

CITY OF PLYMOUTH

Subject: Updated Whistleblowing Policy
Committee: Audit Committee
Date: 13 June 2013
Cabinet Member: Councillor Lowry
CMT Member: Director for Corporate Services
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Ref: AUD/RH
Key Decision: No
Part: I

Purpose of the report:

An updated Whistleblowing Policy was approved by Audit Committee in July 2010 and that policy has now been subject to a further refresh. Whilst it has not been necessary to make any material changes to the current policy, the opportunity has been taken to update the monitoring arrangements in para 8.2 to help ensure that all instances of whistleblowing are recorded and monitored.

The Whistleblowing Policy applies to all employees and contractors working for the Council, including temporary, 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.

Whilst there is no legal requirement to set up or promote a Whistleblowing policy, it demonstrates good governance and a more open culture within the organisation.

Corporate Plan 2012-2015:

The work of the internal audit service is an intrinsic element of the Council's overall corporate governance, risk management and internal control framework. The Whistleblowing Policy promotes good governance and can play an important role in deterring and detecting malpractice and in building public trust which contributes to the delivery of the Council's core objectives.

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

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

None

Recommendations & Reasons for recommended action:

It is recommended that:-

1. The revised Whistleblowing Policy be approved.

Alternative options considered and reasons for recommended action:

None. The Authority needs to maintain and promote the Whistleblowing Policy to comply with best practice and to ensure a high level of awareness of, and confidence in, the Council's whistleblowing arrangements.

Background papers:

Public Interest Disclosure Act 1998
PCC Whistleblowing Policy

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Robert Hutchins, Head of Devon Audit Partnership											

WHISTLEBLOWING POLICY

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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](#).

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 an employee 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 306710;
- The Head of Legal Services on 306116;
- The Assistant Director for HR & Organisational Development on 308581.

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 ten working days of a concern being received, the Council will contact 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. Where a formal investigation is required, it is likely to take the form of an investigation by a 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

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 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 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.

5.9 If an employee is not assured that the matter has been properly addressed, they should contact the Chief Auditor, or consider an alternative method of taking forward a complaint as per paragraph 6.1.

6. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT

6.1 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.

6.2 If an employee 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.

7. THE RESPONSIBLE OFFICER

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

7.2 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.

8. REVIEW AND MONITORING

8.1 This policy is to be reviewed and monitored every 2 years. The next review date is June 2015

8.2 The Chief Auditor will monitor this policy. In this regard managers, councillors and trade union representatives must inform Internal Audit immediately should concerns falling under the scope of this policy be raised with them.

9. RELATED POLICIES AND DOCUMENTS

- Anti Fraud and Corruption Policy
- Anti-Bullying and Harassment Policy
- Code of Conduct for Employees
- Complaints Policy and form
- Employee Handbook 2013
- Public Interest Disclosure Act 1998
- Whistleblowing guide