

# **CONFIDENTIAL REPORTING ("WHISTLEBLOWING") POLICY**

## **THE COUNCIL'S COMMITMENT IS:**

- **TO COMBAT MALPRACTICE**
- **TO GIVE CONFIDENCE THAT CONCERNS WILL BE INVESTIGATED PROPERLY**
- **TO RESPECT CONFIDENTIALITY**
- **TO DELIVER ACCOUNTABILITY**
- **TO SEEK TO CORRECT PROBLEMS AT AN EARLY STAGE**

## **INTRODUCTION**

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 malpractice.
2. We are committed to the highest possible standards of openness, probity and accountability. We encourage employees with serious concerns about any aspect of the Council's work to come forward and voice those concerns. We make it clear that you can do so without fear of victimisation, discrimination or disadvantage. We will respect confidentiality as far as possible. We want you to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside. If you choose to voice your concerns in some other way then you will lose the protection the Policy gives.
3. This policy has been discussed with Unison and has their support.

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

4. This policy aims to:
  - a) provide avenues for you to raise concerns and receive feedback on any action taken
  - b) allow you to take the matter further if you are dissatisfied with the response, and
  - c) reassure you that you will be protected from reprisals or victimisation for whistle blowing in the public interest.
5. The Policy is not for raising grievances about your personal employment circumstances or as an appeal against management decisions, unless these involve malpractice. Procedures to enable you to pursue grievances etc relating to your employment are contained in your Employee Handbook.
6. Malpractice means any kind of improper practice or conduct which falls short of what is reasonably expected. It may relate to an act or omission, past, present or intended. Some examples are:
  - *criminal behaviour;*
  - *failure to comply with a legal duty to which a person is subject;*
  - *a miscarriage of justice;*

- *breach of the Council's standing orders, including contract procedure rules and financial regulations;*
- *breach of the Council's policies;*
- *conduct which is unethical and falls below established standards or practice;*
- *danger to the health and safety of any individual;*
- *concealment of information relating to any of the above.*

## **SAFEGUARDS**

### **Harassment or Victimisation**

7. We recognise that deciding to report a concern can be difficult, not least because of the fear of reprisal from those responsible for the malpractice. We will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in the public interest. (This does not mean however that if you are already the subject of disciplinary or redundancy procedures, that those procedures will necessarily or automatically be halted as a result of your whistleblowing.)

### **Confidentiality**

8. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. The investigation process may however reveal the source of the information and a statement by you may be required as part of the evidence. If it is possible to establish the truth about allegations from an independent source then we will seek to do this.

### **Anonymous Allegations**

9. We encourage you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they may be considered taking into account.
  - *the seriousness of the issues raised*
  - *the credibility of the concern; and*
  - *the likelihood of confirming the allegation from attributable sources.*

### **Malicious or Vexatious Allegations**

10. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you. Malicious or vexatious allegations include those which are trivial and do not have any substance or are made persistently and annoyingly for the wrong reasons e.g. simply to make trouble, or purely out of self-interest or for personal gain.

## **HOW TO RAISE A CONCERN**

11. As a first step you should normally raise concerns with your line manager or your service manager. This depends, however, on the seriousness and sensitivity of the issues involved and who you think is involved in the malpractice. You may prefer to approach the Chief Executive, the Corporate Director (the Council's Monitoring Officer), or the Human Resources Manager (Liberata Services). If a Councillor(s) is involved then you should always approach the Chief Executive or the Corporate Director.

12. You should put your concern in writing setting out the background and history, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. A form is available on the staff intranet for this purpose. If you do not feel able to put your concern in writing, you should telephone or ask to meet the appropriate officer.
13. The earlier you express the concern, the easier it is to take action.
14. Although you are not expected to prove the truth of an allegation, you will need to demonstrate that there are sufficient grounds for your concern and that you believe it is substantially true.
15. For initial and/ or informal advice and guidance on how to pursue your concern contact;
  - **Corporate Director (Monitoring Officer) - Philip Mousdale Tel: 01282 661634 or [philip.mousdale@pendle.gov.uk](mailto:philip.mousdale@pendle.gov.uk)**
  - **Human Resources Manager (Liberata UK Limited) – Jane McDonnell Tel: 01282 878800 or [Jane.McDonnell@liberata.com](mailto:Jane.McDonnell@liberata.com)**
  - **Head of Legal Services – Howard Culshaw Tel: 01282 661637 or [howard.culshaw@pendle.gov.uk](mailto:howard.culshaw@pendle.gov.uk)**
16. You may invite your trade union or professional association to raise a matter on your behalf.

## HOW WE WILL RESPOND

17. The action we take will depend on the nature of the concern. 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*
  - *be referred to the Corporate Director, where the complaint is against a Councillor*
18. We will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. You will not be required to carry out any investigation, though you will be expected to reasonably assist the investigator. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.
19. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before or during the investigation.
20. Within ten working days of you raising your concern we 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, and*

➤ *telling you whether further investigations will take place, and if not, why not.*

21. The amount of contact you will have with the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. We may need to seek further information from you.
22. When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
23. We will try to minimise any difficulties which you may experience as a result of raising a concern. This will include an assessment of any danger or risk which exists or may arise. Also, if you are required to give evidence in criminal or disciplinary proceedings, we will advise you about the procedure.
24. We will want to assure you that the matter has been properly addressed. Subject to legal constraints, you will receive information about the outcomes of any investigations. Where possible and subject to legal constraints, we will also keep you informed about how the matter is progressing and how long the investigation may take.

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

25. This Policy is intended to provide you with an avenue to raise concerns within the Council. We hope you will be satisfied and reassured. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:

- *the External Auditor (Grant Thornton U.K. L.L.P., 4 Hardman Square, Spinningfields, Manchester M3 3EB)*
- *your Trade Union*
- *relevant professional bodies or regulatory organisations*
- *your Solicitor*
- *the Police*
- *a Councillor*
- *Protect (formerly Public Concern at Work) (020 3117 2520)*
- *Public Concern at Work (020 7404 6609)*

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. You are advised to check with the Corporate Director about this.

#### **RESPONSIBLE OFFICER**

26. The Corporate Director as Monitoring Officer has overall responsibility for the maintenance and operation of this policy. He 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.