

WHISTLE BLOWING/CONFIDENTIAL REPORTING 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 it may be easier to ignore the concern rather than report something which after all, 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 and encourage employees, and others whom 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 (i.e. between the employee voicing the concern and the person to whom the concern is voiced).
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistle Blowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).

2. Who does the policy apply to?

- 2.1 The policy applies to all employees (permanent, temporary and casual), contractors and those in partnership roles working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
- 2.2 This policy does not apply to service users. Where applicable, employees are responsible for making service users aware of the existence of the Council's complaints procedure (via Customer Relations Manager) and other appropriate statutory reporting procedures (via the relevant Service Directorate).
- 2.3 This policy framework (based on the Employers Organisation Confidential Reporting Code model) has been discussed nationally with the relevant trade unions and professional organisations and has their support.

3. Aims and the scope of the policy

3.1 This policy aims to:

- encourage you to feel confident in raising 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 further, if you are not satisfied with the response
- reassure you that provided you have a reasonable belief that the information you disclose is substantially true and that you act in good faith, you will be protected from possible reprisals or victimisation.

3.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistle blowing/ Confidential Reporting Policy is intended to cover concerns that fall outside the scope of other procedures. These include:

- conduct which is a criminal offence or a breach of law
- possible fraud or corruption - audit
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- deliberate covering up of information which tends to show any of the above
- the unauthorised use of public funds – including Pension fund (please see details on page 7)
- a person being discriminated against because of their race, colour religion, ethnic or national origin, disability, age, sex, sexuality, class or home life
- a person deliberately not keeping to a Council policy, an official code of practice or any law or regulation
- sexual or physical abuse of clients, or
- other unethical conduct

3.3 Any serious concerns that you have about any aspect of service provision or the conduct of staff or members of the Council or others acting on behalf of the Council can be reported under this Whistle blowing/Confidential Reporting Policy. Your concern may for example 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 Contract Procedure Rules (in accordance with the Procurement Framework and/or Financial Regulations) and/or policies such as the Code of Conduct; or

- falls below established standards of practice; or
- amounts to improper conduct.

3.4 This policy does not replace the corporate complaints procedure or financial regulations which should also be referred to in cases of complaints or financial irregularities.

4. **What is not covered?**

4.1 You cannot use this policy to deal with issues which are covered by other corporate policies and procedures. Examples of these are:

- Issues/complaints from staff in respect of their employment. These would be dealt with through the grievance procedure.
- Customer complaints regarding services. The corporate complaints procedure would be used in these situations.
- Allegations against Councillors. (In the first instance you would need to report your concerns to the appropriate Group Director who would raise your concerns with the Assistant Chief Executive, Legal and Democratic Services (Monitoring Officer) should he/she feels that there is the need for an investigation)

5. **Safeguards**

Harassment or Victimisation

5.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

5.2 The Council recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true, you will have nothing to fear.

5.3 The Council will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in good faith. The Council, in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against the employee responsible for such victimisation and/or reprisal.

5.4 In some circumstances it is recognised that a person making information known about their colleagues may find it difficult to return to his/her normal job. The Council has a duty of care to provide a safe working environment and treat its employees with respect.

5.5 If this is not possible in the employees normal job because of the situation surrounding the disclosure of confidential information, the Council will seek to redeploy the individual, taking account of their generic and specialist skills, abilities and experience. The Council will also protect the employees normal level of pay, indefinitely, ensuring that they do not suffer any detriment, by blowing the whistle.

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

6. Confidentiality

6.1 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.

7. Anonymous Allegations

7.1 This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will be considered at the discretion of the Council.

7.2 In exercising this discretion the factors to be taken into account would include:

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

8. Untrue Allegations

8.1 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.

9. How to raise a concern

9.1 As a first step, you should normally raise concerns with your immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your line manager is involved, you should approach their Line Manager, your Head of Service, the Assistant Chief Executive, Legal and Democratic Services (Monitoring Officer), Internal Audit your Human Resources Manager.

9.2 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

9.3 For verbal concerns, the manager with whom the concerns are raised should record the allegations which should be agreed and signed by both parties.

9.4 The earlier you express the concern, the easier it is to take action.

9.5 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.

If you need further advice/guidance on how to pursue matters of concern, this can be obtained from:

- Group Director – Finance and Commercial (Financial Monitoring Officer)
- Chief Internal Auditor or Principal Audit Manager (Fraud)
- Assistant Chief Executive – Human Resources
- Your Head of Service if that is possible or a member of the Policy and Advisory Team within Human Resources who would deal with your area of work.
- Group Directors
- Chief Executive

(Please contact your Human Resources Team for details of the current post holders for the above mentioned posts)

9.6 You may wish to seek the advice and/or support of your trade union representative or consider discussing your concern with a colleague first as 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.

9.7 You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

9.8 The person to whom the concern is expressed i.e. line manager, supervisor or any of the persons listed above, should send a copy of the written report (details of concerns) to the Monitoring Officer.

10. How the Council will respond

10.1 The Council will respond promptly to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

10.2 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through by another appropriate person
- be referred to the police
- other agencies (ie.Social Services)
- be referred to the external auditor
- form the subject of an independent inquiry

- 10.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made by a designated officer or the person to whom the concerns is voiced, 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.
- 10.4 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.
- 10.5 Some concerns may be resolved by agreed action, without the need for a full investigation. If during the investigation, urgent action is required this will be taken as soon as possible.
- 10.6 The person with whom you raise your concerns, will provide you with a response within 20 working days and will:
- indicate the proposals to deal with the matter
 - give an estimate of how long it will take to provide a final response
 - tell you whether any initial enquiries have been made
 - supply you with information on staff support mechanisms, and
 - tell you whether further investigations will take place and if not, why not
- 10.7 The amount of contact between the officers considering the issues and yourself 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, by arranging a meeting. Where any meeting is arranged, you can be accompanied by a trade union representative or a work colleague, the meeting can be held off-site if you so wish.
- 10.8 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.
- 10.9 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 progress and outcome of any investigation, as promptly as possible.

11. The Responsible Officer

- 11.1 The Assistant Chief Executive, Legal and Democratic Services (Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. The officer will maintain a record of all concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report to the Council, as necessary.

12. How the matter can be taken further

- 12.1 This policy is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes that employees who raise concerns will be satisfied with any action taken. If, however, an employee is unhappy with the way the investigation has been handled or the Council's response, they can take the matter outside the Council. The possible contacts are at Appendix A.
- 12.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information which is not relevant to your case. Check with the contact point or Human Resources Team regarding this.
- 12.3 If you are unsure whether or how to use this procedure or want confidential advice, you may contact - The independent charity, Public Concern at Work on 020 74046609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

13. Additional policies available

- 13.1 In addition to this policy there are currently two additional corporate policies which may assist you if you feel that there is an issue to be addressed. These are:

13.2 The Corporate strategy for the prevention and detection of fraud and corruption

This policy aims to:

- demonstrate that the Council has introduced controls and regulations within all levels of the organisation to combat fraud and corruption
- protect any person who draws attention to misconduct in the organisation
- provide checks, balances and general safeguards against any abuse of power and authority that might arise anywhere in the Council.

- 13.3 A copy of this policy can be found on the intranet via 'Essential Corporate Information'. See document 'Fraud Prevention Statement'. The following telephone numbers are also available:

Benefit Fraud – 01708 43 2405

Other Fraud Issues – 01708 43 2617

Client Manager, Internal Audit (Whistle Blowing) – 01708 43 2946

24 hours answer phone – 01708 43 2207

13.4 **The Whistle blowing requirements of the Pensions Act 2004**

- 13.5 These new requirements extends the obligation to whistle blow to nearly everyone connected with running a pension scheme, in particular trustees (or the administering authority for the LGPS) and employers. Anyone wishing to report issues within Havering should initially contact the Chief Finance Officer (CFO) who will set out a plan to included clarifying the facts around the suspected breach and to consider the material significance of the breach. The CFO or nominated person will then review and assess if a report should be made to the Pensions Regulator.
- 13.6 The Pensions Regulator has now issued a Code of Practice (CP1) which sets out guidance on how to comply.
- 13.7 For further information regarding this policy and any other general enquiries the pensions department can be contacted via email pensions@havering.gov.uk.

APPENDIX A

PRESCRIBED REGULATORS

- Health and Safety risks - Health & Safety Executive
Tel : 020 7717 6000
020 75562100
- Environmental issues - The Environment Investigation Agency - Tel: 020 7490 7040
- Utilities - OFTEL - Tel : 020 7634 8700
0845 714 5000
OFGEM - Tel : 020 79017000
Rail Regulator -Tel: 020 7282 2000
- Financial Services & the City - Financial Services Authority
Tel : 0845 606 13234
020 7676 1099
HM Treasury
Tel: 020 7270 3000
020 7270 5000
- Fraud and Fiscal Irregularities - Director General - Serious Fraud Office, Tel: 020 7239 7272
Inland Revenue -
Tel: 020 7605 9800
020 8370 7300
020 8522 5700
020 8509 4700
Customs & Excise
Tel: 020 7620 1313
0800 595 000
- Public Sector Finance - National Audit Office
Tel: 020 77987000
District Audit Service
Tel : 020 7233 6400
Audit Commission
Tel : 020 7828 1212
- Company Law - Secretary of State - Department of Trade & Industry.
Tel: 020 7215 5000
Textphone/minicom users only:
020 7215 6740
- Competition & Consumer Law - Director General - Office Fair Trading

Tel: 020 7211 8608

- Others -

Certification Officer (TU's)

Tel : 020 72103734/3735

Civil Aviation Authority

Tel : 020 7379 7311

Charity Commission

Tel : 0870 3330123

Criminal Cases Review Commission,

Tel: 0121 633 1800

Data Protection Commissioner,

Tel : 01625 545 700

Occupational Pensions Regulatory

Authority. Tel: 01273 627 600

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