



Whistleblowing Policy (Confidential Reporting Code)

Assurance, Risk and Audit

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1. Introduction

Allerdale Borough Council is committed to the highest possible standards of openness, probity and accountability in carrying out its functions and staff are expected to maintain these high standards. In line with this commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to be able to voice these concerns without fear of reprisal.

Employees are often the first to realise that there may be something seriously wrong, however may not express their concerns because they feel that they would be disloyal to their colleagues or the Council or they may fear harassment or victimisation. The aim of this policy is to allow employees to act upon concerns, provide avenues to do so and reassure them that they will be protected from possible reprisals and victimisation.

This policy applies to all employees including those designated as casual, temporary, authorised volunteers or on work experience. It also covers contractors working for the Council, such as self-employed consultants, agency staff, builders and outsourced functions and managers are responsible for making these workers and service users aware of this policy. The policy also applies to elected Members.

The Council's Counter Corruption Framework includes a Response Plan that sets out how suspicions of fraud, bribery, corruption, irregularity and malpractice can be reported and dealt with and should be read in conjunction with this policy.

2. What is whistleblowing?

Whistleblowing is the term used when a worker passes on information concerning suspected wrongdoing or dangers in relation to any activities that the Council is engaged in. The wrongdoing will usually (although not necessarily) be something that they have witnessed at work.

To be covered by whistleblowing law, any worker who makes a disclosure must reasonably believe that they are acting in the public interest and that the wrongdoing/practice falls into the following categories:

- criminal offence
- a failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

Whistleblowing is not to be used for raising complaints relating to employees own personal circumstances or treatment at work, in these cases they should refer to the Fair Treatment Policy.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 (PIDA)).

3. Confidentiality and Anonymity

There may be good reasons why an employee may wish for their identity to remain confidential, and if you wish to raise a concern anonymously every effort will be made to keep your identity secret unless it is specifically needed for the investigation or the law requires us to do so. Where the disclosure of your identity is required by law, you will be advised of the implications of this and supported through the process. Completely anonymous disclosures can be difficult to investigate and we would encourage you to put your name to your concern; when making a disclosure anonymously, it can be more difficult for you to qualify for the protections of a whistleblower as there would be no documentary evidence for any employment tribunal linking you to the disclosure.

If you believe what you are reporting is true, we will make every effort to protect your identity should you report a concern, however if an allegation is made frivolously, maliciously or for personal gain, then disciplinary action may be taken. Where an allegation is made in good faith, but not then confirmed by an investigation, no action will be taken against you. Any investigation into reported suspicions of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affects you.

4. How to Raise a Concern

You should raise a whistleblowing concern with your immediate manager or Head of Service. If you feel unable to approach them or there are specific reasons why you are unable to report to your immediate manager, you should refer the matter to the Head of Governance and Regulatory Service or a member of the Assurance, Risk and Audit team. Where you believe that a member of the management team is involved you should approach the Head of Governance and Regulatory Service. When reporting a concern, you must advise the person you are reporting it to that you are making a disclosure under the Council's Whistleblowing policy.

Concerns may be raised orally or in writing, providing as much information as you can such as:

- background information and history of the complaint
- information as to why you are concerned
- details of any other procedures which you have already used, and what happened
- the names of the employee/members involved and where they work (if applicable)
- dates or periods of time relating to the matter
- the names and roles of any other employees/members who may support your concern

The earlier you express your concern, the easier it will be to take action, you may find it easier if you raise the matter jointly if there is another employee/member who has

the same concern, and will support you. You may bring a companion (e.g. work colleague, union representative or professional association representative) to any meeting held under this policy. If you want to raise your concern confidentially, we will make every effort to keep your identity secret.

You should not attempt to gather evidence regarding your suspicions as this could compromise any subsequent investigation if not done in the right way. However you should record details at the time of the incident to assist in the reporting and initial enquiries into any instances.

You may obtain advice and or guidance on how to pursue matters of concern from:

Corporate Director:	Tel. 01900 702528
Head of Governance and Regulatory Services:	Tel. 01900 702887
Assurance, Risk and Audit Manager:	Tel. 01900 702988

5. How the Council will respond

Once you have told us of your concern we appoint an Investigating Officer who will look into your concern to assess initially what action should be taken and determine which Council procedure it is appropriate to take. The Investigating Officer will liaise with the person you reported your suspicions to unless you are comfortable in dealing with Investigating Officer directly. In order to protect individuals and those accused of possible malpractice, enquiries will be made to decide whether an investigation is appropriate; some concerns may be resolved by agreed action and without the need for an investigation. If urgent action is required, however, this will take place before an investigation is undertaken.

Where it is decided that the matter should be taken further under Whistleblowing procedures, the concern raised may:

- be investigated by Management with the assistance of the Assurance, Risk and Audit team if required, or dealt with through the disciplinary process
- be referred to the Police, external auditor or other bodies, and / or
- form the subject of an independent inquiry,

Within ten working days of a concern being raised, the person to whom you reported it will write to you:

- acknowledging that the concern has been received
- indicating how the matter will be dealt with and by whom
- giving an estimate of how long it will take to provide a final response
- informing if any initial enquiries have been made
- telling you whether further investigations will take place and if not, why not
- providing you with information on support available to you

We understand the importance of assuring you that the matter has been properly addressed and will inform you of the outcome of any investigation subject to legal constraints, but you must keep that information confidential.

The amount of involvement you will have in the response will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Investigating Officer will seek further information from you in a way that confidentiality is maintained.

6. The Responsible Officer

The Monitoring Officer (Head of Governance and Regulatory Services) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality) and will report as necessary to the Audit Committee.

7. How the matter can be taken further

The aim of this policy is to give you the reassurance to report any concerns you may have through the internal channels, however, if you are still unhappy after using the procedure (and in receiving a response) you are entitled to consider taking your concern elsewhere. Further support is available from:

- the external auditor, Grant Thornton
- UNISON Whistleblowing Hotline – 0800 0857 857
- Protect; whistleblowing charity – 020 7404 6609
- local Citizens Advice Bureau (Allerdale 01900 604 735)
- your trade union
- the Police
- relevant professional bodies or regulatory organisations
- a regulatory voluntary organisation
- independent legal advice

If you do take the matter outside the Council, you should consider the Data Protection Act and ensure that you do not disclose confidential information. (For clarification check with the Information Governance and Data Protection Officer).

8. The Law

This Policy has been written with regard to the Public Interest Disclosure Act 1998, which amends the Employment Rights Acts 1996.



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