



Whistleblowing Policy

CORPORATE GOVERNANCE

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Whistleblowing Policy Acceptance

Our **Whistleblowing Policy** has been approved and represents the requirements highlighted by Redcar & Cleveland Borough Council.

On behalf of Redcar & Cleveland Borough Council:

Name: RICHARD J. FRANKLAND
Position: Corporate Director of Corporate Resources
Date: Feb 2015

Footnote:

This document is part of a suite of documents that support delivery of the Council's Corporate Governance Framework.

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1. Introduction

- 1.1 **Redcar and Cleveland Borough Council is committed to the highest possible standards of openness, probity and accountability. The Council supports the legislation afforded by the Public Interest Disclosure Act 1998 and therefore encourages elected members, employees, contractors, members of the public and others that it deals with, to come forward and voice any serious concerns they may have about any aspect of the Council's work.**
- 1.2 Whilst the Council has established rules, regulations and procedures to promote the highest standards of conduct and commitment to service delivery, irregularities, wrong-doing or serious failures in standards may sometimes occur. The Council wants to identify and remove any malpractice in the performance and delivery of its services and an effective deterrent to such malpractice is the probability that it will be identified, reported and investigated and that appropriate remedial action will be taken where necessary.
- 1.3 The Council recognises the need for cases to be treated confidentially. This policy makes it clear that employees can voice a concern without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable members, employees and others to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The Council also has procedures in relation to possible fraud or corruption and will not tolerate fraud, bribery and corruption in the administration of its responsibilities, whether from inside or outside the authority. The Council will deal firmly with those who seek to defraud the authority, or who are found to be corrupt, in accordance with this policy. The Council has a separate Anti Fraud and Corruption Policy and Fraud Response Plan which demonstrates its firm, clear and unambiguous commitment to preventing fraud, bribery and corruption. If fraud, bribery or corruption is discovered, the Council will deal swiftly with the perpetrators in accordance with that Policy.

2. Aims and Scope

- 2.1 This Policy is intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to the Council will be swiftly and thoroughly investigated. It intends to provide all employees, agency workers, contractors and Members of the Council with:
 - The confidence to raise concerns and to question.
 - Avenues for employees and others to raise those concerns and receive feedback on any action taken
 - Ensure that those raising a concern receive a response to concerns raised (unless the concern is raised anonymously) and are aware of how to pursue them if they are not satisfied
 - Reassurances that all efforts will be made to protect anyone reporting a concern from reprisals or victimisation.
- 2.2 The term 'whistleblowing' is meant to cover concerns that fall outside the scope of other types of issues relating to employment (e.g. breaches of employment

contracts, grievances, allegations of harassment and/or bullying). Such complaints or grievances should be dealt with according to the **Employee Concerns Policy**. Set out below is a list which is intended to illustrate the sorts of issues which may be considered as malpractice or wrongdoing and which could legitimately be raised under this Whistleblowing Policy:

- Corruption or fraud including obtaining money (e.g. grants, loans, social care payments) or assets without entitlement
- Theft or misuse of assets (stores, equipment, vehicles, IT)
- Breach of or failure to comply with a statutory or legal obligation
- Health and safety risks, including risks to the public as well as other employees
- Failure of an individual to comply with their professional institute's standards of conduct
- Abuse of direct payments/personal budgets.
- Deliberate falsification of data or information.
- Deliberate disclosure of personal information (depending on circumstances, this may be investigated under the Council's information security breach investigation procedures)
- Failure of an individual to comply with Council policy or procedure
- Damage to the environment or Council property
- Abuse of power or position or corrupt practices
- Deliberate concealing of information relating to any of the above.

2.3 These examples are not exhaustive and the overriding concern should be that it would be in the public interest or in the interests of others or the Council for the alleged malpractice to be corrected and, if appropriate, sanctions applied.

So, individuals can follow this policy to report concerns which:

- Make them feel uncomfortable in terms of known standards, their experience or the standards they believe the Council subscribes to, or
- Are against the Council's Standing Orders and policies, or
- Fall below established standards of practice, or
- Amount to improper conduct.

This Policy is intended to supplement, rather than to replace, the existing procedures as laid down in the Employee Concerns Policy whereby employees of the Council may already raise complaints or matters of genuine concern in relation to their own employment. It is therefore designed to provide an avenue for those instances where the person reporting the matter feels that they cannot make use of the procedures as laid down in that Policy.

3. How to raise a Concern

3.1 It is envisaged that, in many cases, the first point of contact for raising a concern should be the relevant line manager/assistant director (for employees) or the Leader of the Group (for elected members). It will become the line manager's or leader's responsibility to perform a prompt and initial investigation of all matters reported to them. However, it is appreciated that there may be circumstances where an individual does not feel able to report a whistleblowing matter to their line manager or leader, for example when the whistleblower suspects that their line manager or leader may be involved in the alleged malpractice or where the matter has been raised but the line manager has failed to take the appropriate action. In

such cases, the matter should be reported to the Council's Audit and Assurance Manager who can be contacted as detailed below:

Helen Fowler
Audit and Assurance Manager
Tees Valley Audit & Assurance Services
Redcar & Cleveland House
Kirkleatham Street
Redcar
TS10 1RT

Alternatively, the Audit and Assurance Manager can be contacted by telephone on 01642 771165, extension 1165. In addition, emails can be sent to helen.fowler@redcar-cleveland.gov.uk

The Audit and Assurance Service also provide a whistleblowing hotline voicemail service whereby a caller may leave their contact details for a member of the Team to contact them. If the caller does not wish to be contacted and chooses to remain anonymous, the caller can leave details of their concern. The concern will still be investigated as far as possible and practicable based on the information provided. The whistleblowing hotline number is **01642 444333**. A message can be left at any time of the day.

Members of the public wishing to raise a concern may contact the Audit and Assurance Manager as detailed above or contact the hotline 01642 444333.

3.4 The Audit and Assurance Manager has the following remit:

- To receive and record all complaints received by the Audit and Assurance Manager/Audit and Assurance Service, under this Policy.
- To ensure as far as able the confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence, subject to any legal requirements.
- To investigate promptly any whistleblowing complaint and to respond directly to the complainant.
- To report to the appropriate service manager/assistant director where the investigation identifies a serious cause for concern within the responsibilities of that officer and to recommend the use of any relevant statutory powers or duties. Where the complaint relates to the conduct of an assistant director then the Audit and Assurance Manager will report to the appropriate director. Where the allegation relates to a director, the Audit and Assurance Manager will report to the Chief Executive (and also to the Monitoring Officer in case of complaints in relation to member conduct). Where the complaint relates to the Chief Executive, the Audit and Assurance Manager should report to the Director of Corporate Resources.
- To report on a periodic basis to the Governance Committee on the number and type of concerns being raised under this Policy.

3.5 Employees might wish to discuss their concerns in confidence with a colleague first, and may find it easier to raise the matter if there are two or more employees who have the same concern.

- 3.6 The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised and the clarity of the information provided. If necessary, further information will be requested from the whistleblower.
- 3.7 When a meeting is arranged between the whistleblower and the investigating officer(s) in connection with the concerns raised, then the whistleblower has the right, if they so wish, to be accompanied by a trade union or professional association representative or a friend. Such meetings can also be held at a mutually agreeable location.
- 3.8 If you need further advice on how to raise a concern, please contact the Audit and Assurance Manager.

4. How the Council will Respond

- 4.1 In order to protect both individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, in what form. The action taken and procedure to be followed will depend on the nature of the concern. Concerns or allegations that fall within the scope of specific procedures (e.g. employment contract issues) will normally be referred for consideration under these procedures. Some concerns may be resolved by agreed action without the need for detailed investigation.
- 4.2 The matters raised may involve:
- Internal investigation by management and / or Audit and Assurance
 - Referral to the Police
 - Referral to the external auditor
 - An independent inquiry
 - Referral to the Governance Committee.
- 4.3 Within 10 working days of a concern being received (unless, in the circumstances, this is inappropriate or impractical), the officer designated to perform the investigation will write/email the whistleblower to:
- Acknowledge that the concern has been received
 - Indicate how the Council intends to deal with the matter
 - Give an estimate of how long it will take to provide a final response
 - State whether any initial enquiries have been made
 - Tell the employee whether further investigations will take place and if not, why not.
 - Provide information on staff support mechanisms if appropriate
- 4.4 Whistleblowers may be asked to supply more information or to clarify, if necessary. When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by trade union representative or work colleague who is not involved in the area of work to which the concern relates.
- 4.5 The Council understands that the whistleblower needs to be assured that their concerns have been investigated and addressed. Subject to legal constraints, information about the outcomes of any investigations will be provided to the whistleblower.

- 4.6 The Council's commitment to the highest possible standards of probity means that it will ensure that the necessary resources are put into investigating any concerns received under this Policy. As a consequence of this, the Council will view very seriously any obvious false or malicious allegations which it receives, and will regard the making of any deliberately malicious or vexatious allegations by any employee or member as a potential disciplinary matter.

5. The Responsible Officer

- 5.1 The Director of Corporate Resources has overall responsibility for whistleblowing concerns, and, on his behalf, the Audit and Assurance Manager will maintain a confidential record of concerns raised and the results of any investigations made. Anonymised summaries of the results of investigations raised under this Policy will be reported on a periodic basis to the Governance Committee.

6. Whistleblower Safeguards

- 6.1 The Council will not tolerate any attempt on the part of any employee or member to take reprisals against any person who has reported a serious and genuine concern. The Council will treat any such recriminations, victimisation or harassment by any employee or member of the Council as a serious matter which may, in the case of an employee, amount to a disciplinary matter and, in the case of a member, to a matter, depending on the circumstances, that may amount to a breach of the Members' Code of Conduct. If a whistleblower who has raised a valid concern under this Policy feels that they have then been victimised as a result of raising such concerns, they can raise the matter directly with the Audit and Assurance Manager who will raise the matter immediately with the appropriate Director.
- 6.2 A whistleblower may be entitled to take civil action against any employee or Member that subjects them to any recrimination, victimisation or harassment as a result of raising a concern. Moreover, the Council could be held liable if it has not taken all reasonable steps to prevent such conduct occurring. Individuals may also have statutory protection under the Public Interest Disclosure Act 1998.
- 6.3 The Council will respect (so far as it can legally) the confidentiality of any whistleblowing complaint received, where the whistleblower requests that confidentiality. However, it cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower. It should be appreciated that it will be easier to investigate allegations if the whistleblower is prepared to provide his/her name. Unsupported and anonymous complaints are less powerful and have to be treated with caution. There will be circumstances where information must be disclosed for legal reasons e.g. an obligation under the Freedom of Information Act or if the circumstances of an allegation amount to a serious crime there may be a requirement to pass information to senior officers or to the Police or external auditors.
- 6.4 The Council will take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if a whistleblower is required to provide evidence in criminal or disciplinary proceedings, the Council will provide advice about the procedure.

7. Taking Matters Further

- 7.1 This policy is intended to help employees raise concerns within the Council and hopes that employees will be satisfied with any action taken. If employees are not satisfied that the outcome of the investigation has adequately addressed the concerns raised then they should advise the Responsible Officer, the Director of Corporate Resources.
- 7.2 If individuals feel it is right to raise a matter outside the Council, the following are possible contact points:
- The External Auditor.
 - Local Council member (if you live in the area of the Council).
 - Chair or any member of the Governance Committee.
 - Relevant professional bodies or regulatory organisations, for example, the Information Commissioner's Office.
 - The Police (where criminal activity is suspected).
 - Local Citizens Advice Bureau
 - Appropriate trade union/professional association
 - Your solicitor
 - Public Concern at Work
- 7.3 The Audit Commission provides a confidential public interest disclosure line for employees of councils and NHS bodies where a person feels unable to report a matter internally. The hotline number is **0303 444 8346**.
- 7.4 Public Concern at Work is a registered charity set up to give free independent advice to employees who contact them with concerns. The Public Concern at Work telephone number for general enquiries and helpline is **020 7404 6609**.
- 7.5 Any member of the public may make a complaint against the Council by contacting;
- The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
- More detail on how to make a complaint to the LGO can be found at www.lgo.org.uk/making-a-complaint or call the helpline **0300 061 0614**.
- 7.6 **If employees do consider reporting a matter outside of the Council, they should note that the relevant legislation anticipates that matters should generally be considered internally by organisations. Individuals making disclosures to outside bodies will only receive statutory protection under that legislation in certain circumstances. In particular, employees must honestly and reasonably believe that the information and allegations are true.**

8. Review of Policy

- 8.1 This Policy will be reviewed every 2 years.
- 8.2 Revisions will be made in the interim, as and when required, to address changes in legislation and/or government policies.

9. Reference Documents

9.1 This Policy should be read in conjunction with the following supporting documents:

- Anti Fraud and Corruption Policy
- Financial Regulations
- Members' Code of Conduct
- Disciplinary Policy and Procedure
- Employee Concerns Policy
- Information Security Policy
- Anti-Money Laundering Policy
- Data Quality Policy