



BARNSTAPLE TOWN COUNCIL

Whistleblowing Policy

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

In accordance with best practice, the Council has adopted a Confidential Reporting (Whistleblowing) Policy and Procedure, as recommended by the Local Government Association and other bodies.

The aim of the policy is to enable employees to disclose allegations of malpractice internally, without fear of recrimination.

All employees will be aware of the damage that can be caused to the Council's reputation by wrongful activities and behaviour. Employees are therefore, encouraged to report malpractice (whether by other employees, contractors, the public or Members of the Council), in the knowledge that reports will be taken seriously and swift action will be taken.

Employees should be aware of all practices that are considered to be unacceptable in the Employee Handbook, and Managers should regularly bring this to the attention of their staff. New employees will be given a copy of the Handbook during their induction process. Normally, employees should raise concerns via the Town Clerk. However, where they perceive that such a course of action is not appropriate, they should raise the matter with Internal Audit, either by telephone or in writing, marked "Private & Confidential".

The Council will protect the confidentiality of all matters raised by concerned employees. Managers will be trained to ensure that they will be open to employees approaching them with concerns and are aware of how to act. Managers have an absolute duty to act on employees concern and failure to do so will be treated as misconduct.

Deterring an employee from raising a concern about fraud or abuse will be considered as a serious misdemeanor.

Abuse of the system by making malicious allegations will be considered a serious offence under the Conduct and Behaviour Policy.

Employees who have reported matters will be kept informed of the results of investigations or actions taken. However, care will be taken to protect the confidentiality of third parties or disclosure of information that might jeopardise ongoing investigations.

CONFIDENTIAL REPORTING CODE (Whistleblowing)

1. PREAMBLE

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with the commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to 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 that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting 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 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.
- 1.5.1 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures, applying to some departments. You are responsible for making service users aware of the existence of these procedures.
- 1.5.2 This policy has been discussed with the relevant trade unions and has their support.

2. UNTRUE ALLEGATIONS

- 2.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

3. HOW TO RAISE A CONCERN

- 3.1 As a first step, you should normally raise concerns with your immediate manager or their Superior. This depends, however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved you should approach the Town Clerk, Finance Officer or Independent Internal Auditor.
- 3.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format: -
- The background and history of the concern (giving relevant dates);
 - The reason why you are particularly concerned about the situation
- 3.3 The earlier you express the concern the easier it is to take action.
- 3.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 3.5 Obtain service/guidance on how to pursue matters of concern, advice may be sought:

Town Clerk
Finance Officer
Independent Internal Auditor

- 3.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 3.7 You may invite your trade union, professional association representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

4. HOW THE COUNCIL WILL RESPOND

- 4.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 4.2 Where appropriate, the matters raised may:-
- be investigated by management, internal audit, or through the conduct and behaviour process.
 - be referred to the police.
 - be referred to the external auditor.
 - form the subject of an independent inquiry.

- 4.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries 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 (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.
- 4.4 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.
- 4.5 Within ten working days of a concern being raised, the Town Clerk will write to you:-
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 4.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 4.7 Where any meeting is arranged, off-site if you wish, you can be accompanied by a union or professional association representative or a colleague.
- 4.8 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 a criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 4.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

5. THE RESPONSIBLE OFFICER

5.1 The Town Clerk has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-

- Your local Council Member (if you live in the Council area)
- The external Auditor
- Relevant professional bodies or regulatory organisations
- Your solicitor
- The Police

The Council has determined that the external contact point should be the District Auditor, who can be contacted at:-

Complaints & PIDA Manager
Audit Commission
Westward House
Lime Kiln Close
Stoke Gifford
Bristol
BS34 8SR

Confidential Public Interest Disclosure Line : 0845 052 2646

6.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

Review: annually. Date of next review: Sept 2016