any grievance relating to their employment. This policy is intended to cover concerns that fall outside the scope of other procedures.
- 2.3 Concerns must be raised when employees reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:
  - a criminal offence
  - a failure to comply with a statutory or legal obligation
  - improper or unauthorised use of public funds or other funds
  - a miscarriage of justice
  - maladministration, misconduct or malpractice

- endangering of an individual's health and safety
- damage to the environment
- deliberate concealment of any of the above.

2.4 The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

### 3. HOW TO RAISE A CONCERN

3.1 Employees' concerns should be raised within the Council with either:

- a) your supervisor or manager
- b) your Head of Service
- c) the Audit Manager
- d) your Corporate Team Member, the Chief Executive or the Council's Monitoring Officer
- e) the external auditor (Audit Commission), who, depending on the nature of the concern, may liaise with senior officers of the Council.

For concerns in respect of professional conduct, then the above still apply.

If the concern is connected with your direct line manager/supervisor, then Human Resources can provide confidential advice as to whom the concern should be directed to.

3.2 Concerns should be raised in writing if at all possible. You will need to set out the background and history of the concern giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer. The appropriate officer will make notes of any conversations with you so that, if required, a proper investigation can be undertaken.

3.3 The earlier you express the concern, and the more details you have, the easier it will be to take action.

3.4 At this stage, you are not expected to prove the allegation, but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

3.5 When raising any concerns, your rights under the Human Rights Act 1998 Article 8 (right to private family life) will be maintained.

3.6 Advice and guidance on how matters of concern may be pursued can be obtained from:

- your line manager
- Corporate Resources
- Internal Audit.

3.7 You may prefer, in order to protect yourself or to maintain your anonymity, to invite your trade union or other representative to raise the matter on your behalf. Your representative may be required to obtain additional information from you so that a proper investigation can be undertaken.

#### **4. HOW THE COUNCIL WILL RESPOND**

4.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally by an appropriately skilled and experienced officer, knowledgeable in the area concerned, eg a manager, Internal Audit, Benefits Investigation team, Human Resources, Chief Executive, the Monitoring Officer, or the Standards Committee
- be referred to the police
- be referred to the external auditor or Ombudsman
- form the subject of an independent enquiry.

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 will take. Concerns or allegations that fall within the scope of other specific procedures (for example, bullying or harassment issues) will normally be referred for consideration under those procedures.

Any initial investigations will follow the course of natural justice. The initial investigation will adhere to Articles 6 and 8 of the Human Rights Act 1998 (right to a fair hearing and right to private family life).

Some concerns may be resolved by agreed action without the need for further investigation.

4.5 Within 10 working days of a concern being received (excluding anonymous concerns), the individual with whom you raised the matter will write to you:

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- telling you whether further investigations will take place, and if not, the reason why.

4.6 The amount of contact between you and the officer(s) considering the issues 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 in a discreet manner.

4.7 When any meeting with you is arranged, you have the right, if you wish, to be accompanied by a trade union representative or work colleague. The meeting can be off site, if requested.

- 4.8 The Council will take steps to minimise any difficulties you may experience as a result of raising a concern and provide any appropriate support. For instance, if you are required to give evidence in disciplinary or criminal proceedings, the Council will advise you about the procedure. Within internal proceedings, you will have the option of asking someone else to accompany you.
- 4.9 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 outcomes of investigations. In addition, you will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.
- 4.10 You can withdraw from the process at any stage. If you do, you or your representative must inform the person with whom you raised the initial concern and the investigating officer. You will be requested to provide a reason for your withdrawal and Human Resources will be informed.
- 4.11 Any full investigation will follow the course of natural justice and the requirements of the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.
- 4.12 The person(s) against whom the concern has been raised will be informed following the initial investigations if it is considered that there is an issue to be investigated further, subject to current Human Resources policies. They will be supported in an appropriate manner and will be informed of the progress of the investigation.

## **5. SAFEGUARDS**

### **Harassment or Victimisation**

- 5.1 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.
- 5.2 This does not mean, if you are the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of confidential reporting.

### **Confidentiality**

- 5.3 The Council will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information. Any statement made by you may be required as part of the evidence but could be submitted anonymously, if requested.

### **Anonymous Allegations**

- 5.4 This policy encourages you to put your name to your concerns. Concerns expressed anonymously are more difficult to action effectively, but they will all be considered.
- 5.5 In such circumstances, the Council will take the following factors into account when establishing the scope and depth of the investigation:

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

### **Untrue Allegations**

5.6 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

5.7 If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **6. HOW THE MATTER CAN BE TAKEN FURTHER**

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with the response to your concern. If you are not you must indicate this to the person who has been dealing with your concern. If you feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor (Audit Commission)
- relevant professional bodies or regulatory organisations
- the Ombudsman
- your solicitor
- the police
- Public Concern at Work\* (0207 404 6609)
- your trade union/professional association.

\*Public Concern at Work is an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice.

## **7 THE RESPONSIBLE OFFICER**

7.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will maintain a record of concerns raised and outcomes (but in a form which does not endanger your confidentiality) and will report details, if necessary, to the Scrutiny or Standards Committees of the Council.

7.2 Other useful contacts with respect to this policy are the Audit Manager, the Head of Corporate Resources, and your trade union representative.