

Whistleblowing Policy



**B · O · L · T · O · N
M · E · T · R · O**

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CONTENTS

		Page Nos
1.	Introduction	1
2.	Aims and Scope of this Policy	1
3.	Safeguards – Harassment or Victimisation	3
4.	Confidentiality	3
5.	Anonymous Allegations	3
6.	Untrue Allegations	4
7.	How to Raise a Concern	4
8.	How the Council will respond	5
9.	The Responsible Officer	6
10.	How the Matter can be Taken Further	6
	Appendix 1 <i>Form P11</i>	7
	Appendix 2 <i>Steps in making a Disclosure</i>	8

1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. **Normally, employees would be expected to raise any concerns initially with their line manager.** However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, or those who work for the Council, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "*blowing the whistle*" outside.
- 1.4 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes, or in other premises where services are delivered.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Directorates. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This policy has been discussed with the relevant trade unions and has their support.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
 - ◆ Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - ◆ Provide avenues for you to raise those concerns and receive feedback on any action taken;
 - ◆ Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;

- ◆ Reassure you that you will be protected by the Council from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These include:

- ◆ Conduct which is an offence or a breach of the law, including breaches of the Council's Valuing Diversity Policy;
- ◆ 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 public funds;
- ◆ Possible fraud and corruption;
- ◆ Sexual or physical abuse of clients, or
- ◆ Other unethical conduct.

It is important to note there is a Grievance Procedure in place to enable you to lodge a grievance relating to your own employment.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Policy. This may be about something that:

- ◆ Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- ◆ Is against the Council's Standing Orders and policies; or
- ◆ Falls below established standards of practice; or
- ◆ Amounts to improper conduct.

2.4 This policy does not replace the Corporate Customer Complaints Procedure.

3. SAFEGUARDS - HARASSMENT OR VICTIMISATION

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make especially for staff who are new to the Authority. If what you are saying is true, or your suspicions are reasonable, you will have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service. In fact, you may be making yourself vulnerable if you do not raise the alarm.
- 3.3 **The Council will not tolerate or allow any form of harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'whistleblower' the Authority will take appropriate disciplinary action against the individual(s) concerned.**
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal your identity if you so wish. However, if your concerns require any further action, you may at some future date have to act as a witness and/or provide evidence.

5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 In exercising this discretion the factors to be taken into account would include:
 - ◆ The seriousness of the issues raised;
 - ◆ The credibility of the concern; and
 - ◆ The likelihood of confirming the allegation from attributable sources.

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

- 7.1 As a first step, you should normally raise concerns with your immediate manager or Departmental Personnel Officer. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a manager is involved, you should approach your Departmental Director in the first instance who may, depending on the circumstances, have to liaise with the Assistant Chief Executive.
- 7.2 Concerns should be raised in writing. Staff who wish to make a written report are invited to use the attached Form PI1 at Appendix 1 which enables you to identify:
- ◆ The background and history of the concern (giving relevant dates);
 - ◆ The reason why you are particularly concerned about the situation.
- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Advice/guidance on how to pursue matters of concern may be obtained from:
- ◆ Assistant Chief Executive
 - ◆ Your Departmental Personnel Officer
 - ◆ Your Line Manager
 - ◆ A Nominated Person in your Department (you can find out the name of the Nominated Person in your Department from your Departmental Personnel Officer)
- 7.6 You may wish to consider discussing your concern with a colleague or your Trade Union Representative, if appropriate first as you may find it easier to raise the matter through someone you trust.
- 7.7 You may invite your trade union, or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE COUNCIL WILL RESPOND

8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- ◆ Be investigated by appropriate management representatives, internal audit, or through the disciplinary process;
- ◆ Be referred to the Police;
- ◆ Be referred to the external auditor;
- ◆ Form the subject of an independent inquiry.
(See Appendix 2)

or a combination of these

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, adult abuse or discrimination issues) will normally be referred for consideration under these procedures.

8.4 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.

8.5 Within **ten** working days of a concern being raised, your Departmental Personnel Officer will write to you in confidence:

- ◆ Acknowledging that the concern has been received;
- ◆ Indicating how we propose to deal with the matter;
- ◆ Giving an estimate of how long it will take to provide a final response;
- ◆ Telling you whether any initial enquiries have been made;
- ◆ Supplying you with information on staff support mechanisms, and
- ◆ Telling you whether further investigation will take place and if not, why not.

Every effort will be made to ensure that your concerns are dealt with as speedily as possible and you are kept informed of progress made.

- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union representative or a friend.
- 8.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

- 9.1 The Assistant Chief Executive 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 your confidentiality) and will report as necessary to the Council.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points, (*this list is not exhaustive*):
- ◆ The Health and Safety Executive
 - ◆ The Financial Services Authority
 - ◆ H M Customs and Excise
 - ◆ The Inland Revenue
 - ◆ The Police
 - ◆ The District Auditor
 - ◆ The Ombudsman
- 10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the Assistant Chief Executive before disclosing any information.

**BOLTON METROPOLITAN BOROUGH COUNCIL
WHISTLEBLOWING POLICY**

FORM PI1

DEPARTMENT _____

WHAT CONCERN(S) DO YOU WISH TO RAISE?

(In your own words describe your concern(s), include date(s), time(s), persons involved, including any witnesses, location, the length of time you have been concerned.)

WHY ARE YOU CONCERNED ABOUT THE ISSUE(S)?

HAVE YOU DISCUSSED THE ISSUE(S) WITH ANYONE ELSE? YES/NO

IF SO, who with _____ WHEN (date) _____

WHAT WAS THE OUTCOME OF THIS PREVIOUS DISCUSSION?

SIGNED _____ DATE _____

ON COMPLETION THIS FORM SHOULD BE SENT TO YOUR DEPARTMENTAL PERSONNEL OFFICER IN A SEALED ENVELOPE MARKED PRIVATE AND CONFIDENTIAL

STEPS IN MAKING A DISCLOSURE

