

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

Summary Guidance Note

INTRODUCTION

This document provides a summary of the Council's 'Confidential Reporting Policy'. A copy of the full policy is available on the Intranet (<http://172.20.0.48/policies/reporting.htm>).

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 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 malpractice.
- 1.2 The Council recognises that employees who raise concerns are protected under the Public Interest Disclosure Act 1998 and may be eligible to compensation if they subsequently suffer victimisation, discrimination or disadvantage.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- encourage you to feel confident in raising concerns and to question and act upon your concerns
 - 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 a reasonable belief that you have made any disclosure in good faith.
 - provide an avenue for members of the public to raise concerns (as listed at 2.2 below) which would not be considered under the council's formal Complaints Procedure

3. SAFEGUARDS - Harassment or Victimisation

- 3.1 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.2 The Council will not tolerate any harassment or victimisation (including informal pressures) and we will take appropriate action to protect you when you raise a concern in good faith.

4. CONFIDENTIALITY

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

5. UNTRUE ALLEGATIONS

- 5.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

6. HOW TO RAISE A CONCERN

6.1 Advice and guidance on how to pursue matters of concern may be obtained from the Council's nominated contact points who are:

- Chief Executive; (ext 500)
- Audit Services Manager. (ext 726)

6.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

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

7. HOW THE COUNCIL WILL RESPOND

7.1 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 enquiry.

7.2 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 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, misconduct or discrimination issues) will normally be referred for consideration under those procedures.

8. HOW THE MATTER CAN BE TAKEN FURTHER

8.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. 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 Audit Commission (special telephone line – 0845 0522 646)
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation (Public Concern at Work – 020 7404 6609)
- the police

8.2 If you take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with one of the Council's nominated contact points about that. (See full policy, 7.5).

A/ASG July 2003
Reviewed Jan 2005
Reviewed Nov 2005
Revised Jan 2006
Revised Dec 2006
Reviewed Dec 2007

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

POLICY STATEMENT

“North West Leicestershire District Council is committed to the prevention, deterrence, detection and investigation of fraud, corruption and malpractice in all forms. It encourages employees of the Council and it’s contractors who have serious concerns about any aspect of its work, including matters of health and safety, to voice those concerns”.

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 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 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 to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3 This policy document makes it clear that you do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting 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 Council recognises that employees who raise concerns, termed “qualifying disclosures”, are protected under the Public Interest Disclosure Act 1998 and may be eligible to compensation if they subsequently suffer victimisation, discrimination or disadvantage. The Act stipulates what is classed as a “qualifying disclosure” as follows:

a "qualifying disclosure" means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following –

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

- 1.5 The policy applies to all employees and those contractors working for the Council on Council premises. It also covers suppliers and those providing services under a contract with the Council in their own premises.
- 1.6 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some divisions.
- 1.7 This policy has been discussed with the relevant trade unions and has their support.
- 1.8 The principles of this policy also apply to concerns of the general public.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising concerns and to question and act upon your concerns
- 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 a reasonable belief that you have made any disclosure in good faith.
- provide an avenue for members of the public to raise concerns (as listed at 2.2 below) which would not be considered under the council's formal Complaints Procedure

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other policies and procedures. As stated in paragraph 1.4, these 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
- possible fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct.

2.3 Thus, 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 or the standards you believe the Council subscribes to; or
- Is against the Council's Constitution, Standing Orders, Financial Regulations and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This policy does **not** replace the Council's 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. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

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

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

4. CONFIDENTIALITY

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

5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages you to put your name to your 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 you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

- 7.1 Advice and guidance on how to pursue matters of concern may be obtained from the Council's nominated contact points who are:

- Chief Executive; (ext 500)
- Audit Services Manager. (ext 726)

If you believe that management is involved, you should approach the Chief Executive, who will make appropriate arrangements for your concern to be investigated. The Chief Executive will determine if the concern is most appropriately investigated initially by the Council's Monitoring Officer or Audit Services Manager.

- 7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

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

- 7.3 The earlier you express the concern the easier it is to take action.

- 7.4 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.

- 7.5 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.

- 7.6 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE COUNCIL WILL RESPOND

- 8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 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 enquiry.
- 8.3 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 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, misconduct or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 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.
- 8.5 Within seven working days of a concern being raised, the Chief Executive will write to you:
- acknowledging that the concern has been received
 - indicating how we propose 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
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 8.6 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, the Council will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.8 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.
- 8.9 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.

9. THE RESPONSIBLE OFFICER

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. That officer maintains 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.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. 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 Audit Commission (special telephone line – 0845 0522 646)
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation (Public Concern at Work – 020 7404 6609)
- the police

- 10.2 If you take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with one of the Council's nominated contact points about that. (See 7.5).

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