



# **Confidential Reporting (Whistleblowing) Policy**

## **Final**





## Confidential Reporting (Whistleblowing) Policy

# Document Control

Document Title: Confidential Reporting (Whistleblowing) Policy

### Summary

Publication Date	20 November 2020
Related Legislation / Applicable Section of Legislation	Various but predominantly The Public Interest Disclosure Act 1998
Related Policies, Strategies, Guideline Documents	Anti-Fraud and Corruption Policy
Replaces	Previous version
Joint Policy (Yes/No)	No
Name of Partner(s) if joint	N/A
Policy Owner (Name/Position)	Tony Brown, Audit Manager
Policy Author (Name/Position)	Tony Brown, Audit Manager
Applies to	All staff and Elected Members

### Review of Strategy

Last Review Date	20 November 2020
Review undertaken by	Tony Brown
Next Review Date	20 November 2021



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### Document Approvals

Last approved by Cabinet in March 2013, this document requires the following subsequent approvals for any minor cosmetic changes. More significant changes will be routed through an appropriate approval process such as Governance Board and/or Council Committees such as Audit & Governance and/or Cabinet.

Name	Title	Date of Issue	Version Number
Shaun Knowles	Head of Internal Audit		

#### 1 Introduction

- 1.1 Employees are in a good position to be aware of unacceptable behaviour or practice within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Employees may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concerns rather than report what may just be suspicions of unacceptable behaviour or practice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. To achieve these ends, it encourages freedom of speech. In line with that commitment, it is expected that employees who have serious concerns about any aspects of the Council's work should come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear to employees that they can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting (Whistleblowing) Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 This policy applies to all employees. For the purpose of this policy only, the term "employees" also includes contractors and suppliers working for or on behalf of the Council, on Council premises or elsewhere.

#### 2 Aims and scope of this policy

- 2.1 This Policy aims to:-
  - encourage employees to feel confident in raising serious concerns and to question and act upon concerns about unacceptable behaviour or practice within the Authority;
  - provide avenues for employees to raise those concerns and receive feedback on any action taken;
  - ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied; and



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- reassure employees that they will be protected from possible reprisals or victimisation if employees have a reasonable belief that they have made any disclosure in the public interest.

2.2 There are existing procedures to lodge a grievance relating to employment matters. The Confidential Reporting (Whistleblowing) Policy is intended to cover major concerns (for example, those that have a “public interest” aspect to them), that fall outside the scope of other policies/procedures. As such it may cover concerns such as:

- conduct which is an offence or a breach of the law;
- disclosures related to miscarriages of justice;
- damage to the environment;
- the unauthorised or inappropriate use of public funds;
- fraud, corruption and bribery;
- racial harassment, sexual or physical abuse of clients;
- vulnerable adult or child safeguarding concerns e.g. harm, neglect or abuse; and
- Modern Slavery or other unethical conduct.

2.3 The term “the public interest” is not defined in whistleblowing legislation. However something which is “in the public interest” may be summarised very simply as something which on balance serves the interests of the public more than it does not serve their interests.

2.4 Thus, any serious concerns that employees have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting (Whistleblowing) Policy. This may be about something that:-

- makes employees feel uncomfortable in terms of known standards, experience or the standards they 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.

### 3 Safeguards

#### Harassment and Victimisation

3.1 The Council is committed to good practice and high standards and wants to support employees in achieving good practice and high standards.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, employees should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) of a person expressing a concern and will take appropriate action to protect employees when they raise a whistleblowing concern in the public interest. Any staff found to have mistreated or victimised a person as a result of that person having made a whistleblowing disclosure, will be subject to disciplinary measures.

3.4 Any investigation into allegations of potential unacceptable behaviour or practice will not influence or be influenced by any disciplinary or redundancy procedures that already affect employees.



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### 4 Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of employees if they so wish. At the appropriate time, however, employees may need to come forward as witnesses.

### 5 Anonymous allegations

5.1 This policy encourages employees to put their names to their allegations whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Chief Executive, Monitoring Officer, Head of Human Resources or the Head of Internal Audit.

5.3 In exercising this discretion, the factors to be taken into account include:-

- the seriousness of the issues raised
- the credibility of the concerns, and
- the likelihood of confirming the allegations from attributable sources.

### 6 Untrue allegations

6.1 If employees make whistleblowing allegations in the public interest but it is not confirmed by the investigation, no action will be taken against them. If, however, employees make allegations frivolously, maliciously or for personal gain, disciplinary or other action may be taken against them.

### 7 How to raise a concern

7.1 ***As a first step, employees should normally raise concerns with their immediate manager or their supervisor.*** This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if employees believe that management is involved, they should approach the Chief Executive, Monitoring Officer, Head of Human Resources, or the Head of Internal Audit.

7.2 Concerns may be raised verbally or in writing. Employees who wish to put their complaints in writing should do so using the following format:-

- the background and history of the concerns (giving relevant dates whenever possible)
- the reasons why they are particularly concerned about the situation.

7.3 The earlier employees express their concerns, the easier it is to take action.

7.4 Although employees are not expected to prove the truth of allegations, they will need to demonstrate to the person contacted that there are reasonable grounds for their concerns.



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7.5 Advice and guidance on how to pursue matters of concern may be obtained from the Chief Executive, Monitoring Officer, Head of Human Resources Service or the Head of Internal Audit.

Chief Executive	01706 924702
Monitoring Officer	01706 924710
Head of Human Resources	01706 926245
Head of Internal Audit	01706 925497

If employees have a good reason to be unwilling to refer the matter of concern to one of the internal sources above, then section 9.1 contains details of how concerns can be reported elsewhere.

7.6 Employees may invite their trade union or professional association representative or workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised.

7.7 Concerns about a child safeguarding issue e.g. that a child may have suffered harm, neglect or abuse, can be reported to the Children's Social Care Service on 0300 3030440; or in an emergency contact the Police direct.

Adult safeguarding concerns can be reported to the Adult Care Service on 0300 3038886, or in an emergency contact the Police direct.

## 8 How the Council will respond

8.1 The Council will respond to the concerns of employees. Employees should remember that testing out their concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:-

- be investigated by management, Internal Audit or through the disciplinary process
- be referred to the Police
- be referred to the External Auditor

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries (normally led by Internal Audit) will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (see paragraph 2.2) will normally be referred for consideration under those procedures.

8.4 All reasonable efforts will be made to ensure that individuals directly or indirectly involved in any initial enquiries are made aware (as far as the need to maintain confidentiality permits) why those enquiries are taking place. The formal reporting relationship in cases of allegations made is between Internal Audit and Service Directors. As such, once informed by Internal Audit it is then service management's responsibility to ensure that staff within their service are aware and that staff support facilities are provided where necessary.



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- 8.5 It is stressed that there is no presumption of guilt of any officers at any stage in the initial enquiries process. Auditors are professionally bound to work independently with integrity and an open mind and are intent in examining processes and activities at this stage rather than officers personally.
- 8.6 The time frame for completing the initial enquiries cannot be specified easily as each situation is different and, in some cases further issues may arise which require follow up. Internal Audit will seek to ensure that this part of the process is carried out as expediently as possible yet without compromising on the thoroughness of the enquiry.
- 8.7 At the completion of the initial enquiries phase Internal Audit will formally report to the client Service Management (normally the Service Director), who will decide whether to invoke the Council's disciplinary procedures. Where evidence of wrongdoing is identified Internal Audit will make recommendation to that effect.
- 8.8 The Human Resources Service will provide advice and support to managers and staff by advising on support available e.g. the Council's Employee Assistance Programme.
- 8.9 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 conducted.
- 8.10 Within ten working days of a concern being received the Chief Executive, Monitoring Officer, Head of Human Resources, Head of Internal Audit or another designated officer will write to the complainant in those instances where the complainant has provided contact details :-
- acknowledging that the concern has been received;
  - indicating how it is proposed to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - indicating whether any initial enquiries have been made;
  - supplying information on staff support mechanisms, and
  - indicating whether further investigations will take place and, if not, why not.
- 8.11 The amount of contact between the officer considering the issues and the relevant employee 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 the relevant employee.
- 8.12 Where any meeting is arranged, off-site if the employee so wishes, the employee can be accompanied by a trade union or professional association representative or a workplace colleague.

## 9 How matters of concern can be taken further

- 9.1 This Policy is intended to provide employees with an avenue to raise concerns within the Authority. However, if employees are reluctant to raise their concern through internal channels, or if they feel that matters of concern previously reported have not been dealt with satisfactorily, then the following are possible contacts if they wish to take matters further:-
- Local Councillors – details of how to contact and surgery hours are on the Council's website [www.rochdale.gov.uk](http://www.rochdale.gov.uk).
  - Mazars - the Council's external auditors. They are completely independent from the Council and can be contacted on 0161 238 9200 or by writing to them at 1 St. Peter's Square, Manchester, M2 3DE.



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- Relevant professional bodies.
- Solicitors.
- Greater Manchester Police – Tel No. 101.
- Protect - An independent whistleblowing authority which seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace. Contact details are on their website at [www.protect-advice.org.uk](http://www.protect-advice.org.uk).

9.2 If employees take matters outside the Authority, it will be necessary to ensure that they do not disclose confidential or legally privileged information. As such, it is advisable that employees take appropriate advice before proceeding.

9.3 If employees make allegations frivolously, maliciously or for personal gain, then disciplinary or other action may be taken against them.

### 10 Equality and Diversity

10.1 Service Directors and employees are responsible for ensuring that they operate this Whistleblowing Policy in line with the Council's Equality and Diversity Policy, in order to provide equality of opportunity for all employees.

10.2 The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. This policy will be available equally to all employees irrespective of their background or membership of a particular group.

10.3 In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.

10.4 The Council will regularly review this policy's impact on any equality and diversity issues, and will identify any inequalities by monitoring and will take appropriate action where necessary.

### 11 Review

11.1 Rochdale Council will continue to review its rules and procedures and will make sure that the Confidential Reporting (Whistleblowing) Policy is regularly reviewed to ensure it stays current, appropriate and effective.

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