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## WHISTLEBLOWING POLICY

### 1.0 Introduction

The Council is committed to tackling acts of fraud, corruption, unethical conduct and malpractice regardless of who commits them or where in the Council they are committed. This way we can be sure that the services we provide are used in the best interests of the local community.

The Council wants everyone to feel confident about raising a concern regarding any such conduct or action and that this will be properly dealt with at the earliest opportunity and not overlooked or ignored.

To encourage and enable you to do this the Council will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of :-

- a) the content of the concern you raise
- b) with whom you raise the concern and
- c) whatever the outcome of raising the concern.

There are a number of individuals or specialist teams within the Council with whom you can raise a concern. However it is recognised that some issues may be so serious that dealing with them internally would be inappropriate. If this is the case the policy also gives guidance on how to raise a concern with an external body who will take the matter seriously and deal with it in a proper and effective manner.

The Whistleblowing Policy provides an opportunity for your concern to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body. Even so there is always a temptation to take a concern directly to the media.

Airing a concern through the media however does not always mean that the issues raised are appropriately addressed and often fails to protect innocent parties. You should remember that you have a duty of confidence to your employer and that unauthorised disclosure of information maybe a disciplinary offence. You should therefore not contact the media unless you have exhausted all the options available to you through this policy. The best advice before you decide on what action to take is to seek the advice of your line manager or one of the specialist Whistleblowing teams or Public Concern at Work (see Raising A Concern Outside the Council).

### 2.0 Who can raise a concern?

If you undertake work for the Council, whether you are an employee, a contractor, or a paid or unpaid volunteer, you can use this procedure to raise a concern.

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### **3.0 Who can concerns be raised about?**

You can raise a concern about the practice of anyone who undertakes work for, or on behalf of, the Council. This includes employees of the Council, contractors, Councillors or volunteers.

### **4.0 Is there anything that should not be raised through the whistleblowing policy?**

The policy should not be used to raise a concern about terms and conditions of employment which would be covered by the Grievance Procedure or matters that can be dealt with through another procedure. It is also possible that after raising a concern you might be advised about other agreed Council policies or procedures which may be more appropriate to the nature of the concern. However if in any doubt this policy can be used as a starting point for your concerns.

### **5.0 Misuse of the whistleblowing policy**

Raising a concern unreasonably, with malicious intent or for personal gain or the gain of others is not acceptable and may lead to disciplinary action under the Council's Disciplinary Policy.

### **6.0 Confidentiality**

The Council accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might however be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the police. If there is any possibility that your confidentiality cannot be protected you will be told why this is the case and will be offered appropriate advice and support.

### **7.0 Anonymously raised concerns**

Concerns expressed anonymously will be investigated on the basis of their merits. However, an investigation may be hampered by the inability to gain further information and the Council would encourage you to provide some method of contacting you in case further information is required.

### **8.0 Scope of the policy**

A concern can relate to any unethical or unprofessional conduct within the Council. The policy not only covers acts that have actually occurred but also potentially unethical or unprofessional conduct. Below are some examples but please remember this is by no means exhaustive:-

- 1 an actual or potential breach of the law,
- 2 possible or actual miscarriages of justice,
- 3 the actual or possible abuse (sexual or physical) of clients in the Council's care,
- 4 potential or actual acts causing damage to the environment,

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- 5 acts or potential acts of fraud and corruption or the misuse of public funds,
  - 6 acts that could have a detrimental affect on the health and safety of employees and/or the public,
  - 7 actual or potential acts of harassment or bullying of, or by, someone working for the Council,
  - 8 actual or potential acts of racial or sexual discrimination,
  - 9 any unethical conduct that causes concern or brings the reputation of the Council into disrepute or,
  - 10 the deliberate concealment of information that would indicate any of the above.

If you are in any doubt as to whether or not to raise a concern then confidential advice can be sought from your personnel department or trade union representative or from Public Concern at Work (See Raising a Concern Outside the Council).

Note:- If, when disclosing a concern you commit a criminal offence, you may lose your rights to protection from detriment. Again if in any doubt seek advice from the sources named above.

#### **9.0 What to consider when expressing a concern**

To enable your concerns to be dealt with in a proper and effective manner here are some guidelines for you to consider:-

- 1 Be as clear as possible about what the concern is and who and what it relates to. You may also want to discuss the concern with others to see if it is shared.
- 2 Be as clear as possible about who maybe involved, when and where actions may have taken place etc. Make sure the facts are recorded i.e. record the dates and times in a diary. This way you can be clear about what has actually been heard or seen and when, rather than rely on memory or hearsay.
3. Make sure you ask for your concerns to be dealt with under this procedure.

#### **10.0 How to raise a concern (See Attached Flowchart)**

No matter with whom you raise your concern it will be dealt with under this procedure. If the person with whom you raise the concern feels it necessary they may want to refer your concern on to either a specialist team or a more senior Council officer, whichever is appropriate. If this is the case you will be contacted first and have the opportunity to discuss any issues this may raise.

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### As a First Point of Contact

A concern would normally be raised initially with your line manager or supervisor. However this may not always be possible, dependent on the nature of the concern and who is involved.

### Alternatively

If you feel unable to raise the matter with your line manager or supervisor you may wish to contact your Director of service or the Director of the service to which your concerns relate (if different).

### Or

You may wish to refer your concern directly to one of the Council's specialist teams as listed below:-

<b>Specialist Team</b>	<b>Area of speciality</b>
Financial / Audit team	Concerns regarding fraud, corruption or misappropriation of Council assets or resources.
Social Services -	Concerns regarding the care of clients or the conduct of care staff.
Education -	Concerns relating to teaching or the use of school funds (may overlap with the Financial / Audit team)
Personnel -	Concerns relating to the conduct of staff in general and specific issues of discrimination, harassment etc.
Information Technology	- Concerns relating to the misuse of information technology such as e-mail and the internet.

All the units and service directors have received specialist training in dealing with concerns and will follow the procedure as laid out in this policy.

## **11.0 Raising a concern outside the council**

If you still feel unable to raise the concern with someone within the Council, maybe because it is related to the actions of senior management or Councillors, or where there is a possibility of evidence being removed or destroyed, you can use the services of Public Concern at Work

Public Concern at Work is an independent, voluntary body that specialises in providing advice to members of the public and employees from a wide range of organisations. Public Concern at Work can advise you on how and to whom to refer your concerns or, if necessary, can do so on your behalf. They can also, if they feel it is warranted, refer you to, or contact on your behalf, other external agencies such as auditors, the police or other local and national regulatory bodies.

Any advice they give is totally independent and there is no obligation for them to provide the Council with any information without first discussing it with you.

If you are unsure whether to use this procedure or you want independent advice at any stage you can contact Public Concern at Work on 0171 404 6609. They can give you free and confidential advice at any stage about how to raise a concern about serious malpractice at work.

## **12.0 The procedure to be followed**

To ensure that all concerns raised are taken seriously and are fully investigated the Council has agreed a procedure to be followed in all cases.

If, at any stage of the procedure, you are asked or wish to meet with someone addressing the concerns you have raised you have the option to be accompanied by a work place colleague, trade union representative or representative from a professional body.

When you first raise a concern

- A) However you wish to express your concern, by telephone or in person, you will receive an acknowledgement of your concerns from the person to whom you have expressed them. This will be sent to you within 5 working days of being notified of your concern and, if you wish, can be sent to your home address.

The person to whom you have reported your concern will then decide how to progress. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue, but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

- B) Within 10 working days of making your concerns known you will either:-
- i) have a confidential meeting with the relevant person to further discuss your concerns,
  - ii) or have received, in writing, an outline of how the relevant person intends to deal with the concerns raised.
- C) Dependent on the nature of the concerns you may have subsequent meetings with the relevant investigating persons. These can be held "off-site" if desired.

## **13.0 The outcome of your concern**

Having raised the concern the Council recognises that you will need to be assured that the issues have been dealt with. You will be kept informed on a regular basis of what actions are being taken and the final results of any investigations.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However the reasons for this will be explained at that time.

#### **14.0 Taking your concern further**

If you have gone through all these channels and you still have concerns, or feel that the issues have not been fully or appropriately addressed, you can contact the Chief Executive, or have her contacted on your behalf, to discuss your concern in confidence.

However you should not refer the matter outside the organisation (other than external organisations as agreed within the policy) without first ensuring that all other possible avenues have been exhausted.

#### **15.0 And finally**

If you have a concern about the conduct of the Council or the actions of anyone who provides work for the Council be they employees, Councillors, contractor or volunteers we want you to feel confident that you can bring it to the attention of others.

Only when people are prepared and feel able to report such concerns without the fear of reprisals can we have confidence in the integrity and honesty of the Council.