

Havant Borough Council - Whistle Blowing Policy

1.0 INTRODUCTION

- 1.1 The Council is committed to achieving the highest possible standards of openness, probity and accountability in all of its practices. This policy has been introduced to help you raise a concern you may have about malpractice such as fraud, a danger to health, safety or the environment or a crime, in the right way and without fear.
- 1.2 We all have, at one time or another, concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern is about malpractice, it can be difficult to know what to do. You may feel worried about raising an issue and decide to keep your concern to yourself, perhaps feeling that it is none of your business or that it's only a suspicion. Or you may feel that raising the matter would be disloyal to colleagues, managers or the Council itself. Perhaps you have tried to raise the matter, but found out you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.3 The Council would prefer that you raise any concerns about malpractice at an early stage when it is just a concern, rather than wait for proof. This policy has been introduced to help you raise any concern about malpractice in the right way. It explains the routes open to all Council staff, including employees, temporary workers, agency staff and people working for sub-contractors. This policy does not replace the Council's complaints procedure which is open to all members of the public.
- 1.4 If you have a concern about fraud or corruption, please see the AntiFraud and Corruption Policy. If, however, you want to bring a complaint, please use the Grievance Procedure. This whistle blowing policy is primarily for a concern which affects the interests of others such as service users, the public, colleagues or the Council itself. e.g.
- Conduct which is an offence or a breach of law.
 - Disclosures related to miscarriages of justice.
 - Health and safety risks, including risks to the public as well as other employees.
 - Information risk including unauthorised disclosure of information held by the Council
 - Damage to the environment. **LINK SHOWING EXAMPLES**
 - The unauthorised use of public funds.
 - Possible fraud and corruption (see the anti fraud and corruption plan).
 - Sexual or physical abuse of clients, or
 - Other unethical conduct.

If in doubt – please raise it!

OUR ASSURANCES TO YOU

The Council is committed to this policy.

Your safety

- 1.5 We recognise that it may be difficult to raise a concern. The Council will not tolerate the harassment or victimisation of anyone who has raised a concern in good faith. If you feel that this is happening to you, please tell us and we will treat such conduct seriously. The Council will encourage its contractors to do the same. Provided that you raise a concern honestly, you will not be at risk of losing your job or suffering any form of retribution for doing so even if you are mistaken.

Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue and such conduct may be liable to disciplinary action. Furthermore, if disciplinary action or redundancy procedures have already been started, raising a concern will not, of itself, halt them.

Your confidence

- 1.6 With these assurances, we hope you will raise your concern openly and in the normal way. However, we recognise that there may be some circumstances when you would prefer to speak to someone in confidence. If so, please say when you approach them.
- 1.7 Keeping your confidence means that if you ask us not to disclose your identity, we will not do so without your consent or unless we are legally required to do so. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Anonymity

- 1.8 Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.
- 1.9 If you are unsure about raising a concern openly or in confidence, you can get independent advice from Public Concern at Work on 0207 404 6609.

2.0 HOW TO RAISE A CONCERN

2.1 Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern. Remember the earlier you raise a concern the easier it is to resolve it. Your concerns may be about:

- That which makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Constitution and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

Step One

We hope that you will feel able to raise your concern openly with your manager. This may be done orally or, if you prefer, in writing.

Step Two

If you feel unable to raise the matter with your manager for whatever reason, or if you think the concern has not been properly addressed, please raise it with a senior manager in your area or one of the following officers:

Monitoring Officer
Internal Audit.

Step Three

If you still have a concern, or feel that the matter is so serious that it cannot be dealt with through steps One and Two, then please raise it with:

Chief Executive
Executive Directors
Heads of Service.

These people have been given special responsibility and training in dealing with whistle blowing concerns and in particular the Public Interest Disclosure Act 1998.

2.2 If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

You may invite your trade union representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

3.0 HOW WE WILL HANDLE THE MATTER

- 3.1 Once you have told us of your concern, we will confirm to you in writing that we have received it. We will then assess it and consider what action may be appropriate. This may involve an informal review, an internal enquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. Remember, our Employee Assistance Programme (EAP) is also there to help you if you feel you need any support. We will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern or there is any information missing please let us know.
- 3.2 We will try to establish, with you, how we can best preserve your privacy and how to communicate with you about your concern. We cannot guarantee that people may not either guess or deduce from other circumstances that it is you who expressed the concern.
- 3.3 When you raise the concern it will be helpful to know if you have ideas about how the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within the Grievance Procedure, we will tell you.
- 3.4 We accept that you may want to be assured that the matter has been properly addressed and whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about disciplinary or other action, when it infringes a duty of confidence we owe to third parties.
- 3.5 If you report a concern to your line manager and it is not satisfactorily explained at the time, it must be referred by the Manager in writing to the Monitoring Officer, or in his absence, the Deputy Monitoring Officer. The Monitoring Officer will acknowledge it in writing within two working days. If you do not hear you may approach the Monitoring Officer, directly.
- 3.6 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. By using this policy you will help us to achieve this.

4.0 INDEPENDENT ADVICE

- 4.1 If you are unsure whether to use this policy or you want independent advice at any stage, free advice is available from:
- Your Trade Union if applicable
 - Public Concern at Work either by telephone on 020 7404 6609, or by email at helpline@pcaw.co.uk
- 4.2 If you want advice from other sources, you will have to meet any expenses incurred.

5.0 EXTERNAL CONTACTS

- 5.1 While we hope this policy gives you the reassurance you need to raise a concern internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as to the Audit Commission or other appropriate regulator, or in very serious situations, to the police. If you do so, be careful not to disclose confidential or privileged information.
- 5.2 Public Concern at Work (or, if applicable, your union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

6.0 ADMINISTRATION

- 6.1 If you have any questions about the whistle blowing policy and how it applies, you can contact the Head of Organisational Development or the Monitoring Officer who will be pleased to answer your questions.
- 6.2 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy and will report to the Overview and Scrutiny Committee as part of its overall governance and risk management function. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality).
- 6.3 This policy was drafted in consultation with Public Concern at Work, taking into account the Public Interest Disclosure Act 1998 which protects genuine whistleblowers. A summary of the Act can be found at www.pcaw.co.uk/legislation
- 6.4 This policy will be reviewed annually by the Governance & Audit Committee.

See also:-

The Anti-Fraud and Corruption Policy and Response Plan
The Complaints Policy
The Councillors' Code of Conduct
The Officer Code of Conduct
The Council's Grievance Procedure
Employee Assistance Programme (EAP)