

Whistleblowing Policy August 2016

DRAFT

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

اردو বাংলা



Responsible Team/Section	Legal and Committee & Member Services	Version/Status	Final
Responsible Author	HR Manager	Date Agreed/Agreed at	JCC 22.09.16
Date last updated	01.09.2016	Date for review	01.09.2019

CONTENTS

	SUBJECT	PAGE
1	Policy Statement	1
2	Introduction	1
3	Serious Concerns	2
4	Protection	2 - 3
5	How to Raise a Concern	3 - 4
6	When Raising a Concern	4 - 5
7	How the Council will Respond	5 - 6
8	Raising Concerns Outside the Authority	6 - 7
9	Monitoring and Review	7
10	Equality Considerations	7
Appendix 1	Raising a Concern	

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 (PIDA).
- 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 **This** policy will help to achieve this aim.
- 1.4 **This Whistleblowing Policy is intended to encourage and enable concerns to be raised within the Council rather than overlooking a problem or 'blowing the whistle' outside.**
- 1.5 The Council will not tolerate any victimisation of individuals who raise concerns properly within these procedures.
2. **~~Why we need a policy and procedure~~ Introduction**
 - 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. **This in itself** 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 **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 **everyone** will co-operate with this policy and any investigation.
 - 2.3 This policy **is to take account** of the Public Interest Disclosure Act 1998 (PIDA) and **forms** 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. Protection

- 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 It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the Council, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.

4.4 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Where an individual chooses to report their concerns anonymously, such anonymity will be respected.

However, it should be noted that concerns expressed anonymously are much less powerful and will only 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.

4.5 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.

4.6 Support To You

Throughout and after this difficult process you can expect to be given the full support of the Council and Senior Management. Your concerns will be taken seriously and the Council will do all it can to assist you throughout any investigation.

5. How to Raise a Concern

5.1 As a first step you should normally raise your concerns with your immediate 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 you believe Management is involved, you should approach one of the persons named in the table below.

Name	Title	Contact Address	Telephone Number
Stuart Sugarman	Chief Executive	Futures Park, Bacup	01706 252447
Sarah Davies	Director of Business	Futures Park, Bacup	01706 242428
Clare Birtwistle	Monitoring Officer	Futures Park, Bacup	01706 252438
Clare Law	HR Manager	Futures Park, Bacup	01706 252457

5.2 If you wish to raise a Whistleblowing Compliant this should be submitted in writing either by letter or e-mail using the Raising Concern Form (appendix 1):

- outlining the background and history of the concern (giving names, relevant dates, places and any witnesses wherever possible) and;
- the reason why you are concerned about the situation.

5.3 As an alternative, you may invite your Trade Union representative to raise the matter on your behalf.

5.4 The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

6. ~~What not to do~~ When raising a concern we;

6.1 The Council would encourage you not to:

- contact the suspected perpetrator in an effort to determine facts or demand restitution;
- discuss the case facts, suspicions, or allegations with anyone within or outside the Council (including the Press), unless specifically asked to do so by the Investigating Office.
- Remove any Council data or possessions from the Council's premises or disclose confidential information as this would potentially put you or the Council at risk of breach of the Data Protection Act 1998 and other relevant guidance.

7. How the Council will Respond

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

- Be investigated by Management.
- 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.

7.2 Within **ten** 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;
- **Advise outcome when investigation (s) have been completed.**
- ~~• 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.~~

7.3 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.

7.4 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.

- 7.5 The amount of contact between Investigating Officer 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 Investigating Officer will seek further information from you.
- 7.6 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 Director of Business~~ (or their representative), will arrange for you to receive advice about the procedure.
- 7.7 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 8.1 of this procedure.

8. Raising Concerns Outside the Authority

8.1 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
- **Your local Councillor (if you live in the area of the Council);**
- **relevant professional bodies or regulatory organisations;**
- **Your solicitor;**
- **Citizens Advice Bureau**
- ~~The Independent Charity~~ Public Concern at Work (The Whistleblowing Charity)

8.2 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.

8.3 **If you do take the matter outside the Council, you need to ensure that you do not disclose confidential or legally restricted information or remove Council data from its premises in either electronic format or hard copy.**

9.0 Monitoring and Review Policy

9.1 Members of Staff who have any comments on the operation of this policy are encouraged to raise them with their **Monitoring Officer** or **their** Trade Union **Representative.** ~~or with the Director of Business.~~

- 9.2 The People and Policy team will be responsible for monitoring and administering the procedure which will be reviewed every 3 years or in light of any legislative or case law changes.
- 9.3 A record of any Whistleblowing Complaint and its outcome will be securely maintained by the Council's Monitoring Officer.

10.0 Equality Considerations

- 10.1 Service Managers are responsible for ensuring that they operate the policy in line with the Council's Equal Opportunities Policy to provide equality of opportunity for all employees.

The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity. The policy will be equally applied to all employees irrespective of their background.

In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

DRAFT

STRICTLY CONFIDENTIAL

Raising a concern

This form is to be completed by individuals who want to raise a concern under the Public Interest Disclosure Act 1998.

We would encourage you to raise concerns internally with your Line Manager in the first instance so that they can be dealt with promptly and informally. If you are unable to do so, please send the completed form to one of the Responsible Persons highlighted at the end of the form in an envelope marked Private and Confidential.

Please refer to the Whistleblowing Policy for details of how the Council will respond.

SECTION 1 – DETAILS OF THE PERSON RAISING THE CONCERN

If you wish to remain anonymous, please go straight to section 2. However please note that whilst such concerns will be given due consideration, they are at the discretion of the Council.

Name:.....

Home Address:

.....

Home contact number/mobile:.....

Service Area:.....

Extension number:.....

Date form submitted:.....

SECTION 2 – DETAILS OF THE DISCLOSURE

What is your concern about? Please give brief summary of reason for disclosure i.e. financial irregularities.

.....
.....
.....
.....

Please describe what has happened, outlining the background and history of the concern (giving names, relevant dates, places **and any witnesses** wherever possible) and the reason why you are concerned about the situation. Please provide as much detail as you can (use additional sheets of paper as needed):

.....

.....

.....

.....

.....

SECTION 3 – PERSONAL INVOLVEMENT/PERSONAL INTEREST

Have you personally been involved in this matter previously? YES / NO

If yes, please outline your involvement:.....

.....

.....

SECTION 4 – EXPRESSED PREFERENCES

Do you wish your identity to be kept confidential (bearing in mind that, depending on the nature of the investigation or disclosure, it may become necessary to disclose your identity)? YES/NO

Responsible Persons

Name	Title	Contact Address	Telephone Number
Stuart Sugarman	Chief Executive	Futures Park, Bacup	01706 252447
Sarah Davies	Director of Business	Futures Park, Bacup	01706 242428
Clare Birtwistle	Monitoring Officer	Futures Park, Bacup	01706 252438
Clare Law	HR Manager	Futures Park, Bacup	01706 252457

ADDITIONAL NOTES
