

WHISTLEBLOWING

Issue: Number: 3
Date: 5.9.2006
JCC Date:

Team: Legal and Dem
Issued: Head of Legal & Dem

Speaking Up About Whistleblowing

Policy Statement

- 1.1 Rossendale Borough Council is committed to the highest possible standards of openness, integrity and accountability. In line with that commitment, the Council expects employees and others that it deals with, who have genuine concerns about any aspect of the Council's work, to come forward and "SPEAK UP" under the auspices of this policy and the Public interest Disclosure Act 1998.
- 1.2 The Council will endeavour to ensure that the highest standards of conduct and probity are maintained and will take appropriate action to prevent serious failure, irregularities, dishonesty and wrongdoing.
- 1.3 This Council wants a culture of accountability and openness not apathy and secrecy. The introduction of this policy will help to achieve this aim.
- 1.4 The Council will not tolerate any victimisation of individuals who raise concerns properly within these procedures.

2. Why we need a policy and procedure

- 2.1 This Council encourages everyone who has serious concerns about malpractice to "SPEAK UP". Employees and other workers (for example agency staff or consultants) are often the first to realise that there may be something seriously wrong. 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 is often easier to ignore the concern rather than report what may just be a suspicion of malpractice, particularly if there are no formal mechanisms for raising a complaint.
- 2.2 Where employees fail to report their suspicions to the Council they abdicate their responsibilities and may become implicated in the whistleblowing. Such a situation would be treated seriously and may, depending on the merits of the case, lead to disciplinary or court action being taken. However in introducing this policy the Council hopes to avoid such situations and to encourage employees to "SPEAK UP". We all have a vital role to play in implementing and supporting this policy and the Council expects that all will co-operate with this policy and any investigation.

- 2.3 This policy is also being introduced to take account of the Public Interest Disclosure Act 1998 and as part of the Council's Code of Corporate Governance.

3. Serious Concerns

- 3.1 There are existing procedures in place to enable you to lodge a grievance about your own employment. This policy is intended to cover concerns outside the scope of those procedures.

This concern may be that something:

- Is unlawful;
- Is against the Council's Rules of Procedure, financial regulations or other policies;
- Does not meet established standards or working practices;
- Amounts to improper conduct.

(Theft, bribery and corruption, environmental misuse are all the types of things which would fall into these categories).

4. What protection are you entitled to?

- 4.1 The Council recognises that the decision to report a concern can be a difficult one to make. Because of this, the Council wants to be supportive and will not tolerate any harassment or victimisation. It will take appropriate action to protect you if you raise a genuine concern in good faith.

4.2 Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.3 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they 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;
- The likelihood of confirming the allegation from attributable sources.

4.4 *Untrue Allegations*

If you make an allegation in good faith, but, they are found to be wrong by the investigation, no action will be taken against you. In such circumstances employees will be supported. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you, but the matter would be referred to the Chief Executive before any action is taken.

4.5 *Support To You*

Throughout and after this difficult process you will be given full support from Senior Management, your concerns will be taken seriously and the Council will do all it can to help you throughout any investigation.

5. **How to Raise a Concern**

- 5.1 As a first step you should normally raise concerns with your immediate Supervisor or Line Manager. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing. If management is involved, you should approach one of the persons below:

Name	Title	Contact Address	Telephone Number
Carolyn Wilkins	Chief Executive	Futures Park, Bacup	01706 252434
Helen Lockwood	Deputy Chief Executive	Futures Park, Bacup	01706
George Graham	Executive Director of Resources	Futures Park, Bacup	01706 252436
Linda Fisher	Head of Legal and Democratic Services	Futures Park, Bacup	01706 242447
Phil Seddon	Director of Finance	Futures Park, Bacup	01706 252465
Liz Murphy	Head of Human Resources	Futures Park, Bacup	01706 252452
Neil Leadbetter	Principal Auditor, Lancashire County Council	Audit Section, P. O. Box 100, County Hall,	01772 534906

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5.2 The earlier you express concern the better and the easier it will be to take action. Concerns are better raised in writing. You should try to set out:

- The background and history to your concern;
- Dates and places where possible;
- The reasons for your concern

6. How the Council will Respond

6.1 The Council will respond to your concerns and all allegations will be investigated thoroughly. Where appropriate, the matters raised may:-

- Be investigated by management, internal audit or other appropriate procedures for example – through Child Protection procedures or the disciplinary procedure.
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry
- In the case of an elected Member, be referred to the Standards Board

6.2 Within seven working days of a concern being received, the person whom you have raised your concern with or the Investigating Officer will write to you to:-

- Acknowledge that the concern has been received;
- Advise you if more information is required or arrange a confidential meeting;
- Indicate how they propose to deal with the matter;
- Give an estimate of how long it is anticipated it will take to provide a final response if this is possible to determine at the outset;
- Advise whether further investigations will take place and if not, why not.

6.3 Where the complaint involves partnership organisations and their employees, the Council will seek full co-operation with the partner and will encourage partner organisations to deal with the matter in accordance with the general principles of this policy, as this complies with the spirit of the Public Interest Disclosure Act. However, where the partner does not co-operate, the investigation will be carried out and the partner will be advised of any action that the Council intends to take.

- 6.4 In order to protect all individuals (including those accused of possible malpractice), brief initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. However, if immediate or urgent action is required, this will be taken before any investigation is concluded. After initial enquiries, it may be possible to resolve some or all of your concerns with an explanation and/or agreed course of action.
- 6.5 The amount of contact between the Investigating Officer and you will depend on the nature of the matters raised, and the clarity of the information provided. If necessary, the Investigating Officer will seek further information from you.
- 6.6 The Council will take reasonable steps to minimise any issues, which may result from your concern. If it is necessary to give evidence in criminal or disciplinary proceedings, the Council, through the Head of Legal and Democratic Services (or their representative), will arrange for you to receive advice about the procedure.
- 6.7 The Council accepts that you need to be assured that the matter has been properly addressed. You will therefore be informed of the outcome of any investigations providing there are no legal or other concerns. You will then be in a position to decide whether to report your concerns to more senior officers within the Council – such as those referred to in paragraph 5.1, or outside of the Council as outlined in section 7.1 of this procedure.

7. Raising Concerns Outside the Authority

7.1 In accordance with the Act, this policy is intended to provide you with an avenue within the Council to raise concerns and the Council hopes you will be satisfied with any action taken. If, however, you remain concerned, having exhausted all internal procedures, and believe it is right to take the matter outside the Council, the following are examples of external organisations you can contact:

- The Council's external auditors
- The Police
- The Audit Commission
- The Health and Safety Executive
- The Information Commissioner
- The Independent Charity Public Concern at Work

7.2 It will be safe to raise a concern with any of the above so long as you do so in good faith, you reasonably believe your allegations to be true and you do not make the disclosure for personal gain.

8 Monitoring Policy

8.1 Members of Staff who have any comments on the operation of this policy are encouraged to raise them with their Trades Union or with the Head of Legal and Democratic Services.

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