



GA.17 14/15
Governance and Audit
31 July 2014

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Subject: Review of the Whistle Blowing Policy 2013/2014

Report by:	Alan Robinson
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Purpose / Summary:	Annual Review of the Whistleblowing Policy

RECOMMENDATIONS:
That Members Assure themselves the Whistleblowing Policy is in place is working effectively. Where appropriate members may suggest improvements to the Policy.

IMPLICATIONS

Legal: None

Financial : None FIN / 39 / 15

Staffing : None

Equality and Diversity including Human Rights : N/A

Risk Assessment : N/A

Climate Related Risks and Opportunities : None

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1. Introduction

- 1.1 In March 2008 the Corporate Governance Group agreed to submit an annual report to this Committee on Fraud, Whistle Blowing and Complaints. In 2008 a single report was produced for all 3 of these areas. Following feedback from the committee separate reports have been produced this year for each of the 3 areas. This report deals specifically with Whistle Blowing.

- 1.2 The Whistle Blowing Policy provides a method for employees to raise concerns about the running of the Council without risk of victimisation. All employees have access to this policy and a copy of this Policy is attached for information.

2. Whistle Blowing Policy

- 2.1 During 2013/2014 the Whistleblowing Policy has been reviewed and updated to take into account staffing changes which have changed the contact details and responsible officers. The revised Policy is attached at Appendix 1
- 2.2 There have been 3 reports received through the Whistle Blowing Policy during 2013/2014. Two of the reports were made anonymously and one came from an officer of the Council.
- 2.3 The appropriate line managers were informed all three cases and have been dealt with by management actions. In the case of the one report where the originator was known a letter detailing the actions carried out has been issued.

3 Conclusion

- 3.1 During the year the policy has been updated and there have been 3 reports received these have been dealt with in line with the Policy and the matters have been closed.

Whistle-blowing - a guide for employees



Whistle-blowing policy - an employee guide

West Lindsey District Council is committed to the highest possible standards of openness, honesty and accountability, an in line with that commitment encourages any employee who has a serious concern about any aspect of the council's work, to come forward and voice their concern.

- The whistle-blowing 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
- The policy is primarily to deter and detect wrongdoing, and is not meant to replace any other procedure already in place. It is a separate and additional channel of information
- The policy document makes it clear that employees can voice their concerns without fear of reprisals

What is "whistle-blowing"?

Whistle-blowing can be defined as "giving information about illegal or underhand practices" or "raising concerns about misconduct within an organisation".

What are the aims of the "whistle-blowing" policy?

You may think that there is something seriously wrong within the council, but it may be difficult for you to speak up as you may feel that you are being disloyal either to your colleagues or to the council.

You may also be concerned that you may suffer harassment or victimisation if you speak up. In these circumstances it is perhaps easier to ignore the concern rather than report what may just be a suspicion of malpractice. The policy aims to help you in these situations by:

- Providing an avenue for you to raise concerns and receive feedback on any action taken
- Allowing you to take the matter further if you are dissatisfied with the council's response
- Reassuring you that you will be protected from reprisals or victimisation for whistle-blowing in good faith

Who can use the policy?

- All employees of the council
- Contractors/subcontractors working for the council

What types of concerns does the policy cover?

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures, for example, your concern might be about something that:

- Is an offence or a breach of law
- Failure to comply with any legal obligations

- Disclosures related to miscarriage of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other unethical conduct
- Deliberate concealment of any of the above.

How do I raise a concern?

You would normally raise a concern with your immediate line manager.

This will of course, depend on the seriousness and sensitivity of the issue, and who you think may be involved. For example, if you believe that a senior manager may be involved, you should approach either:

The people and organisational development team manager on 01427 676591 or human.resources@west-lindsey.gov.uk

There will be an improved likelihood of successfully investigating and ending malpractice, or financial abuse, where as much detail as possible is provided to the investigator at the outset.

It would be very helpful if you could submit any concerns in writing, remembering the following points:

- You should include details of the background to your concerns, giving as many names, dates and places as possible
- Don't forget to include the name of the service area about which you have a concern, this will help to quickly progress any investigation
- The earlier you express your concern, the easier it may be to take action
- You should make it clear that you are raising your concern under the whistle-blowing policy
- If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer who will agree a written statement with you
- You would not be expected to prove the truth of an allegation, but you will need to demonstrate that there are sufficient grounds for your concern
- Your trade union representative may raise a matter on your behalf

What happens next?

The council will write to you, normally within ten working days of a concern being received to:

- Acknowledge receipt of the concern
- Indicate how it proposes to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Tell you if any enquires have been made
- Inform you whether further investigations will take place, and if not, why not

In order to protect individuals and the council, initial enquiries will be made to decide whether an investigation is appropriate. Concerns or allegations falling within the

scope of existing council procedures, will normally be referred for consideration under those procedures.

Any action taken by the council will depend on the nature of the concern, and the extent of detailed information supplied to enable the investigation to progress effectively.

The matters raised may, be investigated internally, be referred to the police, be referred to the external auditor or form the subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for investigation.

If I make a disclosure under the policy will I be protected against harassment or victimisation?

The council recognised that the decision to report a concern can be difficult one to make, not least because of the fear of reprisal from those suspected of or responsible for malpractice.

The council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

If you feel that you have suffered any harassment, whether directly or indirectly as a result of raising a concern; you should refer to the council's harassment policy which can be found on Minerva or by contacting human resources direct.

What about confidentiality?

The council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed.

However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Could I make an anonymous allegation?

Anonymous allegations will be considered, however, concerns expressed anonymously are much less powerful, and you would be encouraged to put your name to your allegation.

Can any action be taken against me if I raise a concern?

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 a malicious or vexatious allegation, disciplinary action may be taken against you.

Who is the Responsible Officer?

The monitoring officer has overall responsibility for the maintenance and operation of this policy.

The people and organisational development team manager will maintain a record of concerns raised and action taken in a form that does not endanger your confidentiality, and will report as necessary to the council.

Where can I get further help?

You may find it helpful to get a copy of the whistle-blowing policy which can be found on [Minerva](#) or direct from the people and organisational development team.

If you need help or assistance on a whistle-blowing matter, please do not hesitate to speak to:

- Your line manager
- The monitoring officer
- The people and organisational development team manager

The policy will be subject to review and monitoring annually

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Guildhall, Marshall's Yard
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www.west-lindsey.gov.uk



Whistle-blowing Policy



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Introduction

1. 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.
2. The Public Interest Disclosure Act 1998 protects employees who report wrongdoing within the workplace but it is the aim of this policy to ensure that as far as possible our employees are able to tell us about any wrongdoing at work which they believe has occurred or is likely to occur.
3. The council recognises that employees may not always feel comfortable about discussing their concerns internally, especially if they believe that the council itself is responsible for the wrong doing.
4. The aim of this policy is to ensure that employees are confident that they can raise any matter with the council that concerns them in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them.
5. 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 work and 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.
6. This policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This whistle-blowing 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.
7. The policy applies to all employees and those contractors working for the council, for example, certain agency staff, builders, apprentices, certain trainees, homeworkers etc. It also covers suppliers and those providing services under a contract with the council from their own premises.
8. The procedures are in addition to the council's complaints procedures and other statutory reporting procedures which may apply. Managers are responsible for making employees aware of the existence of these procedures.

The responsible officers

The council's monitoring officer has overall responsibility for the maintenance and operation of this policy. The People and Organisational Development Team Manager will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the council.

The council's Section 151 Officer will be responsible for investigating allegations of fraud or financial irregularity. Other offences will be investigated by other heads of service or a member of the council's core management team.

Aims and scope of this policy

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Ensure that employees receive a response to their concerns and that managers are aware of how to pursue them
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in good faith

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment.

The whistle-blowing policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Conduct which is an offence or a breach of law
- Failure to comply with any legal obligations
- Disclosures related to miscarriage of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other unethical conduct
- Deliberate concealment of any of the above

Thus, any serious concerns that employees have about any aspect of service provision or the conduct of officers, members of the council or others acting on behalf of the council can be reported under the whistle-blowing policy.

This may be about something that:

- Makes employees feel uncomfortable in terms of known standards, their experience or the standards they believe the council subscribes to
- Is against the council's procedure rules and policies
- Falls below established standards of practice
- Amounts to improper conduct

Safeguards against harassment and victimisation

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

The council recognises that the decision to report a concern can be a difficult one to make. If what is being said is believed to be true, employees should have nothing to fear because they will be doing their duty to the council and those for whom we are providing a service.

The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action if necessary, to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the employee who raises an issue.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if he/she so wishes. At the appropriate time, however, an employee may need to come forward as a witness.

Anonymous allegations

This policy encourages employees to put their name to an allegation whenever possible.

Concerns expressed anonymously are much less powerful and will only be considered in exceptional circumstances at the discretion of the council.

In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
- Consideration of the damage that could be caused to an individual or group of people if the allegation is not proven

Untrue/vexatious allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her.

If, however, an employee is found to have made an allegation maliciously or for personal gain then this will constitute a misconduct and will be dealt with in accordance with the disciplinary procedure.

How to raise a concern

As a first step, an employee should normally raise concerns with his/her immediate line manager or head of service. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that management is involved, he/she should approach the People and Organisational Development Team Manager.

Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to provide:

- the background and history of the concern (including relevant dates)
- the reason why they are particularly concerned about the situation

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. The earlier a concern is expressed, the easier it is to take action.

Employees may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

Employees may invite their trade union or a friend to be present during any meetings or interviews (off site if they prefer) in connection with the concerns they have raised.

How the council will respond

The council will respond to employees' concerns, not forgetting that testing out concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- Be investigated (in accordance with the Fraud and Corruption Response Plan) 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

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 principle which the council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, grievance, disciplinary or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required (e.g. suspension), this will be taken before any investigation is conducted.

Within 10 working days of a concern being raised, the responsible officer will write to the employee who raised it:

- 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
- Confirming whether any initial enquiries have been made
- Confirming what support mechanisms there are in place for the employee
- Informing the employee whether further investigations are necessary and, if not, why not

The amount of contact between the officers considering the issues and the employee who raised them will depend on the nature of the matters, the potential difficulties involved and the clarity of the information provided. If necessary, the council will seek further information from the employee.

The council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the council will arrange for him/her to receive advice about the procedure.

The council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform the employee who reported the matter of the outcome of any investigation.

How the matter can be taken further

This policy is intended to provide employees with an avenue within the council to raise concerns. The council hopes employees will be satisfied with any action taken. If an employee is not satisfied and feels it is right to take the matter outside the council, the Audit Commission is the designated independent organisation nominated for this purpose by the council.

The following are also possible contact points:

- The external auditor
- The employee's trade union
- Citizens' Advice Bureau
- A relevant voluntary organisation, for example, Public Concern at Work (PCAW)
- Relevant professional bodies or regulatory organisations
- The police

Contact details are set out in the Appendix to this policy.

If an employee does take the matter outside the council, he/she should ensure that confidential information is not disclosed. The council's monitoring officer can provide further advice on this.

Monitoring

The effectiveness of the council's whistle-blowing code will be monitored annually and it will be updated where/when necessary.

Employees' rights

The policy does not prevent employees from exercising their right to report to relevant outside bodies nor prevent anyone from having rights under the Public Interest Disclosure Act 1998.

Appendix

Contact details for external organisations

External Auditor
KPMG LLP (UK)
1, Waterloo Way
Leicester
LE1 6LP
Tel: 0116 256 6067

UNISON East Midlands
UNISON Regional Centre
Vivian Avenue
Nottingham
NG5 1AF
Tel: 0800 0857 857
E-mail: eastmidlands@unison.co.uk

Citizens' Advice Bureau
26 North Street
Gainsborough
Lincs
Tel: 08444 111 444
Website: www.westlindseycab.org.uk

Public Concern at Work
3rd Floor, Bank Chambers
6-10 Borough High Street
London SE1 9QQ
Tel: Whistleblowing Advice Line 020 7474 6609
General Enquiries 020 3117 2520
Email: UK advice line: whistle@pcaw.org.uk UK services: services@pcaw.org.uk

Lincolnshire Police
Lincolnshire Police Headquarters
Deepdale Lane
Nettleham
Lincs
Tel: 01522 532222

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