

FAREHAM

BOROUGH COUNCIL

"Whistleblowing" (Confidential Reporting) Policy

**OCTOBER 2013
(amended)
Previously updated:
February 2013
June 2010
June 2006
November 2003
February 2000**

1. INTRODUCTION

The Council is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment it expects and encourages employees and others that it deals with (including contractors) who have serious concerns about any aspect of the Council's work to come forward and voice these concerns ("whistleblowing").

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 making a formal complaint would be disloyal to their colleagues, their managers or to the Council or they may fear harassment or victimisation.

This Confidential Reporting or "Whistleblowing" Policy is intended to encourage and enable employees to raise serious concerns within the Council without fear of reprisal.

This Policy which reflects the provisions of the Public Interest Disclosure Act 1998 (the "Act") has been discussed with the relevant trade unions and has their support.

The Act protects workers from dismissal or victimisation if they disclose information about wrongdoing by their employer or colleagues providing:

- The disclosure is made in the public interest;
- It is believed to be substantially true;
- The worker does not act maliciously or make false allegations;
- The worker does not seek any personal gain

This policy aims to:

- Encourage employees to feel confident in raising serious concerns.
- Provide avenues for employees to raise those concerns and receive feedback on any action taken.
- Ensure employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassure employees that they will be protected from possible reprisals or victimisation for whistleblowing if they have made a disclosure in the public interest and reasonably believe something is wrong.

Serious concerns which an employee may have could include:

- Conduct which is a legal offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and Safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of Council funds

- Action that is contrary to the Council's Standing Orders and policies or contract regulations
- Possible fraud, corruption or financial irregularity
- Practice which falls below established standards or practice
- Sexual or physical abuse or neglect of clients
- Other unethical conduct

2. SAFEGUARDS

Harassment or Victimisation

It can be a difficult decision to report a concern, particularly if employees are worried about the consequences of doing so. However, if what employees are saying is true, they should have nothing to fear because they will be complying with the Council's requirements.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern.

Confidentiality

The Council will do its best to protect an employee's identity when he/she raises a concern and does not want their name to be disclosed, for example it is sometimes possible to edit information from a witness statement, which would otherwise identify the witness, whilst still keeping the information required.

Every effort will be made to protect confidentiality and this will be discussed with the employee raising the concern.

This policy encourages employees to put their name to their allegation whenever possible because concerns expressed anonymously are much less powerful.

Untrue allegations

If an employee raises a concern under this Policy and has reasonable grounds for believing it to be true but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or in pursuit of a personal grudge or for personal gain, then disciplinary action may be taken against them.

3. PROCEDURE

How to raise a concern internally

As a first step, an employee should normally raise a concern with their immediate manager or their supervisor. This depends, however, on the nature of the issue and who is involved. For example, if an employee believes that management or Councillors are involved, then he/she should approach any of the following as appropriate to the nature of the concern:-

Chief Executive Officer
Any Director
Head of Personnel and Development
Head of Audit & Assurance

Concerns may be raised verbally or in writing. If making a written report, it would be useful to include as much information as possible such as relevant times, dates, places, incidents or observations and witnesses. It would be helpful if the background and history of the concern was set out, names of those involved and the reason why the situation causes particular concern. The earlier the concern is expressed the easier it is to take action.

A "Report a Concern" form on SID is available for submission electronically and this will be treated confidentially.

Advice and guidance on how matters of concern may be pursued can be obtained from the officers mentioned above.

An employee may wish to consider discussing his/her concern with a colleague who has had the same experience or concerns and then raise the matter together.

An employee may have a trade union representative or other employee of the Council present during discussions.

How the Council will respond

The Council will take all reasonable steps to ensure that as soon as possible after a concern is received, initial enquiries are made to decide whether an investigation is appropriate and, if so, what format it should take.

Where it is considered appropriate, the matter may be referred to external agencies: e.g. the Police, external auditor or through some other form of independent inquiry.

The amount of contact between the officers considering the issue and the employee will depend on the nature of the matters raised. If necessary, further information will be sought from the employee.

Where applicable, subject to any legal constraints, an employee will be kept informed as to what is happening, who is handling the matter and how the person can be contacted. This can be confirmed in writing if requested.

The relevant senior officer will take steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the relevant senior officer will advise him/her about the procedure.

The Council accepts that an employee needs to be assured that the matter has been properly addressed. Thus, where applicable, subject to legal constraints, an employee will be informed of the outcomes of any investigations.

How the matter can be taken further

This policy is intended to provide employees with a way to raise their concerns **within** the Council. The Council hopes employees will be satisfied with any action taken. If, however, employees are not satisfied with any action taken and, as a last resort, feel it is right to take the matter **outside** the Council, the following are possible contact points:

- The external auditor - Kate Handy, Director, Ernst and Young LLP. Tel 07867 152471. KHandy@uk.ey.com
- A trade union representative
- Relevant professional bodies or regulatory organisations
- A legal adviser
- The police

An employee may choose to raise the matter with an external body (prescribed person) regardless of whether they have raised their concerns

within the Council. If employees do take the matter outside the Council, they should take great care that they do not disclose confidential information.

A full list of prescribed persons is available [here](#).

Free advice is available to employees wishing to raise concerns from “**Public Concern at Work** Telephone (0207 404 6609) e-mail helpline@pcaw.co.uk or look at www.pcaw.co.uk.

Maintenance and Review of the Policy

The Monitoring Officer* has overall responsibility for the maintenance and operation of this policy. He/She will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary on the implementation of the policy.

The policy will be kept under review to reflect any changes in legislation, guidance and application of best practice.

*The Monitoring Officer is the Director of Regulatory and Democratic Services.