



worcestershire
countycouncil



Guidance

for

All

human resources

**Confidential
Reporting
(Whistleblowing)
Policy**

Human Resources

(01905) 766215

Issued: March 2002

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

Introduction

People working within organisations are often the first to realise that there may be something seriously wrong in the place in which they work. They may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues, to their school or to the Council. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Worcestershire County Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the County Council who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

Aims of the Policy

This Policy is designed to encourage and enable you to be able to raise concerns you might have about the way the County Council conducts its business. It does this by providing you with an opportunity to raise concerns which you reasonably believe point to serious malpractice within the County Council in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Your concerns may relate to the improper, unethical or illegal conduct of employees, Governors, County Councillors or others acting on behalf of the Council. Some examples of serious malpractice include:

- conduct which is an offence or a failure to comply with a legal obligation;
- disclosures on miscarriages of justice;
- endangering the health and safety of pupils, members of the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients or other workers;
- any concern over the welfare of pupils or looked after children;
- deliberate concealment of malpractice; and
- other unethical conduct;

This list is not exhaustive.

Victimisation or harassment of anyone using this policy or if anyone tries to discourage others from coming forward will be deemed to be a disciplinary matter.

This Policy complements complaints and statutory reporting procedures already in place for service users and non-employees and reflects the legal protection afforded by the Public Interest Disclosure Act 1999. It is not designed to be a substitute for the County Council's grievance or harassment policies. If you have concern unrelated to malpractice, please use the County Council Grievance or Harassment Procedure as appropriate, copies of which are available from your Directorate Human Resources Team.

Who is covered by the Policy?

The Policy applies to you if you are an employee, a statutory office holder, a councillor, contractor or anyone working for or on behalf of the Council.

Who is responsible for the Policy?

The Chief Executive and the Monitoring Officer who is the Director of Corporate Services have overall responsibility for the maintenance and operation of this policy. Their role is to ensure that the matter is investigated properly and to maintain a record of concerns raised together with outcomes and they will report as necessary to the County Council without jeopardising confidentiality.

How to Raise a Concern

Step 1

If you have a concern about malpractice, the County Council hopes that you will be able to raise the matter with your immediate manager or his/her line manager. If you have a concern which is related to child abuse or the abuse of adult clients, you may wish to raise it respectively with either the Unit Manager, Child Protection, Planning and Review or through the Adults at Risk Procedure as appropriate, both of which are within the Social Services Directorate

Concerns may be raised verbally and/or in writing. If you wish to make a written report the Council recommends that you include in your letter, the background and history (giving relevant dates) and give the reason why you are particularly concerned about the matter. You may also wish to seek advice from your trade union representative at this stage.

However, if you feel unable to raise the matter with your line manager due to the seriousness and sensitivity of the issues involved, or if you believe that your senior manager may be involved, or you are not an employee and do not have a line manager within the Council you should approach either the Chief Executive, Financial Services Director, Internal Auditor, County Councillor or contact your Human Resources Manager. If you have a concern about any financial loss or irregularity you should raise this directly with the Internal Auditor. If your concern relates to either the conduct of a Councillor or to the working relationship between an officer and a Councillor, you may wish to raise it with the Chairman of the County Council Standards and Ethics Committee.

If you are personally involved in the matter you raise, please tell us at the outset. If you are a member of staff you may invite your trade union, a member of staff from Human Resources or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

Step 2

If you have followed these channels and you still have concerns or you feel you are unable to discuss the matter with any of the nominated officers listed above, please contact: either the Monitoring Officer, who is the Director of Corporate Services or one of the Deputy Monitoring Officers either the Head of Member and Administrative Services, or Head of Legal Services.

How the County Council Will Handle the Concern

The County Council will respond promptly to your concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. We will tell you who is handling the matter (the Responsible Officer), how you can contact them and whether any more assistance from you will be required. In any event within 7 working days of a concern being raised, the Responsible Officer will

write to you acknowledging that your concern has been received. The letter will also inform you of any relevant staff support mechanisms and agree arrangements for keeping you informed.

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

Thereafter, the Responsible Officer will keep you informed of progress and the outcome of any investigations or decisions on the matter including the content of any reports written.

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.

Step 3 - Raising a Concern Externally

While we hope that this Policy gives you the confidence to raise your concern with County Council officers, we would prefer that you raised your concern with the proper external regulator rather than not at all.

If you act in good faith and genuinely and you reasonably believe that both the malpractice falls within the remit of a regulator and the information disclosed is substantially true, you may also contact the following prescribed regulators:

- the Health and Safety Executive for health and safety dangers;
- the Environment Agency for environmental dangers;
- the Audit Commission or External Auditor for concerns associated with conduct of business, value for money, fraud and corruption; or
- the Data Protection Registrar.

Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with internally because either your complaints have been ignored, you believe that information will be concealed or destroyed or you will be subjected to victimisation and have evidence to back up your belief, you may consider it appropriate to contact a non-regulatory external body for example the police. You are strongly advised to seek independent advice before you raise any issue outside the County Council. A list of contacts is given in the section below entitled Further Advice.

Confidentiality

The Council undertakes to protect your identity and we will not disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (e.g. the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

Untrue Allegations

If you make an allegation in good faith, but the evidence produced during the investigation does not substantiate it, no action will be taken against you. If, however, you are an employee or statutory office holder and you make an allegation maliciously or for personal gain, this may result in disciplinary action taken against you. If you are a Contractor or you are employed by another organisation but

working on behalf of the County Council and you make an allegation maliciously or for personal gain this may result in you being removed from the approved list of contractors or the Council may discontinue using your services.

The Role of the Trade Unions

County Council trade unions are committed to the effective use of this policy. If you are considering raising concerns using this procedure you may wish to seek advice from your trade union representative before doing so, particularly if you believe that the only course of action open to you is to raise your concern with an external body.

Further Advice

You may of course seek advice from any of the Council's officers listed below:
The Chief Executive, Director of Financial Services, Monitoring Officer (the Director of Corporate Services), Internal Auditor, Deputy Monitoring Officers (the Head of Member and Administrative Services or Head of Legal Services), Central Health and Safety Officer or the Head of Human Resources.

However, if you want independent advice at any time you may contact your trade union or the independent charity, Public Concern at Work on 0207 404 6609 or email them on whistle@pcaw.demon.co.uk. Their lawyers will give you free confidential advice at any time on how to raise a concern about serious malpractice at work.

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