



## SHAFTESBURY TOWN COUNCIL

### WHISTLEBLOWING

**Give misconduct the red card - Confidential reporting policy and procedure**

**DATE ADOPTED: 18<sup>th</sup> July 2017**

**Review date:**

#### **BACKGROUND**

In accordance with best practice, the Council has adopted a Confidential Reporting (Whistleblowing) Policy and Procedure, as recommended by the Local Government Association and other bodies.

The aim of the policy is to enable employees to disclose allegations of malpractice internally, without fear of recrimination. All employees will be aware of the damage that can be caused to the Council's reputation by wrongful activities and behaviour. Employees are therefore, encouraged to report malpractice (whether by other employees, contractors, the public or Members of the Council), in the knowledge that reports will be taken seriously and swift action will be taken.

Employees should be aware of the Employee Handbook. The handbook outlines practices that are considered to be unacceptable during the course of employment with the Council. Whilst this is not an exhaustive list it does outline the key areas of behaviour the Council would find unacceptable and provides a template for appropriate behaviour. Managers are expected to regularly bring the employment handbook to the attention of their staff. New employees will be given a copy of the Handbook during their induction process. If you are asked to undertake something that you are unsure about please speak to your line manager in the first instance or the Clerk.

Normally, employees should raise concerns via the Town Clerk. However, where they perceive that such a course of action is not appropriate, they should raise the matter with the Mayor or Chair of the Human Resources Committee, either by telephone or in writing, marked "Private & Confidential".

#### *Confidentiality*

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. This cannot be guaranteed however as they may need to be called as a witness, following a full factual investigation of the concerns raised.

#### *Anonymous Allegations*

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998 employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Council.

In exercising the 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 factual evidence

Managers will be trained to ensure that they will be open to employees approaching them with concerns and are aware of how to act. Managers have an absolute duty to act on employees concern and failure to do so will be treated as misconduct.

Deterring an employee from raising a concern about fraud or abuse will be considered as Gross misconduct, as will any attempt to victimise employees for raising a genuine concern. Abuse of the system by making malicious allegations will be considered Gross Misconduct under the Staff Code of Conduct Policy.

Employees who have reported matters will be kept informed of the results of investigations or actions taken. However, care will be taken to protect the confidentiality of third parties or disclosure of information that might jeopardise ongoing investigations.

This policy is for dealing with concerns the Employee has with the proper operation or management of the Council. It is not an alternative to using the grievance policy for individual matters directly affecting the employee. If an issue has been investigated through a Grievance process it will not normally be reconsidered under this 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 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 the 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 can 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 policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

1.5. These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures, applying to some departments. You are responsible for making service users aware of the existence of these procedures.

## **2. UNTRUE ALLEGATIONS**

**2.1. 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 that is demonstrably frivolous, malicious or for personal gain, disciplinary action up to and including Gross Misconduct may be taken against you.**

3.1. As a first step, you should normally raise concerns to a person you feel you can trust who is not directly involved in the issue which could include your immediate manager or their Superior. 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 management is involved you should approach the Town Clerk or Mayor or Chairman of the Human Resources Committee.

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

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

3.4. 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.

3.5. Obtain service/guidance on how to pursue matters of concern, advice may be sought from:

3.6. 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.

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

4.1. The Council will acknowledge your concerns normally within 5 working days to let you know the anticipated timescale for an initial response, the outcome or provide an update report on the next steps as appropriate. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

4.2. Where appropriate, the matters raised may:-

## **3. HOW TO RAISE A CONCERN**

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation
- Town Clerk
- Mayor / Chairman of the Human Resources Committee

## **4. HOW THE COUNCIL WILL RESPOND**

- be investigated by management, internal audit, or through the conduct and behaviour process.
- be referred to the police.
- be referred to the external auditor.
- form the subject of an independent inquiry.

## **5. THE RESPONSIBLE OFFICER**

5.1. The Town Clerk 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.

5.2. If the matter involves the town Clerk, the Independent Internal Auditor will maintain records as required.

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

6.1. 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 some possible contact points:-

- Your local Council Member (if you live in the Council area)
- The External Auditor
- Relevant professional bodies or regulatory organisations
- The monitoring officer
- Public Concern at Work (PCAW), website: <http://www.pcaw.org.uk>, telephone: 020 7404 6609
- Your solicitor
- The Police

6.2. If employees do decide to take the matter outside the Council they must ensure that they do not disclose to a third party any of the Council's confidential information unrelated to the matter under consideration and keep within the provisions of the protocol entitled Relations with the Media.

6.3. If employees are in any doubt, they are strongly advised to seek the confidential advice of the Town Clerk before taking any action to ensure that they do not inadvertently put themselves in a position where they may breach procedures themselves.