

WHISTLEBLOWING POLICY

Human Resources and Organisational Development



Policy	Approved by
<p>This policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and supports the Council's Anti-Fraud and Corruption Policy.</p> <p>Plymouth City Council is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees.</p> <p>Any employee who has a serious concern about any aspect of the Council's work or the actions of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.</p> <p>The Council aims to encourage all its employees to feel confident in raising serious concerns and provide appropriate avenues for dealing with them. It aims to ensure that employees are protected from possible reprisals or disadvantage where they have raised a concern or disclosed information in good faith.</p>	<p>Audit Committee</p> <hr/> <p>Date</p> <p>24th September 2007</p>
In Scope	
<p>This policy applies to all employees and those contractors working for the Council. Employees include staff working for the Council on a temporary basis, casual or seasonal workers and trainees. It also covers agency workers and suppliers and those providing services under a contract with the Council in their own premises.</p>	
Out of Scope	
<p>There are existing procedures in place to allow staff to lodge a grievance relating to their own employment within the Council's Grievance Policy.</p>	
Key Principles	
<p>This policy aims to:</p> <ul style="list-style-type: none">▪ encourage employees to feel confident in raising concerns and to question and act upon their concerns▪ provide avenues for employees to raise these concerns and receive feedback on any action taken▪ allow employees to take the matter further if they are dissatisfied with the Council's response; and▪ reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.	

This policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about the following:

- A criminal offence that has been, is being, or is likely to be committed
- Fraud and Corruption
- Unauthorised use of Public Funds
- A failure to comply with a legal obligation
- A health and safety risk relating to any individual
- A miscarriage of justice
- A damage to the environment
- Actions that are contrary to the Council's Standing Orders, Financial Regulations or any other approved policies
- Actions or behaviour that falls below established standards of practice;
- Abuse and welfare of clients and/or staff
- Harassment or victimisation of either staff or clients
- Any actions or concerns regarding practice that could result in a financial loss to the Authority
- The deliberate concealment of information relating to any of the above matters;
- Other unethical conduct.

This list is not exhaustive.

Safeguards

Harassment or victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for, or suspected of, the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their 'Whistleblowing'.

Confidentiality

The Council will do its utmost to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be realised and appreciated, however, that the investigation process itself may well reveal the source of the information, and, depending on the outcome, a formal statement by the individual may be required as part of the evidence.

Anonymous allegations

This policy is designed to encourage staff to put their names to allegations. 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 issue raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Untrue allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

Raising a concern

Employees are encouraged to report any concerns to one of the following persons. They are listed in order of preference. However, if the employee believes that any of these persons are implicated in the concern they are raising they should feel free to report to the next most preferred person:

1. Line Manager
2. Head of Service
3. Director
4. Chief Executive.

Employees who are unsure about reporting or do not feel at ease raising the concern through the above route are encouraged to seek advice from one of the following:

- The Chief Auditor
- The Head or Assistant Head of Legal Services
- The Assistant Director for HR & Organisational Development

Employees may also invite their Trade Union or professional association to raise the concern on their behalf.

Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why the individual is concerned about the situation. Those who do not feel able to put their concerns in writing may raise the matter verbally with the appropriate officer.

Although staff are not expected to prove the truth of their concern, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

How the Council will respond

Within ten working days of a concern being received, the Council will contact the employee

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place, and if not, why not.

The action taken by the Council will depend on the nature of the concern.

The matters raised may

- Be investigated internally
- Be referred to the Police
- Be referred to the External Auditors
- Form the subject of an independent inquiry by the Ombudsman.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other existing procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved without the need for investigation. Where a formal investigation is required, it is likely to take the form of an investigation by a manager or Internal Audit. In certain cases, the matters raised may be referred to the Police or the Council's external auditors for investigation or an independent inquiry could be set up.

The amount of contact between the managers considering the issues raised and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or professional association representative or a friend who is not involved in the area of work to which the concern relates.

The Council will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if staff are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.

The Council accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, members of staff will receive information about the outcomes of any investigations.

If an employee is not assured that the matter has been properly addressed, they should contact the Chief Auditor, or consider an alternative method of taking forward a complaint.

Following up concerns raised

Whatever method of raising a concern has been chosen, effective and efficient communication and support systems are fundamental to the success of the policy and in giving employees confidence that issues which they raise will be thoroughly and conscientiously investigated.

Managers, Councillors or Trade Union Representatives who have concerns raised with them must notify Internal Audit immediately if the concern / allegation involve either potential fraudulent practice or activity that could result in a financial loss to the Authority.

Similarly, if a concern raises issues relating to employee or client welfare, Human Resources should be notified or on issues of legality, Legal Services should be notified at the earliest possible opportunity.

Alternative methods of taking forward a complaint

This policy is intended to provide staff with an avenue to raise concerns within the Council. If an individual feels it is right to take the matter outside this process, the following are possible contact points:

- The local Council member (if you live in the area of the Council)
- The External Auditor
- Relevant professional bodies or regulatory organisations
- Individuals' solicitors
- A relevant charity or voluntary organisation; such as Public Concern at Work, who can be contacted on 0207 404 8009 or helpline@pcaw.co.uk
- The Police.

If an employee does take the matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. This should be checked with one of the designated contact points, Internal Audit, Legal Services, Human Resources or if preferred, an outside organisation such as the Ombudsman.

The responsible officer

The Chief Auditor has overall responsibility for the maintenance and operation of this policy.

The Chief Auditor will maintain a record of concerns raised and the outcomes (in an anonymous format) and will report as necessary to the Audit Committee.

Review and monitoring

This policy is to be reviewed and monitored every 2 years. The next review date is June 2012. The Chief Auditor will monitor this policy.

Other relevant guide/policies

- [Anti Fraud and Corruption Policy](#)
- [Bullying and Harassment Policy](#) and [Procedure Guide](#)
- [Code of Conduct for Employees](#)
- [Complaints Policy](#)
- [Corporate Equalities Policy](#)
- [Employee Handbook](#)

Relevant legislation

- Public Interest Disclosure Act 1998