

SOUTH DERBYSHIRE DISTRICT COUNCIL

CONFIDENTIAL REPORTING POLICY

(“WHISTLEBLOWING” POLICY AND PROCEDURE)

Amended by Human Resources October 2006

1.0 INTRODUCTION

- 1.1 The Council is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to the people who live and work within the District. Whilst the Council has put in place a wide range of rules, procedures, regulations and codes of practice to deliver this commitment, malpractice, abuse or wrongdoing may unfortunately occur. This policy builds on these rules etc by enabling employees and others that we deal with, to come forward and voice any concerns that they have about any aspect of the Council's work. It is recognised that most cases will have to proceed on a confidential basis.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, you may be worried about raising such issues or may want to keep the concerns to yourself because you consider that it is none of your business or only a suspicion. You may also feel that raising the matter would be disloyal to your colleagues or the Council itself.
- 1.3 This policy and procedure enables and encourages you to raise any concerns that you have about malpractice, abuse or wrongdoing at an early stage and in the right way, without fear of victimisation, subsequent discrimination or disadvantage. The procedure allows you to raise your concerns within the Council or externally rather than overlooking the problem.
- 1.4. These procedures are **in addition to** the Council's Comments, Compliments and Complaints Procedures and other statutory reporting procedures applying to some Divisions. Heads of Service are responsible for making service users aware of the existence of these procedures.
- 1.5 This policy has been agreed with the relevant Trade Unions and has their support

2.0 WHO DOES THIS POLICY APPLY TO?

- 2.1 The policy applies to: -

employees, trainees, agency staff, independent consultants working for the Council, contractors working for the Council, the public and Councillors.

3.0 THE RESPONSIBLE OFFICER

- 3.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. The Head of Organisational Development will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

4.0 AIMS OF THIS POLICY

- 4.1 This policy 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 made any disclosure in good faith.

4.2 It is worth remembering that your Trade Union can help you to raise any concern that you have under this policy.

5.0 WHAT IS MALPRACTICE, ABUSE OR WRONGDOING?

5.1 Malpractice, abuse and wrongdoing can include a whole variety of issues. Some of these are listed in Annexe A. This is not a comprehensive list but it is intended to show the sort of issues, which might be raised under this policy.

5.2 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 Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards.
- Your experience of the standards you believe the Council subscribes to.
- Is against the Council's Procedure Rules and policies.
- Is against the provisions outlined with the Council's Constitution
- Falls below established standards of practice.
- Amounts to improper conduct.

5.3 This policy does not replace the Council's Comments, Compliments Procedure.

6.0 THE COUNCIL'S GRIEVANCE AND HARASSMENT PROCEDURES

6.1 If you are aggrieved as an employee about your personal position or employment then you should use the Council's Grievance Procedure or if appropriate the Harassment Procedure.

7.0 THE COUNCIL'S ASSURANCES TO YOU

Raising a genuine concern

7.1 If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. If you are acting in good faith it does not matter if you are mistaken following an investigation into the matter.

Harassment and victimisation

7.2 The Council will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern in good faith.

7.3 Employees should note that they can refer to the Council's Harassment Policy (This is on the Intranet – click on corporate services/Organisational Development/Harassment Policy).

7.4 Any investigation into allegations of potential malpractice, abuse or wrongdoing will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

8.0 UNTRUE ALLEGATIONS

8.1 The Council will view very seriously any allegations that are made frivolously, maliciously or for personal gain. The Council will regard any such allegations made by one of its employees as a serious disciplinary offence and will consider taking further action.

9.0 CONFIDENTIALITY

9.1 If you ask us to protect your identity by keeping your confidence we will not disclose it without your consent. However, it is possible that we will be unable to resolve the concern you have raised without revealing your identity (e.g. because your evidence is needed in Court). If this occurs we will discuss with you how we can proceed.

10.0 ANONYMOUS ALLEGATIONS

10.1 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.

10.2 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.

11.0 INDEPENDENT ADVICE

11.1 If you are unsure whether to use this procedure or you want independent advice at any stage you may contact:

PUBLIC CONCERN AT WORK
Suite 306,
16 Baldwin Gardens,
London,
EC1N 7JR
Tel: 020 7404 6609

E-mail: helpline@pcaw.co.uk

11.2 Public Concern at Work is a registered charity, which promotes accountability and good governance in organisations and responsibility amongst individuals. Its lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice or wrongdoings at work.

Other assistance

11.3 Other assistance can be obtained from your Trade Union, professional organisation or from Organisational Development.

12.0 THE PROCEDURE – HOW TO RAISE A CONCERN INTERNALLY

Do I need to put the issue in writing?

- 12.1 Concerns may be raised verbally or in writing. If you prefer to put something in writing, it would be useful to include the following information:
- The background and history of the matter concerning you (giving relevant dates);
 - The reason why you are particularly concerned about the situation.
- 12.2 The earlier you express the concern the easier it will be to take action.
- 12.3 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 12.4 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.
- 12.5 You may be accompanied by a Trade Union representative or an employee of the Council during any meetings or interviews in connection with the concerns you have raised.

Who do I raise my concern with?

- 12.6 You should normally raise concerns with your immediate manager or their superior. If you feel unable to raise it with your immediate line manager or their superior, then you can raise the matter with your Director.
- 12.7 Alternatively if you:
- Have spoken to one of the above managers and you still have concerns
or
 - Feel that the matter is so serious or sensitive that you cannot discuss it with any of the above managers
or
 - Feel that senior managers are involved
or
 - You feel that it is not appropriate (e.g. you are a contractor, supplier, Councillor or member of the public)

then you can contact one of the Senior Officers shown below who has the responsibility for regulating the Council and its activities. These Senior Officers can give you advice and guidance on how to pursue any matter(s) of concern that you have. They are:

- Chief Executive Direct Line (01283) 595700
- Monitoring Officer (Head of Legal & Democratic Services) Direct Line (01283) 595831
- Head of Organisational Development Direct Line (01283) 595729
- Audit Manager Direct Line (01283) 595706

13.0 HOW THE COUNCIL WILL HANDLE THE MATTER

- 13.1 Once you have told us of your concern we will look into it to assess initially what action should be taken. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. We will tell you who is handling the matter, how you contact her/him and whether your further assistance may be needed.
- 13.2 Where appropriate, the matters raised may:
- Be investigated by management, Internal Audit, or through the Disciplinary Procedure.
 - Be referred to the police.
 - Be referred to the External Auditor.
 - Form the subject of an independent inquiry.
 - Be referred to the Standards Board for England
- 13.3 In order to protect individuals and those accused of malpractice, abuse or wrongdoing 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 or discrimination issues), will normally be referred for consideration under those procedures.
- 13.4 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.
- 13.5 Within ten working days of a concern being raised, you will receive a letter:
- Acknowledging that the concern has been received.
 - Informing you who is dealing with the concern raised.
 - Indicating how we propose to deal with the matter.
 - Giving an estimate of how long it will take to provide a final response.
 - Informing you whether any initial enquiries have been made.
 - Providing you with information on support mechanisms.
 - Informing you whether further investigations will take place and if not, why not.
- 13.6 The amount of contact that you have with the officers considering the issue you have raised will depend on the nature of the issue, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 13.7 Where any meeting is arranged to speak with you/obtain additional information, a Trade Union representative or another employee of the Council can accompany you. If you prefer, any meeting can take place away from the Council Offices.
- 13.8 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 arrange for you to receive advice about the procedure.
- 13.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

14.0 HOW TO RAISE A CONCERN EXTERNALLY

14.1 This policy is intended to provide you with a procedure within the Council to raise concerns. The Council hopes you will be satisfied with any action it takes. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- The designated independent person or organisation nominated for the purpose by the Council. This will be confirmed with you should this be necessary.
- The External Auditor.
- Your Trade Union.
- The local Citizens Advice Bureau.
- The Local Government Ombudsman.
- A relevant professional body or regulatory organisations.
- Public Concern At Work
- The police.
- The Standards Board for England

14.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

15.0 DATA PROTECTION

15.1 Any investigation that takes place under this policy may involve access to sensitive personal data or records. In all cases, those who necessarily access it will respect the confidentiality of this information, in accordance with the principles of Data Protection.

16.0 REVIEW OF THIS POLICY

16.1 The policy may be reviewed at any time in consultation with the appropriate Trade Unions.

16.2 As a minimum it will be reviewed every two years.

16.3 Organisational Development have authorisation to make minor amendments to the policy and arising out of an organisational restructure (e.g. change in post titles).

ILLUSTRATIVE LIST OF MALPRACTICE, ABUSE OR WRONGDOING

- ❑ Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel).
- ❑ Maladministration (e.g. unjustified delay, incompetence, neglect)
- ❑ Breach of any statutory Code of Practice.
- ❑ Health and Safety risks including risks to the public, as well as employees (e.g. faulty electrical equipment).
- ❑ Abuse of vulnerable people (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect)
- ❑ Damage to the environment (e.g. pollution).
- ❑ The unauthorised use of public funds.
- ❑ Fraud and corruption (e.g. housing benefit fraud, to solicit or receive any gift/reward as a bribe).
- ❑ Breach of the Member or Employee Code of Conduct.
- ❑ Abuse of power (e.g. bullying or harassment).
- ❑ Other unethical contact.

This is not an exhaustive list. If you would like to discuss any matter concerning potential inappropriate acts or actions please contact any of the Officers listed in the policy.