



**DISCLOSURE ("WHISTLEBLOWING") POLICY**  
**based upon SWINDON BOROUGH COUNCIL policy**

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**Responsibility for review:** Staffing

**Related policies:** Disciplinary procedures, Staff handbook, Child Protection, Safeguarding, Data Protection and Health and Safety.

## **1. INTRODUCTION**

1.1 Employees, Members and School Governors are often the first to realise that there may be something seriously wrong within the Council. However, they may not express 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.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Disclosure Policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

1.3 This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the Council.

1.4 This policy supports the Council's Anti Fraud and Corruption Policy, and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees, Members and Governors to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.

## **2. AIMS AND SCOPE OF THIS POLICY**

2.1 This policy aims to:

- Provide avenues for staff to raise concerns and receive feedback on any action taken;
- Allow staff to take the matter further if they are dissatisfied with the Council's response; and
- Reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.

2.3 That concern may be about something that:

- Is unlawful, or
- Is contrary to the Council's Standing Orders or policies, or
- Falls below established standards or practice; or
- Amounts to improper conduct

For example:

- Malpractice or ill treatment of a client/customer by a senior member of staff
  - Repeated ill treatment of a client/customer, despite a complaint being made
  - A criminal offence has been committed, is being committed or is likely to be committed
  - Suspected fraud
  - Disregard for legislation, particularly in relation to health and safety at work
  - Breach of standing Financial Regulations
  - Showing undue favour over a contractual matter or to a job applicant
  - A breach of any code of conduct or protocol
  - Information on any of the above has been, is being, or is likely to be concealed.
  - Abuse of clients/pupils
  - Internet use which puts others at risk (See also Child Protection Policy)
- (This list is not exhaustive)

2.4 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

### **3. SAFEGUARDS**

#### Harassment or Victimisation

3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. The Council will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.

3.2 This does not mean that if staff are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

#### Confidentiality

3.3 The Council will do its best to protect a staff member's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of the evidence.

#### Anonymous Allegations

3.4 This policy encourages staff to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.5 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.

#### Untrue Allegations

3.6 If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, staff make malicious or vexatious allegations, disciplinary action may be taken against them.

## **4. HOW TO RAISE A CONCERN**

4.1 As a first step, staff should normally raise concerns with their immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If in doubt, contact with the Chief Executive, or the Borough Solicitor (Monitoring Officer), or the Chief Internal Auditor.

4.2 Alternatively, staff can leave a message on the 24 hour Whistleblowing answerphone and fax service (telephone number 01793 464603) which shall be operated in accordance with the attached protocol. This service is strictly confidential and callers will not be asked to give their name if they do not want to. (This answerphone/fax machine will be kept secure at all times.)

4.3 Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the appropriate officer.

4.4 The earlier staff express the concern, the easier it is to take action.

4.5 Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

4.6 Advice and guidance on matters of concern may be pursued and can be obtained from:

- Chief Executive
- Directors
- Borough Solicitor (Monitoring Officer)
- Chief Internal Auditor

- Any of those listed in paragraph 7.1

4.7 Staff may invite a trade union representative or work colleague to raise a matter on their behalf.

## **5. HOW THE COUNCIL WILL RESPOND**

5.1 The action taken by the Council will depend on the nature of the concern and may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry

5.2 In order to protect individuals and the Council, initial enquiries will be forwarded to the Monitoring Officer who will consult with the Chief Internal Auditor and the Chair of Standards Committee and decide whether an investigation is appropriate and, if so, what form it should take. The Monitoring Officer can decide to take no further action if a complaint appears to be trivial or vexatious. All such decisions will be reported to the next meeting of Standards Committee. Concerns or allegations which fall within the scope of specific procedures, for example discrimination issues, will normally be referred for consideration under those procedures.

5.3 Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions. The Monitoring Officer shall report periodically thereon to the Standards Committee.

5.4 If an investigation is required, the Monitoring Officer will consult with the Chief Internal Auditor and the Chair of Standards Committee and designate an appropriate officer to investigate the concern. Following this that officer will, within ten working days, write to the member of staff:

- Acknowledging that an investigation will be carried out;
- Indicating how he/she proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling them whether any initial enquiries have been made;
- Telling them whether further investigations will take place, and if not, why not;
- Advising them that any investigation will be carried out in the strictest confidence; and
- Keeping them informed of the progress of the investigation.

5.5 The amount of contact between the officers considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from staff.

5.6 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.

5.7 The Council will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.

5.8 The Council accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation. In addition, they will be informed as to what action has been taken to correct working practices that have been found to be at fault by the investigation.

5.9 The Monitoring Officer will report on the outcome of any investigation to the Standards Committee who will monitor the implementation of the recommendation of the investigation.

## **6. INQUIRIES**

6.1 If the concern raised is very serious or complex, a formal inquiry may be held.

6.2 The Council recognises the contribution the trade union(s) can make to such an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. The Council recognises that in many cases it will be desirable that a trade union representative will be appointed to the panel of the inquiry, subject to there being no conflict of interest.

6.3 The Monitoring Officer will report on the outcome of any inquiry to the Standards Committee who will monitor the implementation of the conclusions of the inquiry.

## **7. HOW THE MATTER CAN BE TAKEN FURTHER**

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

- Local Council member (if staff member lives in the area of the Council) — if unsure who it is, contact Member Services (01793 463608)
- Chair or any member of the Standards Committee — for details of current membership please contact Member Services (01793 463608).
- The External Auditor (0117 926 0066)
- Relevant professional bodies or regulatory organisations
- Solicitor
- The Police
- An independent person or organisation nominated for the purpose by the Council
- Public Concern at Work (0171 404 6609)

If staff do take this matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. Staff should check with the contact point about that.

## **8. THE MONITORING OFFICER**

8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and he will liaise as necessary with the Chief Internal Auditor and Chair of Standards Committee.

8.2 The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality) and will report as necessary to the Standards Committee.

## **9. THE LAW**

9.1 This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 1996 (SI 1996/590).

## **WHISTLEBLOWING MESSAGE RECORDING PROCEDURE**

### Location of Message Recording System

The answering machine is kept in a secure location. The room is soundproofed, and the answering machine volume control can be adjusted so that any message being taken is inaudible. The room is locked at night, restricting access to authorised members of staff only.

### Access to the System

Anyone can leave a message by dialling 01793 464603. After a brief pause, the recorded message will be played, after which a message may be left by the caller.

### Message Retrieval Procedure

A lever arch file has been set up which contains:

Message Log Sheets  
Recorded Message Sheets and Continuation Sheet

The Message Log Sheet is to be completed every morning; the number of messages received since the last entry will be recorded, and this fact will be witnessed by the signature of two officers, one of whom must be a member of the Audit Management team.

If any messages are received, they must be recorded on the following:

A Recorded Message Sheet, which will detail:

- the officers receiving the message,
- the name of the caller (if left),
- any contact details,
- the time of the message,
- a further investigation file reference number, if action taken.
- A continuation sheet, for recording the details of the message.

Both sheets should be signed by both of the officers retrieving the message. The sheets must be used in strict numerical order – all are pre-numbered, from WB001.

The precise method by which messages are accessed is explained in a one page instruction sheet at the front of the lever arch file labelled 'Recorded Messages Log'

### Security of Messages

All original documentation is to be kept on the lever arch file, which is to be kept securely.

If any messages result in Whistleblowing investigations, a copy of the relevant Recorded Message Sheets should be taken and secured into the file that will subsequently contain documentation of any investigations undertaken.

The above precautions will ensure that we comply with the provisions of the Data Protection Act 1985, concerning the security of personal information.

