



<b>Title:</b>	<b>Constitution of the Council (Part 4N: Whistle-blowing Procedure)</b>
<b>Owner:</b>	<b>Sal Khan</b>
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**Adopted by Full Council on 19<sup>th</sup> May 2017**



# WHISTLE-BLOWING POLICY AND PROCEDURE

## 1 INTRODUCTION

- 1.1 Employees are likely to be the first to be aware of something going seriously wrong within the Council. However, they might not express their concerns if they feel that speaking up would be disloyal to their colleagues or to the Council. They might also be worried about harassment or victimisation. In these circumstances it may be easier to ignore their concern rather than report what may just be a suspicion of malpractice.
- 1.2 East Staffordshire Borough Council is committed to the highest possible standards of openness, probity and accountability. So we expect employees and others that we deal with to come forward and voice any serious concerns they may have about any aspect of the Council's work. The Council recognises the need for cases to be treated confidentially.
- 1.3 This policy and procedure document makes it clear that you can voice your concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all employees and any 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.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures, and do not replace them. You are responsible for making service users aware of the existence of these procedures.

## 2 AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:

- Encourage you to feel confident about raising serious concerns and to question and act upon concerns about practices;
- 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.

2.2 The Council has a separate Grievance Procedure that you can use to lodge a grievance relating to your own employment. It also has procedures in relation to possible fraud or corruption and to harassment. This Whistle-blowing Policy is meant to cover major concerns that fall outside the scope of other procedures, for instance:

- Conduct which is an offence or a breach of law;
- Miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- Unauthorised use of public funds;
- Sexual or physical abuse of clients;
- Other unethical conduct.

2.3 You can follow this policy to report serious concerns which:

- Make 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 Standing Orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

### 3 SAFEGUARDS

3.1 The Council is committed to good practice and high standards and wants to be supportive of its employees. It recognises that the decision to report a concern can be

difficult. But if you raise your concern in good faith, you are doing your duty to your employer and to service users and you should have nothing to fear.

- 3.2 If you make an allegation in good faith, but it is not confirmed by any investigation, no action will be taken against you. If, however, you make it frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 3.3 To help in this, the Council will not tolerate any kind of harassment or victimisation and will take appropriate action to protect you when you raise a concern in good faith.
- 3.4 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

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, you may eventually be needed as a witness in disciplinary or criminal proceedings if necessary (if you are, the Council will arrange for you to be given advice about the procedure).

## 5 ANONYMOUS ALLEGATIONS

- 5.1 You are encouraged to put your name to your concern, as if you do, it will have a more powerful effect than if you raise a concern anonymously.
- 5.2 The Council will use its discretion in deciding whether to consider an anonymous allegation, taking into account the seriousness and credibility of the allegation, and the likelihood of confirming it with attributable sources.

## 6 HOW TO RAISE A CONCERN

- 6.1 The earlier you express a concern, the easier it is to investigate and take action. You should normally raise your concern firstly with your line manager or Head of Service. However if the matter is particularly sensitive or serious, or you suspect your line manager or Head of Service of being involved, you should approach your Head of

Service or the Chief Finance Officer. The manager receiving notification of concerns under this policy should inform the Chief Finance Officer.

- 6.2 You can raise your concern verbally or in writing. If you make a written report please use the attached pro-forma. Reports should ordinarily be sent to your immediate manager or their superior or to the Head of Service and a copy sent to the Chief Finance Officer.
- 6.3 You are not expected to prove the truth of your allegation, but you will need to demonstrate, to the person you contact, that there are reasonable grounds for your concern.
- 6.4 You might wish to discuss your concern in confidence with a colleague first, and you may find it easier to raise the matter if there are two or more of you who have the same concern.
- 6.5 You may invite your trade union, professional association representative or a friend to be with you during any meetings or interviews in connection with the concerns you have raised. Such meetings can also be held away from your place of employment if you wish.
- 6.6 If you need further advice on how to raise your concern, contact the Chief Finance Officer on 01283 508674.

## 7 HOW THE COUNCIL WILL RESPOND

- 7.1 The Council will not ignore your concerns. Initial enquiries will be carried out to decide whether an investigation is needed. Any investigation may involve:
  - Management, Internal Audit, and/or the disciplinary process;
  - Referral to the Police;
  - Referral to the external auditor;
  - An independent inquiry.
- 7.2 The initial enquiries may find that an investigation is not necessary, or some concerns may be resolved by agreed action without the need for an investigation. Any necessary urgent action would be taken before an investigation is conducted.

- 7.3 The public interest will be the main criteria in deciding how to proceed. Where an allegation falls within the scope of a specific procedure (e.g. discrimination) it will be considered under that procedure.
- 7.4 The person dealing with the matter will write to you within ten working days of receiving your concern, 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;
  - Tell you whether any initial enquiries have been made;
  - Supply you with information on staff support mechanisms; and
  - Tell you whether further investigations will take place and if not, why not.
- 7.5 You may be asked to supply more information or clarification, if necessary.
- 7.6 The Council will inform you of the outcome of any investigation as far as it is able subject to legal constraints.

## 8 THE RESPONSIBLE OFFICER

- 8.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy, and will maintain a confidential record of concerns raised and report as necessary to the Council.

## 9 HOW YOU CAN TAKE THE MATTER FURTHER

- 9.1 This policy is intended to help you to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not, and you feel it is right to raise the matter outside the Council, the following are possible contact points:
- The External Auditor;
  - Your trade union;
  - Your local Citizens Advice Bureau;
  - Relevant professional bodies or regulatory organisations;
  - A relevant voluntary organisation;

- The Police.

9.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.





## Whistle-blowing Policy Reporting Form

East Staffordshire Borough 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 concerns about any aspect of the Council's work to come forward and voice their concerns. It is recognised that most cases will have to proceed on a confidential basis. If you wish to raise a concern in writing please use this pro-forma.

Background and history of the concern (giving the relevant dates):

The reasons why you are particularly concerned about the situation:

You are encouraged to put your name to this report. Concerns expressed anonymously are much less powerful but they may be considered. If you feel able to, please give your name and details below.

Name  
Service  
Address  
Contact Telephone Number  
Date

PLEASE SEND THIS FORM TO YOUR MANAGER OR ALTERNATIVELY TO THEIR MANAGER OR HEAD OF SERVICE AS APPROPRIATE. YOU SHOULD ALSO SEND A PHOTOCOPY OF THE COMPLETED FORM TO THE CHIEF FINANCE OFFICER.