

CITY OF PLYMOUTH

Subject: Whistleblowing Policy

Committee: Audit Committee

Date: 24 September 2007

Cabinet Member: Cllr Bowyer

CMT Member: Director of Corporate Resources

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Part: I

Executive Summary:

Since its launch, the Committee on Standards in Public Life headed by Lord Nolan, has continued to highlight the role whistleblowing plays “both as an instrument of good governance and a manifestation of a more open culture”. In a report on whistleblowing best practice published in May 1996, the Committee stated that “all organisations face the risks of things going wrong or of unknowingly harbouring malpractice. Encouraging a culture of openness within an organisation will help: prevention is better than cure.”

The Council’s “Public Interest Disclosure Act 1998 – Confidential Reporting Code” was implemented in June 2000 as a result of The Public Interest Disclosure Act 1998 which came into force on July 1999. This policy has been reviewed and updated in line with best practice and re-named the Whistleblowing Policy. The revised version is included in Appendix 1.

Corporate Plan 2007-2010:

The work of Internal Audit assists the Authority in maintaining high standards of public accountability and sound governance. The Section has a role in promoting good governance and works to deter and facilitate early detection of malpractice.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

None.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None.

Recommendations & Reasons for recommended action:

The Audit Committee are recommended to approve the proposed Whistleblowing Policy attached to this report.

Alternative options considered and reasons for recommended action:

None. The Authority needs to maintain a Whistleblowing Policy which complies with best practice. Failure to do so would be contrary to the requirements of the Public Interest Disclosure Act 1998, and would fail to meet the mandatory Key Lines of Enquiry (KLOE's) for the CPA Use of Resources Assessment.

Background papers:

Public Interest Disclosure Act 1998.
PCC Policy – “Public Interest Disclosure Act 1998 – Confidential Reporting Code”
June 2000

Sign off:

Head of Fin	AB	Head of Leg	DS	Head of HR	GM	Head of AM		Head of IT		Head of Strat Proc	JC
Originating SMT Member Chief Auditor											

1. Background

- 1.1 Plymouth City Council is committed to the highest possible standards of openness, probity and accountability in all of its activities. In line with this commitment, the Public Interest Disclosure Act 1998 – Confidential Reporting Code, which was implemented in June 2000 as a result of The Public Interest Disclosure Act 1998, has been reviewed and updated in line with best practice and re-named the Whistleblowing Policy.
- 1.2 This policy supports the Council's Anti Fraud and Corruption Policy, and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees and contractors working for the Authority to raise serious concerns within the Council, irrespective of seniority or status, rather than overlooking a problem or reporting the matter externally. The policy aims to ensure that employees are protected from possible reprisals or disadvantage where they have raised a concern or disclosed information in good faith.

2. Revision of Policy

- 2.1 One of the objectives in revising the policy has been to take into account the requirements of the CPA Use of Resources, Internal Control Key Lines of Enquiry (KLOE's) 2006/07 which specify:-

Level 2 (Mandatory): "There is a whistleblowing policy which has been communicated to staff and those parties contracting with the Council."

Level 3 (Mandatory): "The whistleblowing policy is publicised within the council and demonstrates the council's commitment to providing support to whistleblowers."

Level 4: "The council has a track record for effective action in response to whistleblowing disclosures. There are periodic reviews of the effectiveness of the whistleblowing arrangements, and there are effective arrangements for receiving and acting upon disclosures from members of the public."

- 2.2 The wording in the proposed policy has been simplified and the title changed from Public Interest Disclosure Act 1998 – Confidential Reporting Code to Whistleblowing Policy so that it is more easily identified and understood.
- 2.3 The proposed policy has been compared with those of London Borough of Bexley, Dorset County Council and Sunderland City Council, all 4-star authorities whose CPA direction of travel has been assessed as 'improving well'.

3. Consultation

- 3.1 The Head of Legal Practice, the Head of Human Resources, the Audit Commission and Grant Thornton, the newly appointed external auditors to the Authority, have all been consulted on the content of the proposed Whistleblowing Policy.
- 3.2 The Audit Commission have reviewed the document and compared it against their Public Interest Disclosure Act guidance and, their own Whistleblowing Policy, and are satisfied that it includes all the requisite information.
- 3.3 Grant Thornton also confirmed that the main headings and contents were satisfactory but did recommend that the policy should include “Review and Monitoring”, “Approval for Policy” and any “Related Policies and Documents”. These details have been added at paragraphs 10, 11 and 12 of the document.
- 3.4 The trade unions will also be consulted before the proposed policy is presented to Audit Committee for approval.

4. Communication

- 4.1 If approved by Audit Committee, Corporate Communications have agreed to launch the policy on Staffroom, in the Upfront newsletter and to include details in the next available Team Briefing.

5. Monitoring and Review

- 5.1 The policy is to be reviewed and monitored every two years and will be presented to Audit Committee for approval.
- 5.2 The number of concerns raised by whistleblowers will be monitored and will be included in future reports to Audit Committee.

6. Recommendations

- 6.1 Audit Committee are recommended to approve the proposed Whistleblowing Policy attached to this report.

WHISTLEBLOWING POLICY

1. POLICY STATEMENT

This policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and supports the Council's Anti Fraud and Corruption Policy.

Plymouth City Council is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees.

Any employee who has a serious concern about any aspect of the Council's work or the actions of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

The Council aims to encourage all its employees to feel confident in raising serious concerns and provide appropriate avenues for dealing with them. It aims to ensure that employees are protected from possible reprisals or disadvantage where they have raised a concern or disclosed information in good faith.

2. AIMS AND SCOPE OF THE POLICY

2.1 This Policy aims to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns;
- provide avenues for employees to raise these concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are dissatisfied with the Council's response; and
- reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.

2.2 This policy applies to all employees and those contractors working for the Council. Employees include staff working for the Council on a temporary basis, casual or seasonal workers and trainees. It also covers agency workers and suppliers and those providing services under a contract with the Council in their own premises.

2.3 There are existing procedures in place to allow staff to lodge a grievance relating to their own employment within the Council's [Grievance Policy and](#)

[Procedure](#). The Council also has a separate [Whistleblowing Policy](#) for Foster Carers.

2.4 This policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about the following:

- A criminal offence that has been, is being, or is likely to be committed;
- Fraud and Corruption;
- Unauthorised use of Public Funds;
- A failure to comply with a legal obligation;
- A health and safety risk relating to any individual;
- A miscarriage of justice;
- A damage to the environment;
- Actions that are contrary to the Council's Standing Orders, Financial Regulations or any other approved policies;
- Actions or behaviour that falls below established standards of practice;
- Abuse and welfare of clients and/or staff;
- Harassment or victimisation of either staff or clients;
- Any actions or concerns regarding practice that could result in a financial loss to the Authority;
- The deliberate concealment of information relating to any of the above matters;
- Other unethical conduct.

(This list is not exhaustive)

3. SAFEGUARDS

3.1 Harassment or Victimisation

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, or suspected of, the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their 'Whistleblowing'.

3.2 Confidentiality

The Council will do its utmost to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be realised and appreciated, however, that the investigation process itself may well reveal the source of the information, and, depending on the outcome, a formal statement by the individual may be required as part of the evidence.

3.3 Anonymous Allegations

This policy is designed to encourage staff to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

3.4 Untrue Allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

4. RAISING A CONCERN

4.1 Employees are encouraged to report any concerns to one of the following persons. They are listed in order of preference. However, if the employee believes that any of these persons are implicated in the concern they are raising they should feel free to report to the next most preferred person:

1. Line Manager;
2. Head of Service;
3. Director;
4. Chief Executive.

4.2 Employees who are unsure about reporting or do not feel at ease raising the concern through the above route are encouraged to seek advice from one of the following:

- The Chief Auditor on 306712 or 306711;
- The Head or Assistant Head of Legal Services on 306116 or 306113;
- The Head of Human Resources on 304890.

4.3 Employees may also invite their Trade Union or professional association to raise the concern on their behalf.

4.4 Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is concerned about the situation. Those who do not feel able to put their concerns in writing may raise the matter verbally with the appropriate officer.

4.5 Although staff are not expected to prove the truth of their concern, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

5. HOW THE COUNCIL WILL RESPOND

5.1 Within 10 working days of a concern being received, the Council will write to the employee

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matter;
- Telling the employee whether any initial enquiries have been made;
- Telling the employee whether further investigations will take place, and if not, why not.

5.2 The action taken by the Council will depend on the nature of the concern.

The matters raised may

- Be investigated internally;
- Be referred to the Police;
- Be referred to the External Auditors;
- Form the subject of an independent inquiry by the Ombudsman.

5.3 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 or allegations which fall within the scope of other, existing, procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.4 Some concerns may be resolved without the need for investigation.

5.5 The amount of contact between the Managers considering the issues raised and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

5.6 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

5.7 The Council will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if members of staff are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.

5.8 The Council accepts that members of staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, members of staff will receive information about the outcomes of any investigations.

6. FOLLOWING UP CONCERNS RAISED

6.1 Whatever method of raising a concern has been chosen, effective and efficient communication and support systems are fundamental to the success

of the policy and in giving employees confidence that issues which they raise will be thoroughly and conscientiously investigated.

6.2 Managers, Councillors or Trade Union Representatives who have concerns raised with them should notify Internal Audit immediately, if the concern / allegation involves either potential fraudulent practice or activity that could result in a financial loss to the Authority.

6.3 Similarly, if a concern raises issues relating to employee or client welfare, Human Resources should be notified or issues of legality, Legal Services should be notified at the earliest possible opportunity.

7. RESPONDING TO CONCERNS RAISED

7.1 The Council will respond in any situation where individuals have raised a concern under the procedure outlined above. In order to protect individuals and any person(s) accused, initial inquiries will be made to establish whether a formal investigation is appropriate and, if so, what form it should take.

7.2 The initial inquiry will normally be conducted by the Manager with whom the concern was initially raised. Managers should consult with Internal Audit if they have any queries or wish to discuss the matters raised before taking any action.

7.3 The role of Councillors and Trade Union Representatives in this process will be to act as an independent contact point, receiving and passing on relevant information. It is not envisaged that Councillors or Trade Union Representatives will either lead, or be involved, in actual investigations, although they will be kept informed in respect of relevant progress made in respect of specific allegations.

7.4 Some concerns will be resolved without the need for a formal investigation. Where a formal investigation is required, it is likely to take the form of an investigation by a senior manager or Internal Audit. In certain cases, the matters raised may be referred to the Police or the Council's external auditors for investigation or an independent inquiry could be set up.

7.4 The overriding principle that the Council will consider in investigating any issue is the public interest. Concerns or allegations that fall within the scope of existing Council procedures, such as disciplinary matters or child protection, will normally be referred for consideration under those procedures.

8. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT

8.1 This policy is intended to provide staff with an avenue to raise concerns within the Council. If an individual feels it is right to take the matter outside this process, the following are possible contact points:

- The local Council member (if you live in the area of the Council);
- The External Auditor;

- Relevant professional bodies or regulatory organisations;
- Individuals' solicitors;
- A relevant charity or voluntary organisation; such as Public Concern at Work, who can be contacted on 0207 404 8009 or helpline@pcaw.co.uk
- The Police.

8.2 If a member of staff does take the matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. This should be checked with one of the designated contact points, Internal Audit, Legal Services , Human Resources or if preferred, an outside organisation such as the Ombudsman.

9. THE RESPONSIBLE OFFICER

9.1 The Chief Auditor has overall responsibility for the maintenance and operation of this policy.

9.2 The Chief Auditor will maintain a record of concerns raised and the outcomes (in an anonymous format) and will report as necessary to the Audit Committee.

10. REVIEW AND MONITORING

This policy is to be reviewed and monitored every 2 years. The next review date is September 2009. The Chief Auditor will monitor this policy.

11. APPROVAL FOR THIS POLICY

This policy was approved by the Audit Committee on .

12. RELATED POLICIES AND DOCUMENTS

- Anti Fraud and Corruption Policy
- Grievance Policy and Procedure
- Code of Conduct for Employees
- Complaints Policy
- Corporate Equalities Policy
- Employee Handbook
- Public Interest Disclosure Act 1998