



CONFIDENTIAL REPORTING CODE

WHISTLEBLOWING

POLICY STATEMENT AND PROCEDURE

01 March 2010

POLICY STATEMENT AND PROCEDURE

This policy statement and procedure is based on the model code developed by the Local Government Management Board. It complements the “Code of Conduct for Local Government Employees” Paragraph 1.1 of the Code of Conduct for Local Government Employees states: “Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager, any impropriety or breach of procedure.”. It should not be used to deal with matters more properly addressed by the Council’s [Grievance Procedure](#). Nor should this policy be used in cases where there has been a failure of service delivery, which should be dealt with using the Council’s standard Complaints Procedure.

Throughout this procedure there is an assumption that in the first instance concerns will be raised internally either through line managers or other senior managers designated for the purpose. It is recognised, however, that in some circumstances employees may be reluctant for a variety of reasons to deal with the matter in this way (despite the safeguards described below). For that reason, an alternative, external reporting option has been provided. The various means by which you can raise concerns are set out within the procedure.

1. POLICY STATEMENT

1.1 As an employer of around 1600 people and serving a population of nearly 200,000 people, Northampton Borough Council is committed to the establishment of an effective Anti-Fraud and Corruption Strategy, designed to:

- * encourage prevention
- * promote detection; and
- * provide an effective means of confidential reporting and investigation.

1.2 The Council is determined to create an environment in which honesty and opposition to fraud can flourish. Any employee or Member suspected of fraudulent or corrupt activity may expect those suspicions to be reported, investigated and acted upon as appropriate.

1.3 It is the Council’s expectation that Members and employees will lead by example, acting in a proper manner at all times and abiding by the procedures, rules and safeguards put in place to protect the interests of the Council and those it serves. This expectation extends to contractors, suppliers and other external agencies with which the Council deals and any failures by such agencies to meet the standards required by the Council in this respect will be dealt with in the most rigorous manner.

1.4 The activities of the Council are subject already to a high level of external scrutiny by a number of bodies including:

- * The Local Government Ombudsman

- * Audit Commission and the District Auditor
- * Central Government departments
- * HM Customs and Excise
- * Inland Revenue
- * Service Users
- * Voluntary Groups

1.5 However, it is in the interests of all concerned that further arrangements are put in hand to enable the disclosure of wrongdoing, malpractice, irregularity, fraud or corruption to be dealt with properly, quickly and effectively.

1.6 This Confidential Reporting Code is designed to enable employees to disclose allegations of malpractice. It is of course preferable, in the first instance at least, that such concerns be raised and dealt with effectively internally as this is more likely to strengthen the reputation of local government than either public disclosure or allowing malpractice. It is difficult to give an unambiguous definition of malpractice, but for the purposes of this Code, it includes a reasonable belief that one or more of the following has occurred or is likely to do so:

- * conduct which is a criminal offence or a breach of law;
- * disclosures related to miscarriages of justice;
- * dangerous procedures risking the health, safety or welfare of other employees or members of the public;
- * damage to the environment;
- * unauthorised use of public funds;
- * fraud or corruption;
- * sexual or physical abuse of clients (such abuses of other employees is also addressed under the Council's [Bullying and Harassment policies](#))
- * other unethical conduct.

1.7 Any employee who suspects malpractice is being, or is likely to be committed, must feel able to raise those concerns in the clear and certain knowledge that the matter will be quickly and effectively investigated and without fear that "blowing the whistle" will leave them vulnerable to victimisation. It has to be borne in mind, however, that anybody lodging malicious and unfounded allegations may themselves be subject to disciplinary action subsequently.

1.8 A new range of protection is now provided to "whistleblowers" through the Public Interest Disclosure Act 1998. In summary the Act gives protection for employees disclosing information in the following circumstances:

Internal disclosure: - where the discloser has an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur.

Regulatory disclosure: - to bodies with regulatory obligations such as the Health and Safety Executive, Inland Revenue and so forth. Here the test

of reasonableness includes a requirement that the discloser must honestly and reasonably believe the information and any allegations in it to be substantially true.

Wider disclosure: - for example to the police, media, MPs and so forth. In addition to the conditions set out above, the discloser must also not be making the allegations for personal gain. Also, other than in cases where the discloser reasonably believed they would be victimised or that the matter would be covered up, the matter should first have been raised with the employer or a regulator (where one exists) under this policy.

1.9 If, having reported their concerns, an employee is victimised in breach of the Act they may bring a claim for compensation to an Employment Tribunal. Such compensation will be uncapped and based on losses suffered.

2. PROCEDURE - PART 1 (Employee Reporting)

2.1 The Council recognises that the decision to report a concern can be a difficult one. If what you are saying is true, you have nothing to fear as you will be acting properly on behalf of the Council and those who use its services.

2.2 You are encouraged to put your name to any allegation you may make as this brings a greater degree of credibility to the complaint than if made anonymously. The Council may, however, consider anonymous complaints at its discretion. That discretion will take account of:

- * the seriousness of the issues raised
- * the credibility of the concern
- * the likelihood of being able to confirm the allegation from attributable sources.

2.3 All concerns will be treated in confidence. So far as is reasonably practicable your identity will be protected should you so wish. It has to be recognised, however, that in some circumstances (legal proceedings for example) you may be required to give formal evidence.

2.4 As a first step, you should normally raise concerns through standard line management (starting with your immediate supervisor/manager). However, if you believe your managers are involved in the activity in question you may approach the Chief Executive, Borough Treasurer, Borough Solicitor, Audit Services or one of the Council's Directors.

2.5 If for some reason you feel uncomfortable dealing directly with these colleagues you may want to seek support from a colleague, friend or trade

union representative. Similarly, if you are required to attend any meetings or interviews to discuss your concerns you may wish one of this latter group to accompany you.

- 2.6 Although you are not required to prove beyond doubt that your concerns are well-founded, the more supporting evidence you can produce (diary of events for example) the more likely it is that further investigations can be conducted effectively and quickly.
- 2.7 Should circumstances be such that you feel wholly unable to raise your concerns internally there is a list of alternative routes set out in Appendix A to this procedure. These external bodies are well aware of the issues involved and will act as mediators in communication with the Borough Council.

3. PROCEDURE - PART 2 (The Council's Response)

3.1 As appropriate to the nature of the complaint, the Council may:

- * begin an investigation by management;
- * initiate the disciplinary process;
- * refer the matter to the police;
- * refer the matter to the external auditors;
- * initiate an independent inquiry.

3.2 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.

3.3 Assuming you have not reported the matter anonymously or have not requested an external agency to withhold your name from the Borough Council you will receive within ten working days written confirmation that details of your concern have been received. You will also be advised as to:

- * whether or not further information is required from you;
- * how the Council proposes to deal with the matter;
- * how long the Council estimates it will take to provide a final response;
- * whether any initial enquiries have been made;
- * whether further investigations will take place and, if not, why not.

3.4 The amount of contact you might expect to have with the person(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, you will be contacted for further information.

3.5 Where you are required to attend a meeting or interview this can be arranged away from your workplace if you wish and you may be accompanied by your trade union or professional association representative, colleague or friend.

3.6 In the event that you are required to give evidence in any disciplinary or criminal proceedings you will be given advice about the procedure.

3.7 Subject to any legal constraints you will be advised of the outcome of proceedings in order that you may be satisfied that the matter has been dealt with properly.

4. CONCLUSION

4.1 The Council obviously hopes that you will be satisfied with the outcome of its investigations under this procedure. However, if you are not, you may wish to consider taking the matter further. See Appendix A for a suggested list of external contact points you can approach.

4.2 If you do decide to take the matter outside the Council, you should ensure that you do not disclose confidential information irrelevant to the matter(s) at hand. Check (or have checked on your behalf) with the Monitoring Officer (Borough Solicitor) if you have any doubts.

APPENDIX A

CONFIDENTIAL REPORTING CODE

District Auditor/Audit Commission

Trade Unions

CAB

Relevant professional bodies

Relevant voluntary organisations

Police

National Fraud hot-line

Members of Parliament

Regional political parties

Health and Safety Executive

Environment Agency

Department of Trade and Industry

Public body 'Concern at Work'

Members of European Parliament