

WHISTLEBLOWING POLICY

Devon Audit Partnership - December 2018



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WHISTLEBLOWING POLICY

1. POLICY STATEMENT

- 1.1 Plymouth City Council is committed to the highest possible standards of honesty, openness and accountability in public life.
- 1.2 All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. We have a duty to identify and take measures to remedy all malpractice, particularly regarding issues of fraud and corruption, and this policy has been developed to help employees share concerns that they may have. The policy has been developed in accordance with the provisions of the [Public Interest Disclosure Act 1998](#) and in support of the Council's Anti-Fraud, Bribery and Corruption Policy.
- 1.3 By promoting a culture of openness within the Council, we want to encourage individuals to feel confident and come forward to raise both disclosures and serious allegations of wrongdoing; this may involve the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities. Disclosures can be made through established internal channels, without fear of victimisation, detriment or risk to job security.

2. SCOPE AND AIMS OF THE POLICY

2.1 In Scope

This whistleblowing policy applies to all [employees](#) and Councillors of Plymouth City Council, including temporary and agency staff.

Whilst this policy also extends to any other individual who wants to raise an allegation of perceived wrong doing, including consultants, contractors, sub-contractors who are engaged in work for the Council, workers who are not direct employees of Plymouth City Council may not receive the same protection under the Public Interest Disclosure Act.

Although the Council will endeavour to provide appropriate advice and support wherever possible in this eventuality, it is recommended that advice is sought from a trade union representative or from Protect (formerly Public Concern at Work) an independent charity set up to provide advice and guidance about whistleblowing issues. Contact details for [Protect](#) are given in Section 10 below.

2.2 Out of Scope

If your concern relates to your own treatment as an employee, you should raise the matter under the Council's Grievance Policy.

If a customer of the Council has a concern about services provided to him/her, it should be raised as a complaint to the Council.

2.3 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, Bribery or 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)

2.4 This Policy aims to:

- Encourage employees, councillors and contractors 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
- Provide reassurance that there will be protection from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.

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 because of their 'Whistleblowing'.

3.2 Confidentiality

The Council will do its utmost, subject to any over-riding legal obligations, 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. If you do not tell us who you are, it will be much more difficult for us to protect an individual's identity or to give feedback. 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 considered 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, reasonably believing it to be true, 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 Initially, employees are encouraged to raise concerns with:

- their immediate manager or their superior; or
- for school staff, with the Headteacher or Chair of Governors.

If this is not considered appropriate due to the nature of the concerns, the individual can raise their concerns with:

- A Head of Service;
- A Service Director;
- A Strategic Director;
- The Chief Executive.

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

- The Head of Devon Audit Partnership;
- The Head of Legal Services;
- Service Director for Human Resources & Organisational Development.

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 should be set out, giving names, dates and places where possible, 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 relevant Service Director from 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 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 by Devon Audit Partnership. 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 Trade 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 Head of Devon Audit Partnership, or consider an alternative method of taking forward a complaint as per 6.1 below.

6. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT

6.1 This policy is intended to provide employees with an avenue to raise concerns within the Council. If an individual is not satisfied, and feels it is right to take the matter outside this process, possible contact points are listed below including Protect (formerly Public Concern at Work), an independent charity set up to provide advice and guidance about whistleblowing issues.

- 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;
- 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, Devon Audit Partnership, Legal Services, Human Resources or if preferred, an outside organisation such as the Ombudsman or Protect.

7. THE RESPONSIBLE OFFICER

7.1 The Head of Devon Audit Partnership has overall responsibility for the maintenance and operation of this policy.

7.2 The Head of Devon Audit Partnership will maintain a record of concerns raised and the outcomes (in an anonymous format) and will report as necessary to the Audit and Governance Committee.

8. REVIEW AND MONITORING

8.1 This policy is to be reviewed and monitored every 2 years; the next review date is October 2020.

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

9. RELATED POLICIES AND DOCUMENTS

- Anti-Fraud, Bribery and Corruption Policy
- Anti-Fraud, Bribery and Corruption Strategy and Response Plan
- Anti-Bullying and Harassment Guidance
- Grievance Policy
- Employee Handbook

10. KEY CONTACT INFORMATION

Devon Audit Partnership:	Internal Audit Team Tel: 01752 306710 Email: intaudit@plymouth.gov.uk
	Counter Fraud Team Tel: 01752 304450 Email: corporate.fraud@plymouth.gov.uk
Legal Services:	Tel: 01752 304330
Human Resources (HR):	HR Helpdesk Tel: 01752 304444 - Option 5
Protect (formerly Public Concern at Work)	Tel: 020 3117 2520
	Website: https://www.pcaw.org.uk/advice-line/
Local Government and Social Care Ombudsman	Tel: 0300 061 0614
	Website: https://www.lgo.org.uk