

Staff Whistleblowing Policy and Procedures

January 2014



Human Resources

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1. INTRODUCTION

Employees are often the first to realise that there is something seriously wrong but may not feel confident to express their concerns. 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 is committed to the highest standards of openness, probity and accountability and strongly encourages employees to come forward and raise concerns about any aspect of the council's work. The council expects the highest standards of behaviour from all of its employees, Elected Members and its contractors and will ensure concerns can be raised without fear of reprisals or victimisation internally within the council, rather than overlooking a problem or raising the matter externally. There is both a legal and moral duty to speak up about something which is improper, unethical or inappropriate in order for the council to investigate and remedy the wrongdoing.

The council has put in place a whistleblowing policy to encourage and enable employees to raise serious concerns and talk to someone confidentially who can help. The council will not tolerate harassment and victimisation and will take action to protect employees when a concern is reported in good faith.

The council's designated Whistleblowing Officer is the Head of Audit and Investigations.

This is a staff whistleblowing policy. Members of the public are able to bring disclosures under other arrangements within the council.

2. AIMS OF THE POLICY

The aims of the policy are to:

- encourage all improper, unethical or inappropriate behaviour to be identified and challenged at all levels in the organisation;
- ensure all employees feel supported in speaking up in confidence and reporting matters they suspect may involve anything improper, unethical or inappropriate;
- provide a clear procedure for reporting concerns and receive feedback on any action taken;
- manage all disclosures in a timely, consistent and professional manner;
- provide assurance that all disclosures will be taken seriously, treated in confidence and managed without fear of retaliation;
- re-assure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made a disclosure that is in the public interest.

3. SCOPE

The policy applies to all:

- employees of Brent Council
- employees of contractors working for the Council, for example, agency staff
- employees of suppliers
- those providing services under a contract or other agreement with the Council in their own premises, for example, care homes, and

- voluntary workers working with the Council

Whistleblowing disclosures should only concern matters which are in the public interest and are made in good faith.

This policy is intended to cover concerns that fall outside the scope of other policies, although the council reserves the right to determine which policy is appropriate. The following are outside the scope of this policy:

- Matters that concern day-to-day issues relating to an employee's employment including terms and conditions, issues relating to harassment and bullying, or a complaint about another employee which would normally be referred to the employee's line manager in the first instance, or if necessary can be pursued using the council's grievance policy;
- Matters that would normally be dealt with by the council's collective bargaining arrangements with its recognised trade unions;
- Complaints from the public that relate to standard of service delivered by the council or its contractors, which should be reported through the council's complaints procedure or specific reporting procedures where they exist for some services.

The Policy is designed to deal with concerns that relate to specific issues that are in the public interest. Only genuine concerns should be reported.

Whistleblowing means a disclosure of information where the individual making the disclosure reasonably believes that one or more of the following matters is happening, took place in the past or is likely to happen in the future. This is not an exhaustive list of examples:

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- a danger to the health and safety of an individual
- damage to the environment
- any conduct which may damage the council's reputation
- deliberate concealment of information relating to any of the above.

4. REPORTING IN GOOD FAITH

If a disclosure is made in good faith, but is not confirmed by investigation, no action will be taken against an employee.

Employees should not make reports which they do not reasonably believe to be true, which are malicious, or which they know are outside the scope of public interest. Disciplinary action may be taken against an employee who makes a disclosure frivolously, maliciously, for personal gain or knowingly in bad faith.

Any investigation into disclosures of potential malpractice under this policy will not influence or be influenced by any disciplinary or redundancy procedures that already affect an individual. Disciplinary, capability, grievance or managing attendance procedures will not be halted as a result of an individual whistleblowing.

5. CONFIDENTIALITY AND SUPPORT

All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of the employee who has raised a concern/disclosed information. However, in some circumstances it may not be possible to maintain confidentiality; if, for example, an employee is required to come forward as a witness.

The council will take steps to minimise any difficulties employees may experience as a result of raising a concern. If an employee is required to give evidence in criminal or disciplinary proceedings the council will arrange for advice and support to be given on the proceedings.

The council will not tolerate harassment and victimisation and will take steps to protect individuals who raise concerns in good faith.

It is acknowledged that employees need to be assured that concerns will be properly addressed and subject to legal constraints the council will provide information about the outcome of any investigation.

6. ANONYMOUS DISCLOSURES

This policy encourages employees to put their name to the concerns they are raising. Concerns expressed anonymously are often much more difficult to investigate. For example, the council is likely to need to contact the employee for further information or to verify the details provided. All complaints made anonymously will be investigated wherever possible.

7. PROTECTION

The Employment Rights Act 1996 provides individuals with protection from victimisation, dismissal or any other detriment provided they have a reasonable belief that what they have reported is true and the report is made in good faith.

The council views harassment or victimisation very seriously and undertakes to ensure that no one who reports any concern under this policy in good faith will be subject to any detriment for coming forward, regardless of whether or not the concern is ultimately substantiated.

In the event that an employee believes that they are being victimised or subjected to a detriment by any person as a result of reporting a concern or assisting with any investigation under this policy, they must inform the council's whistleblowing officer and appropriate action will be taken to protect them from any reprisal.

If any employee is aware of the victimisation or harassment of a whistleblower, they have a responsibility to bring it to the attention of the Whistleblowing Officer.

The council will treat any victimisation or harassment of an employee who has made a report in good faith under this policy as a serious disciplinary offence.

8. ADVICE

If you wish to receive advice from a relevant professional in the council before making a report under this policy, you should contact any of the following:

Director of Legal & Procurement
HR Director
Operational Director Environment and Protection (for health and safety matters only)
Chief Finance Officer

Alternatively, you may wish to ask for confidential help from your trade union.

9. REPORTING A CONCERN

It is advisable to report a concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

In the first instance concerns should normally be reported to a line manager or a more senior manager. An employee reporting a concern will not be expected to prove a disclosure, but will be asked to demonstrate that there are sufficient grounds for the concern and it is made in good faith.

If the employee believes:

- the concern to be extremely serious or sensitive;
- involves senior managers in the service area;
- has been raised with line managers/senior managers previously, but has not been dealt with properly;
- there is reasonable belief that relevant information may be concealed or destroyed if the matter is raised directly with line managers/ senior managers;
- they may be victimised if the matter is raised directly with line managers/senior managers,

the concern should be reported directly to the council's Whistleblowing Officer. Before raising a concern an employee may wish to take advice on the matter from any of those listed above or discuss any concerns with a trade union representative or work colleague. If more than one employee has the same concerns, the disclosure can be a joint report.

Concerns can be raised verbally or in writing. Where possible, the following information should be included:

- an outline of the disclosure, and how it represents information in the public interest;
- names of those believed to be involved in the disclosed offence;
- names of any person who has relevant information;
- details of how the employee became aware of the suspected activities;
- which of the council's policies have been breached;
- names of any person with whom the disclosure may have been shared;
- the employee's name and contact details.

10. HOW THE COUNCIL WILL RESPOND

The concern/disclosure reported will be logged by the Whistleblowing Officer and the employee will receive an acknowledgement within ten working days, including an outline of the action that will be taken to investigate the issue.

The action the council will take will depend on the nature of the concern. The matter raised may be:

- investigated internally by management, Internal Audit or through the disciplinary or other internal process;
- referred to the police;
- referred to the external auditor;
- form the subject of an independent inquiry.

In order to protect individuals and the council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns which fall within the scope of a specific policy, e.g child protection or discrimination issues, will normally be referred for consideration under those policies.

Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this will be taken before any investigation is conducted.

Where it is necessary to interview the employee(s) raising a concern they may be accompanied at the interview by a trade union representative or work colleague not involved in the area of work to which the concern relates.

11. CONTACT

Wherever possible, employees will be kept informed of the progress of the investigation and outcome, although it may not be possible to disclose full details of the progress or the outcome of the investigation if provision of details would be inconsistent with obligations of confidentiality in relation to others.

12. EXTERNAL REPORTING

A report made externally, ie to the police, media or Member of Parliament, will only be protected under the Employment Rights Act 1996 if the following apply:

- the employee reasonably believed the concern/disclosure to be substantially true;
- the disclosure has not been made for personal gain;
- the disclosure has already been raised within the council, unless the employee had reasonable grounds to believe they would be victimised or that there may be a cover-up or that the matter is exceptionally serious.

13. FURTHER INFORMATION AND ADVICE

If an employee requires any further advice or guidance on any aspect of this policy they should contact Human Resources in the first instance.