

# Whistleblowing Policy

## Table of Contents

1. Introduction
2. Aims and Scope of the Policy
3. Safeguards
4. Confidentiality
5. Anonymous Allegations
6. Untrue Allegations
7. How to raise a Concern – Employees
8. How to raise a Concern – Members of the Public
9. How the Council will respond
10. The Responsible Officer
11. How the matter can be taken further
12. Maintaining the Policy

## **1. Introduction**

The Council's Whistleblowing Policy is a key element in its arrangements to promote good governance and to guard against fraud, corruption or other types of improper behaviour. The Policy provides convenient and confidential channels that allow an individual to raise a concern about any aspect of behaviour by a Councillor, a Council employee, or a contractor with a responsible senior manager. It also requires the Council to tell that individual how the concern was investigated and, if appropriate, how it was resolved.

The Policy applies to all employees and those Contractors working for the Council on Council premises (e.g. agency staff, builders or drivers). It also covers suppliers and those providing services under a contract with the Council in their own premises (e.g. employees in, or managers of, care homes) and any member of the public who wishes to raise issues of concern on a confidential basis.

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.

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 seem easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Whistleblowing Policy makes it clear that any employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This 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.

These procedures are in addition to the Council's Corporate Complaints Procedure and other statutory reporting procedures applying to some departments. It is the individual responsibility of each employee and Member to make service users and members of the public aware of the existence of these procedures.

The Policy has been discussed with the relevant trade unions and has their support.

## **2. Aims and Scope of the Policy**

The Policy aims to:

- encourage you to feel confident in raising serious 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 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.

There are existing procedures in place to enable employees to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. 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 employees, or
- other unethical conduct.

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

### **3. Safeguards**

The Council is committed to good practice and high standards and wants to be supportive of employees or any other individual with legitimate concerns.

The Council recognises that the decision to report a concern can be a difficult one for an employee to make. If what is being said is true, an employee should have nothing to fear from acting to protect the interests of the Council and the people that it serves.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect any individual who raises a concern in good faith.

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

### **4. Confidentiality**

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**

This Policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

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**

If an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, allegations are made frivolously, maliciously or for personal gain, appropriate and proportionate action may be taken against the individual making them.

## **7. How to Raise a Concern – Employees**

As a first step, employees should normally raise concerns with their 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 an employee believes that management is involved, an approach should be made to the Chief Executive or the Head of Corporate Governance as the Council's Monitoring Officer or the Head of the Welland Internal Audit Consortium. The Audit Commission has also set up a confidential hotline for Council employees to provide them with guidance where employees suspect fraud or corruption. The telephone contacts for these senior officers and the Audit Commission are given below.

Concerns may be raised verbally or in writing. Employees 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.

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

Although an employee is not expected to prove beyond doubt the truth of an allegation, there is a requirement to demonstrate to the person contacted that there are reasonable grounds for concern.

Advice and guidance on how to pursue matters of concern may be obtained from:

- the Chief Executive – Helen Briggs - Ext 8201
- the Head of Corporate Governance – Geoff Pook - Ext 8202
- the Head of Welland Internal Audit Consortium - Richard Gaughran Ext 8361 or 07429397389
- the Audit Commission hotline – 0171 630 1019

An employee may wish to consider discussing a concern with a colleague first and may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

An employee may invite a trade union or professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

## 8. How to Raise a Concern – Members of the Public and Other Parties

If a member of the public (or any other party) wishes to raise a matter of concern, they may approach one of the senior officers listed below by telephone, email or letter, marked “Private & Confidential” addressed to them at Rutland County Council, Catmose, Oakham, Rutland LE15 6HP.

Chief Executive	Helen Briggs	01572 758201	<a href="mailto:hbriggs@rutland.gov.uk">hbriggs@rutland.gov.uk</a>
Head of Corporate Governance	Geoff Pook	01572 757202	<a href="mailto:gpook@rutland.gov.uk">gpook@rutland.gov.uk</a>
Head of Welland Internal Audit Consortium	Richard Gaughran	01572 758302	<a href="mailto:rgaughran@rutland.gov.uk">rgaughran@rutland.gov.uk</a>

It would be helpful if any written expression of concern could use the following format:

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

Although it is not necessary to prove beyond doubt the truth of an allegation, there is a requirement to demonstrate to the person contacted that there are reasonable grounds for concern. The three officers named above may be contacted for advice and guidance on the best way of proceeding.

## 9. How the Council will respond

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.

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 inquiry.

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 discrimination issues) will normally be referred for consideration under those procedures.

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.

Within ten working days of a concern being raised, the person with whom you have raised the issue 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 employee support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

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.

Where any meeting is arranged, an employee can be accompanied by a union or professional association representative or a friend. A member of the public, or any other party, may be accompanied by a friend.

The Council will take steps to minimise any difficulties which an individual might 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.

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.

## **10. The Responsible Officer**

The Chief Executive has overall responsibility for the maintenance and operation of the Policy. She 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.

## **11. How the Matter can be taken further**

The 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 Council's External Auditor;
- the Citizen Advice Bureau;
- relevant professional bodies or regulatory organisations;

- the police; or, for employees
- your trade union

If an employee decides to take the matter outside the Council, they should ensure that they do not disclose confidential information.

## **12 Maintaining the Policy**

The Policy will be reviewed by the Conduct Committee on an annual basis to ensure that it continues to describe, fully and accurately, the reporting options available.