

CONFIDENTIAL REPORTING CODE

(Whistle- blowing policy)

1. PREAMBLE

- 1.1 It is important to any organisation that any fraud, misconduct or wrong doing by workers or officers of the organisation is reported and properly dealt with. The Council therefore encourages all individuals to raise any concerns that they may have about the conduct of others within the Council. This policy sets out the way in which individuals may raise concerns that they have and how those concerns will be dealt with.
- 1.2 The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures' and are made in the public interest by the employee (see 2.2)
- 1.3 Employees are often the first to realise that there may be something seriously wrong within the Council. 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 may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.4 The 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 serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.5 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.6 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders. It also

covers suppliers and those providing services under a contract with the Council in their own premises.

- 1.7 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making services 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 in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that any matter will be investigated promptly and confidentially
- ensure that you receive feedback on any outcome
- 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.
- reassure you that victimisation for raising a qualified disclosure will be treated as a disciplinary offence
- provide a reminder that any malicious allegation will also be treated as a disciplinary offence
- ensure that employees are also aware that any instruction that is designed to cover up a wrong doing, is itself a disciplinary offence. If an employee is told not to raise or pursue any concern, even by a person in authority an employee should not agree to remain silent.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures and are considered qualifying disclosures. These are made by the

employee in the reasonable belief that the following is being or is likely to be committed:

- conduct which is a criminal offence or a breach of law
- disclosures related to miscarriages of justice
- an act causing damage to the environment
- an act creating a risk to health and safety
- there is unauthorised use of public funds
- there is possible fraud and corruption
- unlawful discriminatory, sexual, or racist behaviour or physical abuse of clients, or other unethical conduct.
- a breach of any other legal obligation; or concealment of any of the above

It is not necessary for the employee to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that:

- makes 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 Constitution, Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets

- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct.

This list is not exhaustive.

2.5 This policy does not replace the corporate complaints procedure.

SAFEGUARDS

3.1 Harassment or Victimisation

3.2 An employee who makes a protected disclosure has the right not to be dismissed, subjected to any detriment or victimised, because they have made the disclosure.

3.3 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.4 The Council recognises that the decision to report a concern can be a difficult one to make. If the allegation is made in good faith, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.5 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.6 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. At the appropriate time, however, you may need to come forward as a witness.

5 ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful and difficult to follow up. Consideration will be at the discretion of the Chief Executive and will take into account:
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable source.

6 UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7 HOW TO RAISE A CONCERN

- 7.1 As a first step, you should normally raise concerns in confidence with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues and personnel involved. For example, if you believe that management is involved, you should approach in the first instance the Council's Monitoring Officer or, alternatively if you wish, you may approach any of the officers indicted in paragraph 7.5 below.
- 7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates);
 - the reason why you are particularly concerned about the situation.
- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern

7.5 Obtain advice/guidance on how to pursue matters of concern from:

<p>The Councils Monitoring Officer Glen O'Connell e.mail goconnell@rushcliffe.gov.uk Ext 332</p> <p>Tel 0115 9148332</p>	<p>RSM Tenon Internal Auditor Suite A, 7th Floor, City Gate East Tollhouse Hill Nottingham NG1 5FS Tel: 0115 9644450 www.rsmuk.com</p>
<p>Strategic Human Resources Manager Juli Hicks Email jhicks@rushcliffe.gov.uk Ext 316 Tel 0115 9148316</p>	<p>Chief Information Officer Kevin Powell Email kpowell@rushcliffe.gov.uk</p>

7.6 You may bring your concerns forward with a colleague who shares them with you if you wish and you may invite your trade union representative or a colleague or friend to be present during any meetings or interviews in connection with the concerns you have raised

8 HOW THE COUNCIL WILL RESPOND

8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 You will be asked for a statement or a record of the meeting will be taken

8.3 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

8.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principal that the Council will have in mind is the public interest. Concerns or allegations that fall within the scope of specific procedures (for example, conflict of interest or discrimination issues) will normally be referred for consideration under those procedures.

- 8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.6 Within ten working days of a concern being raised, you will receive an acknowledgement in writing from an officer listed in paragraph 7.5:
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - telling you whether further investigations will take place and if not, why not.
- 8.7 The amount of contact between the officers considering the issues 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 Council will seek further information from you.
- 8.8 Where any meeting is arranged, off-site if you so wish, a union representative or a friend can accompany you.
- 8.9 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9 THE RESPONSIBLE OFFICER

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. To monitor the operation of the policy a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) will be maintained and reported as necessary to the Council.

10 HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

the external auditor whose address is:

KPMG

St Nicolas House

31 Park Row

Nottingham

NG1 6FQ

Tel 0115 9353535

- relevant professional bodies or regulatory organisations which may include
- HMRC
- Financial Service Authority
- Office of fair trading
- Health and Safety Executive
- Environment Agency
- Director of public prosecutions
- Serious Fraud Office
- the police

10.2 If you do take the matter outside the Council, you should take into consideration the requirements in relation to the disclosure of confidential information as set out in the code of conduct (page 5).