

MELTON BOROUGH COUNCIL

Whistleblowing Policy

2015

Date of review due 2018

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**
- 8. How the Council will respond**
- 9. The Responsible Officer**
- 10. How the matter can be taken further**
- 11. Maintaining the Policy**

1. Introduction

Whistle blowing is when a worker reports suspected wrongdoing at work. Officially this is known as making a disclosure in the public interest.

The Government introduced the Public Interest Disclosure Act in 1998 (PIDA) which provides legal protection against detriment for workers who raise concerns in the public interest about a danger, risk, malpractice or wrongdoing in the workplace which affects others. To be protected the disclosure must be in the public interest, the worker must have reasonable belief that the information shows that one of the categories of wrong doing listed in the legislation has occurred or is likely to occur, and the concern must be made in the correct way. From June 2013 to qualify for protection under PIDA a disclosure should be in relation to a concern which is in the 'public interest'. The public interest means the public good, not what is of interest to the public, and not the private interests of the person raising the concern.

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

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. It may not always be possible to keep identities confidential due to legal requirements or other practical issues concerning an investigation but wherever possible and where the employee requests it confidentiality will be protected.

The Whistleblowing Policy makes it clear that you 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.

The Policy applies to all employees, volunteers and those contractors working for the Council on Council premises, for example, agency staff, builders or drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

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. A copy of the policy will be available on the Council's website.

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 malpractice;
- 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 you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover qualifying disclosures under the Public Interest Disclosure Act 1998. These include:

Criminal offences

Failure to comply with legal obligations

Fraud and Corruption

Miscarriages of justice

Threats to health and safety of an individual

Damage to the environment or

A deliberate attempt to cover up any of the above.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees 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 Financial Procedure Rules 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. It is safe and acceptable for employees or contractors to speak up if they have a whistleblowing concern.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise 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 already affect you.

4. Confidentiality

.For the reasons given in 1 above, it may not always be possible to keep your identity confidential, however

All concerns will be treated as far as possible 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 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. –

7. Vicarious liability

The Enterprise and Regulatory Reform act imposed a new personal liability on co workers who victimise or harass whistleblowers as well as vicarious liability on the part of their employers. The Council has a separate policy on vicarious liability; please see this for further details.

7. How to Raise a Concern

As a first step, you should normally raise concerns with 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 Chief Executive or the Council's Monitoring Officer or the Head of the Welland Internal Audit Consortium.

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 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.

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

- the Chief Executive – Lynn Aisbett - 01664 502536
- the Monitoring Officer – Angela Tebbutt 01664 502 461 or 07827 880234
- the Head of Welland Internal Audit Consortium - Rachel Ashley- Caunt,
Welland Internal Audit Consortium
Rutland County Council
Catmose, Oakham, Rutland, LE15 6HP

Mobile Number: 07824 537900

E-mail: rashley-caunt@rutland.gcsx.gov.uk

Website: www.rutland.gov.uk

- External Audit Telephone hot line 0303 444 8346.

You might also consider contacting Public Concern at Work, an independent whistleblowing charity that offers free, confidential advice to people concerned about crime, danger or wrongdoing at work.

Public Concern at Work – Contact Details	
Telephone	020 7404 6609
Email	UK enquiries: whistle@pcaw.co.uk UK helpline: helpline@pcaw.co.uk UK services: services@pcaw.co.uk
Website	www.pcaw.co.uk

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

8. 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 staff 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, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

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.

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.

9. The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of the Policy. She/he maintains a record of concerns raised and the outcomes and will report if necessary to the Council.

10. 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 external auditor;
- your trade union;
- ;
- relevant professional bodies or regulatory organisations;
- the police

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

12. Maintaining the Policy

The Policy will be reviewed by the Governance Committee on annual regular basis to comply with relevant legislation and good practice.