

APPENDIX 1



WHISTLEBLOWING AT WORK POLICY

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EXECUTIVE SUMMARY

The council maintains a range of staff policies designed to support and encourage good practice, probity and best value.

This policy aims to ensure that serious concerns about malpractice or wrongdoing are properly raised and addressed. The renamed policy replaces the previous Confidential Reporting Code dated January 2000 and contains the provisions that are required from the Public Interest Disclosure Act 1998.

The council expects all its employees, through agreed procedures and without fear of recrimination, to bring such concerns to the attention of the appropriate person. This includes trainees, volunteers, contractors, subcontractors and agency employees. It also covers suppliers and those providing services under a contract with the council.

1. INTRODUCTION

- 1.1.1 The council is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to the people who live and work on the Isle of Wight. Whilst the council has put in place a wide range of rules, regulations, procedures and codes of practice to deliver this commitment, malpractice and/or wrongdoing unfortunately may still happen. The council is not prepared to tolerate any such malpractice, abuse or other wrongdoing and therefore expects employees and others that it deals with who have serious concerns about any aspect of the council's work to bring such concerns to the attention of the appropriate person, so that it is possible to take action before any real damage is done. The council also believes that it is in the interests of all concerned that disclosures of malpractice and/or wrongdoing are dealt with thoroughly, fairly, quickly and discreetly and it is recognised that in most cases, this will have to proceed on a confidential basis.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the council, but may be worried about raising such issues or may want to keep their concerns to themselves because they feel that speaking up would be disloyal to their colleagues or to the council, or perhaps feel that their concern may not be enough to justify reporting the matter. They may also fear that by raising concerns they will be victimised or subsequently disadvantaged in some way
- 1.3 This Policy has been introduced by the council therefore, to support employees to raise concerns about such malpractice or wrongdoing at an early stage, in the right way that helps matters to be resolved and without fear of victimisation or subsequent discrimination or disadvantage in any way. It is intended to encourage and enable employees to raise serious concerns **within** the council in a constructive and positive way rather than overlooking a problem or “blowing the whistle” outside. Employees who raise concerns are regarded by the council as an asset and not a threat, and are viewed as witnesses rather than complainants.
- 1.4 This policy is in addition to other council policies and procedures that are intended to help the council maintain its high standards of probity and which also provides protection for service users and employees from abuse and other forms

of ill treatment and discrimination. A summary of these are provided as Appendix A for reference.

1.5 This policy is fully supported by recognised trade unions within the council.

2. INDIVIDUALS AFFECTED BY THE POLICY

2.1 This Policy applies to all council employees, irrespective of their grade, position in the organisation or whether on a permanent, temporary or casual contract. It will apply to trainees who may be on work placement; volunteers; contractors; subcontractors and agency workers who may be carrying out duties on behalf of the council and also applies to suppliers providing services under contract with the Council on their own premises, for example registered care home providers.

3. AIMS OF THIS POLICY

3.1 The overriding principle of this policy is that the interests of the public and the needs of service users must come first. To make sure this happens, the policy aims to:

- Encourage individuals to feel confident about raising serious concerns
- Provide clear and accessible routes to raise those concerns and receive feedback on action taken
- Make sure that individuals receive a response to their concerns and know how to pursue them if not satisfied with the outcome
- Reassure individuals that they will be protected from possible reprisals or victimisation where their disclosure (whistleblowing) was made in good faith

3.2.1 This Policy is intended to cover any serious concerns that are sincerely believed to be in good faith about malpractice or wrongdoing in any aspect of council service provision or the conduct of employees, elected members or others acting on behalf of the council. Examples of situations that might give rise to serious concern could include:

- Actions that are a criminal offence (such as theft) or be a breach of the law (such as slander or libel) or a failure to comply with a legal obligation
- A miscarriage, or likely miscarriage, of justice
- Unauthorised use of public funds
- Damage/likely damage to the environment
- A health and safety risk to the public as well as other employees
- Physical, sexual abuse or neglect of service users
- Deliberate concealment of information relating to any of the above
- Other unethical conduct

This list is not exhaustive. The policy is intended to provide support to any individual who has genuine serious concerns which may be something that:

- Is a departure from agreed council standards
- Is against the council's standing orders and policies

- Falls below established professional or other standards of practice
- Amounts to improper conduct

This policy is not however, intended to cover concerns that would normally be expected to be dealt with through other people management policies and procedures such as those that deal with grievances. It is not, therefore designed to provide access for challenging decisions or practices and policies that individuals may disagree with. The list of related policies at Appendix A provides further information in respect to these.

4. THE COUNCIL'S ASSURANCE TO INDIVIDUALS WHO RAISE CONCERNS

4.1 HARASSMENT OR VICTIMISATION

4.1.1 It is recognised that the decision to report a concern (blow the whistle) can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If the person raising the concern believes they have reasonable grounds for believing it to be true, they will be complying with the council's requirements and helping those for whom they are providing a service. If acting responsibly and honestly, it does not matter if it is a mistake.

4.1.2 The council will **not** tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect any individual when they raise a concern in good faith.

4.1.3 Use of this policy however, does not mean that any disciplinary or redundancy procedures already underway with a person who raises a concern will be halted.

4.2 CONFIDENTIALITY

4.2.1 All concerns will be treated in confidence and the council will make every effort to protect an individual's identity when a concern is raised and they do not wish to have their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by may be required as part of the evidence which will be seen by all parties. Nevertheless, it is sometimes possible to edit information from a witness statement, which would identify the witness, whilst retaining the information required. The council also recognises that there may be matters that cannot be dealt with internally and external authorities will need to be involved.

4.3 ANONYMOUS ALLEGATIONS

4.1.1 Individuals wishing to report serious concerns are encouraged to put their name to an allegation. Concerns expressed anonymously are much less powerful but they will be investigated thoroughly although follow-up action will, in such cases, be at the discretion of the council. In exercising the 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
- The likelihood of obtaining further information

4.4 UNTRUE ALLEGATIONS

- 4.4.1 Where a concern is proven to be unfounded but is considered to have been made in good faith, the council will make sure that any negative impact on both the whistleblower and those implicated is minimised.
- 4.4.1 If an investigation reveals that an individual has acted frivolously, vexatiously, maliciously or in pursuit of a personal grudge or for personal gain then disciplinary action may be taken.

5. THE PROCEDURE

5.1 HOW TO RAISE A CONCERN

- 5.1.1 As a first step, it would be normal practice for an individual to raise their concern about any malpractice, abuse or wrongdoing with their immediate manager or their Head of Service or Director. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that their immediate line manager and/or senior manager or elected members are involved, then it would be appropriate to approach either the:

- Chief Executive Tel: (82) 3102
- Director of Policy, Performance, Partnerships & Deputy Chief Executive
(Who is also the council's Monitoring Officer*) Tel: (82) 3203
- Director of Finance
(Who is also the council's Section 151 Officer**) Tel: (82) 3606
- Head of Human Resources Tel (82) 3120

** The role of the Monitoring Officer is to be responsible for making sure that all council actions are lawful and to report any unlawful acts or maladministration to the council*

*** The role of the Section 151 Officer is to be responsible for the proper administration of the council's financial affairs and has authority to determine financial practices and procedures required for this purpose.*

- 5.1.2 Concerns may be raised verbally or in writing. If it is so desired, a written report may be also be given but which would need to include relevant times, dates, places and incidents or observations, and any witnesses. It would be helpful if the background and history of the concern was set out, names given where possible and the reason why the situation causes particular concern. It is recommended that a copy is kept by the individual. The earlier concern is expressed, the easier it will be to take action.
- 5.1.3 Although it is not expected that proof beyond doubt of an allegation is provided, but it will be necessary to show to the person contacted that there are reasonable grounds for a concern to be investigated.
- 5.1.4 It may be helpful to consider discussing a concern with a colleague first and it may be easier to raise the matter if there are two (or more) people who have had the same experience or concern(s). At any point, support can also be found from:

“Public Concern at Work”, who offer free advice and support to individuals wishing to raise concerns. Tel No: 020 7404 6609

The council’s employee assistance programme, who offer free access to confidential and independent counselling support to individuals who may need help in coping during raising a concern. Tel No: 0800 282193

The council’s monitoring officer, who can offer further advice and guidance on how matters of concern may be pursued. Tel No: (82)3120

- 5.1.5 In raising a concern, individuals may invite a trade union, professional association representative or a work colleague to provide help and support in raising the matter and may also wish to seek their advice prior to initiating this procedure and/or to be present during any meetings or interviews in connection with the concern(s).

THE MOST IMPORTANT THING TO REMEMBER IS - IF IN DOUBT RAISE IT

5.2. HOW THE COUNCIL WILL RESPOND

- 5.2.1 As soon as possible after the concern is received, it will be brought to the attention of the council’s Monitoring Officer who will decide how the matter will be progressed. This may involve initial enquiries to decide whether an investigation is appropriate and, if so, what format it should take and the senior manager to conduct it. This may involve an internal enquiry or a more formal investigation. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 5.2.2 It may be necessary for meeting(s) to be arranged for the matter to be discussed further with the person raising the concern, (which may be off-site if preferred). The nature of the meeting(s) will vary depending on who is involved, for example if it is necessary to involve the police. Reasonable notice will be given of this/these meeting(s), their format and who is and can be involved.
- 5.2.3 Some concerns may be resolved by agreed action without the need for investigation. Any necessary and urgent action that is required will be taken before any investigation is conducted.
- 5.2.4 Concerns or allegations, which fall within the scope of specific procedures (for example those relating to child or vulnerable adult protection **, discrimination or other issues of fraud), will normally be referred for consideration under those procedures*.

*** Safeguarding procedures for Children and Young People and Vulnerable Adults are available on ‘iweight.com’
* Other relevant procedures, are available on ‘wightnet’ or from line managers/supervisors in the workplace*

- 5.2.5 Where it is considered appropriate, the matter may be investigated by an appropriate manager; internal audit or through the disciplinary process and depending upon the severity of the concern be referred to external agencies such as the police; external auditor or some other form of independent inquiry. The person raising the concern will be told of the investigatory method.

5.2.6 Within 10 working days of the concern being raised, the person handling the matter will write to:

- Acknowledge that the concern has been received
- Say how long it may take to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Say whether any initial enquiries have been or are being made
- Provide information about support or help that is available
- Say whether further investigations will take place, and if not, why not.
- How they can be contacted if necessary

A copy of this letter will be made available to the council's Monitoring Officer.

5.2.7 The amount of contact between the individual raising the concern and the person/people investigating the matter will depend on the nature of the concerns raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

5.2.8 The person/people investigating the matter will give as much feedback as they properly can. They may not always be able to report back the precise action the council will take if it would infringe on a duty of confidence owed by the council to someone else.

5.2.9 The nominated senior manager who has responsibility for the case will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if it is necessary for the individual raising the concern to give evidence in criminal or disciplinary proceedings, advice will be given about the procedure.

5.2.10 The council accepts that you need to be assured that the matter has been properly addressed. Subject to any legal constraints and the council's duty of confidentiality to service users, employees or Elected Members, you will be informed of the outcome of any investigation.

5.2.11 You can find a flowchart at Appendix B for a summary of the process and for ease of reference.

6. RECORD KEEPING

6.1 The council's monitoring officer has overall responsibility for this policy and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger the confidentiality of the individual who raises a concern) in order that an assessment may be made of the effectiveness of the policy and procedure and any emerging patterns and will report as necessary to the council.

7. HOW THE MATTER CAN BE TAKEN FURTHER, IF NECESSARY

7.1 This Policy is intended to provide individuals who have serious concerns about malpractice or wrongdoing with a clear route to raise such concerns **within** the

council and for your concerns to be dealt with and settled appropriately. The council hopes that the procedures put in place will provide a satisfactory conclusion by the action that is taken. If, however, it is considered this has not happened, and it is felt appropriate to take the matter outside the Council, the following are possible contact points:

- The District Auditor
- A recognised trade union
- Relevant professional bodies or regulatory organisations
- The local Citizens Advice Bureau
- A relevant voluntary organisation,
- The police

7.2 Please use **only** these routes to raise concerns externally, and then only after internal processes have been exhausted. Complaints made to other bodies, individuals or the media may actually hamper a speedy, full and professional investigation of the concern that has been raised.

7.3 Information, which is provided to an individual who has raised a concern on a confidential basis, must be treated as such and this may only be overridden where there is a clear public interest in disclosing it and is an act of good faith. It would be necessary to make sure that it is possible to justify such a disclosure because it would be a serious betrayal of trust to use confidential information for any personal advantage, or for malicious or other improper reasons. Checking with the Monitoring Officer, trade union or Public Concern at Work before making external disclosures is necessary action to take to make sure you do not disclose confidential information.

APPENDIX A

RELATED POLICY FRAMEWORK

Policy	Purpose of Policy
Anti-Fraud & Corruption Policy	The council takes its duty to protect public funds seriously and are committed to tackling fraud and corruption so that high standards of probity continue to be maintained. This policy sets out the actions that it will take to fulfil this commitment and the arrangements in place for reporting concerns.
Customer Complaints Procedure	<p>When things go wrong for customers, the council aims to put things right quickly, informally and without fuss. However, a formal complaints procedure is available if it has not been possible to resolve a customer's complaint on an informal basis.</p> <p>A complaint can be made by customers, if the Council:</p> <ul style="list-style-type: none"> • does something wrong • fails to do something it should have done, or • does something it should not do • provides a poor standard of service
Equality & Diversity at Work Policy	The council recognises its obligations to make sure that all employees have equality of opportunity and do not suffer unlawful discrimination by reason of race, nationality, ethnic origin, gender, marital status, disability, religious belief/faith, sexual orientation, hours of work or trade union membership. This policy sets out the council's approach to such matters.
Harassment at Work Policy	The council believes that every individual has the right to be treated with dignity and respect at work and aims to develop a working environment in which harassment is understood as unacceptable conduct. This policy provides procedures for individuals to raise concerns or deal with incidents of harassment should they occur.
Grievance Procedure	It is the responsibility of managers and their

Policy	Purpose of Policy
	<p>staff to create and maintain harmonious and good working relationships in the workplace. When employees raise problems or complaints with their line manager, these would normally be dealt with informally. There may however be occasions when employees wish to raise a formal grievance if matters relating to the employer/employee relationship remain unresolved or are deemed not to have been satisfactorily concluded. This policy sets out the council's procedure for dealing with such matters.</p>
<p>Violence & Aggression at Work Policy</p>	<p>There are some staff who through the course of their duties may be exposed or subject to an incident of abuse, threatening behaviour or an actual assault by a member of the public. This policy sets out guidance on how to avoid or minimise potential situations such as these from happening as well as the procedure to follow should it unfortunately occur.</p>
<p>Safeguarding Procedures for Vulnerable Adults</p>	<p>Everyone has a duty of care to protect vulnerable adults from harm. These procedures set out what to do if there are concerns about a vulnerable adult's welfare or there is suspicion that a vulnerable adult is being abused. A vulnerable adult may be someone because of a physical or learning disability; mental health condition or their age may be at risk from potential abuse.</p>
<p>Safeguarding Procedures for Children and Young People</p>	<p>Everyone has a duty of care to protect children and young people from harm. These procedures set out what to do if there are concerns about a child's welfare or there is suspicion that a child is being abused.</p>

FLOWCHART OF HOW TO RAISE A CONCERN

