

CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL HARMONISED PROTECTED DISCLOSURE POLICY (WHISTLEBLOWING)

1. INTRODUCTION

1.1 The Public Interest Disclosure Act 1998 (the Act) gives protection to individuals (or “whistle-blowers”) to ensure matters of serious public concern can be addressed.

1.2 The Councils are committed to the highest possible standards of openness, probity and accountability. This Protected Disclosure Policy aims to ensure that employees with serious concerns about any aspect of the organisation's performance, management, standards or conduct should be able to voice those concerns.

2. GENERAL PRINCIPLES

2.1. The Councils recognise that an employee is often the first to realise that there may be something seriously wrong within the organisation. This policy seeks to encourage employees to raise their concerns internally within the organisation rather than overlooking a problem. We are committed to enabling employees to raise their concerns in an environment where there is no fear of harassment, victimisation or reprisals. This could be through their 1-2-1, team meetings or through discussion with a line manager, for example.

2.2 If a concern relates to a grievance about an employee’s personal position they should use the Councils’ Harmonised Grievance and Resolution Procedure, which will normally be the most appropriate route in those circumstances.

2.3 The Councils realise that in certain circumstances some cases may have to proceed on a confidential basis.

2.4 This policy applies to all employees and Members of the Councils. However the Act also covers people working for the Council on Council premises, for example, voluntary helpers, agency staff, builders, etc. It also covers suppliers and those providing services under a contract with the Council in their own premises. For the purposes of this policy, the term 'employee' is used to include all the above.

2.5 This procedure is in addition to the Council's complaints procedure and other statutory reporting procedures.

2.6 Any individual who is unsure whether or not to use this policy or who needs independent advice at any stage can contact Public Concern at Work on 0207 404 6609 (www.pcaaw.co.uk). This independent charity can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

3. AIMS AND SCOPE

3.1 The aims of this policy are:

- to encourage employees to feel confident in raising serious concerns and for us to question and act upon those concerns;
- to provide a means for employees to raise concerns and receive feedback on any action taken;
- to ensure that employees know how to pursue concerns if they are not satisfied with the response;
- to reassure employees that the Councils will take action to ensure that they are protected against reprisals or victimisation;
- to help the Council to act within the law and in particular within the Public Interest Disclosure Act 1998.

3.2 This policy does not replace the Councils' Complaints Procedure (which is primarily so that people other than employees can raise concerns about their treatment by the Council) but should help where employees need to raise matters of concern.

3.3 The Councils have procedures in place to deal with grievances relating to employment and complaints of harassment. This Protected Disclosure Policy is intended to cover concerns that may fall outside the scope of other procedures. These concerns may fall within the following list but it must be noted that this list is not exhaustive:

- Unlawful activity
- Non-compliance with the Councils' standing orders, financial procedure rules or policies
- The unauthorised use of Council funds
- Unauthorised access to Council Records
- Unauthorised disclosure of data
- Possible fraud, corruption or financial irregularity
- Behaviour beneath established standards of practice
- Improper conduct
- Miscarriages of justice
- Health and safety risks to any individual
- Damage to the environment
- Sexual, emotional or physical abuse
- Other unethical conduct

4. SAFEGUARDS

4.1 The Councils recognise 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.

4.2 The Councils will not tolerate harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when they raise a concern in good faith.

5. CONFIDENTIALITY

5.1 When an employee raises a concern but does not want their name to be disclosed, the Councils will do their best to protect their identity. However it is important that the employee is aware that a formal investigation process may require them to make a statement to form part of the evidence.

5.2 One of the aims of this policy is to encourage employees to put their name, with confidence, to any allegation whenever possible.

5.3 Concerns expressed anonymously will be considered but are much less powerful.

5.4 When considering anonymous allegations, a number of factors would be taken into account and may include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

6. ALLEGATIONS

6.1 The Councils recognise that there may be circumstances where an allegation is raised in good faith, but which is not confirmed by an investigation.

6.2 The Councils will take disciplinary action against an employee when it is proven that the allegation is malicious or vexatious.

7. RAISING A CONCERN

7.1 The earlier that a concern is expressed the easier it is to take action.

7.2 As a first step, employees should normally raise the concern with their manager or Head of Service. However, this depends on the seriousness and sensitivity of the issues and who is thought to be involved in the malpractice. For example, if the employee believes that a Director or others in management are involved, they should approach one of the following.

- Monitoring Officer (Head of Legal and Democratic Services) at monitoringofficer@southbucks.gov.uk or monitoringofficer@chiltern.gov.uk
- Audit, Fraud and Error Reduction Manager at whistleblowing@southbucks.gov.uk or whistleblowing@chiltern.gov.uk

7.3 When an employee raises a concern with their manager or other officer within the Council, they should be invited to set out the background and history of the concern in writing. Where possible this should include names, dates and places and the reason why they are particularly concerned about the situation. Where they feel unable to put the concern in writing, then a meeting should be arranged with an appropriate officer. They may invite their trade union representative or staff representative or workplace colleague.

7.4 When raising a concern, the employee will need to demonstrate to the person contacted that there are sufficient grounds for concern. They are not expected to prove beyond all reasonable doubt the truth of an allegation.

8. HOW THE COUNCIL WILL RESPOND

8.1 The action taken by the Council will depend on the nature of the concern. At the discretion of the Audit, Fraud and Error Reduction Manager the matters raised may be:

- investigated internally
- referred to the External Auditor
- form the subject of an independent enquiry

8.2 To protect individuals, we will make initial enquiries to enable us to decide whether an investigation is appropriate and, if so, what form it should take. If an allegation or concern falls within the scope of other specific procedures it will be referred for consideration under those procedures.

8.3 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 commenced e.g. health and safety issues.

8.4 Where the concern/allegation is raised internally, the Council will acknowledge receipt within ten working days giving the following information:

- an estimate of how long it will take to provide a final response
- whether initial enquiries have been made; and
- whether further investigations will take place and, if not, why not.

8.5 The amount of contact between the manager, considering the issues, and the employee will depend on the matters raised, potential difficulties involved and the clarity of information provided. If there is a need for the manager to seek further clarity, the employee will be approached for further information.

8.6 If the manager wishes to meet with the employee, they may be accompanied by a trade union representative or staff representative or workplace colleague.

8.7 If the need arises for an employee to give evidence in any proceedings, advice will be available to them from the Council.

8.8 The Councils recognise the importance of assuring employees that the issue has been properly addressed and, subject to legal constraints, the individual who raises the concern will be provided with information about the outcomes of any investigations.

9. RESPONSIBLE OFFICER

9.1 The Audit Committee of each Council and the Audit, Fraud and Error Reduction Manager have overall responsibility for the maintenance and operation of this policy. The Manager maintains a record of concerns raised and the outcomes (but in a form that does not endanger confidentiality) and will report as necessary to the Councils.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide employees with a mechanism to raise concerns within the Councils. In most cases it will not be necessary to alert anyone externally.

10.2 If an employee is not satisfied with the response, and feels it is right to take the matter outside the Councils, some alternative contact points are:

- the Council's external auditors
- a solicitor (if the employee is also seeking legal advice)
- the Police

10.3 If an employee decides to take the matter outside the Councils, they are strongly encouraged to seek advice from Public Concern at Work before doing so and to ensure that they do not unnecessarily disclose confidential or privileged information.

10.4 Matters raised outside the Council may still ultimately have to be addressed within its normal procedures.

11. REVIEW

11.1 This policy will be reviewed on a bi-annual basis by the committee of each Council with responsibility for audit matters.