



## Confidential Reporting (Whistleblowing)

### *What is this policy about?*

This policy is to help you understand the Council's approach to confidential reporting (whistleblowing) and how you are protected if you want to raise a concern.

Whistleblowing is the common term used when an employee raises a concern about the way that its employer operates which could put colleagues, Councillors, the public, the employer's reputation at risk.

As an employee, you are often the first to realise that there may be something seriously wrong within the Council. However, you may not feel able to express your concerns because you feel that speaking up would be disloyal to your colleagues or to the Council. You may also fear harassment or victimisation. In these circumstances you may feel it is easier to ignore the concern than report what may be a suspicion of malpractice.

The Council has introduced this policy to reassure you that it is safe and acceptable to speak up. It aims to ensure you are aware of how and when to raise a concern and assure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in the public interest. The Council recognises the importance of whistleblowing and promotes it as part of its commitment to ensuring good governance.

### *What this policy does not cover*

This policy does not cover complaints about your employment or any grievance about the conditions of your employment or the manner in which you may have been treated. Those matters are covered by the Complaints Resolution Policy or the Bullying and Harassment Policy which can be found on the intranet. The Confidential Reporting Code is about risk to the interests of others or the Council.

This policy, as a consequence of the new 'public interest' requirement, precludes employees from being able to 'blow the whistle' about breaches of their own employment contract. Employees making such complaints should still use the Complaints Resolution Policy.

This policy does not cover allegations that Councillors may have breached the Member Code of Conduct. The Code of Conduct is available on the Internet: (<http://www.north-herts.gov.uk/constitution - 5.9.13 - section 17.pdf>)  
A complaint form about Councillor conduct is also available on the Internet: ([http://www.north-herts.gov.uk/index/council\\_and\\_democracy/customer\\_services/comments\\_\\_compliments\\_\\_complaints/complaining\\_about\\_a\\_councillor/complaint\\_about\\_councillor.htm](http://www.north-herts.gov.uk/index/council_and_democracy/customer_services/comments__compliments__complaints/complaining_about_a_councillor/complaint_about_councillor.htm))

The policy does not cover third parties acting on the Council's behalf.

This policy has been discussed with the relevant trade unions and has their support.

### *What if my concern relates to the treatment of children or vulnerable adults?*



All staff have a legal duty to recognise, respond and refer any concerns that they have relating to the treatment of children or vulnerable adults. To achieve this, all staff need to be aware of basic procedures to follow whether they regularly work with children or vulnerable adults or have ad hoc contact or have no direct contact at all. **Please refer to the Safeguarding Children and Adults at Risk of Harm Policies for details.**

**Applicable to:**

**ALL ( X ) Non-management ( ) Management ( ) Members ( )**

**Our Policy**

The Council is committed to this policy and has appointed the Monitoring Officer to have overall responsibility for its operation. The Monitoring Officer maintains a record of concerns raised and the outcomes of investigative work in a form which does not endanger your confidentiality.

Confidential reports may be presented to the Standards Committee and the Council. This will be considered on a case by case basis depending on the nature and seriousness of the concern raised.

***How do I raise my concern?***

You can raise your concern verbally or in writing. Remember that you will need to set out the background and history of the concern, (giving relevant dates wherever possible) and explain the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

You may invite your trade union representative or a work colleague to be present at any meetings or interviews held in connection with the concerns you have raised.

***Anonymous Allegations***

The Council would like to promote a culture of openness and honesty amongst its staff and you are encouraged to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Monitoring Officer. 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 other sources.

Please remember that if you do not tell us who you are it is impossible to give you feedback, or protect your position and it might not be possible to continue an investigation without your personal evidence of the wrongdoing.

***Who do I speak to?***



You should feel confident to come forward with any concerns you have.

Where your concern relates to a serious or sensitive matter, one which you don't want to raise with your line manager, or you suspect management is involved, you should approach the Monitoring Officer directly. However if you are able to speak to your line manager about the issue, please do so in the first instance.

Your line manager will tell the Monitoring Officer about your concerns as soon as is practicable and prior to any investigative work being carried out. Ordinarily, the Monitoring Officer may expect your line manager to lead on investigating the matter and will not become involved unless the Monitoring Officer considers it necessary. You can speak to the Monitoring Officer at any time if you are concerned about the way your line manager is handling the problem.

If you want your identity to remain confidential please tell the Monitoring Officer. The Monitoring Officer can be contacted as follows:

Monitoring Officer (Corporate Legal Manager) – Tel: 474315 or by email to 'Monitoring.Officer@north-herts.gov.uk'

### ***Who else can I speak to?***

If you have reported your concerns but don't think that the Monitoring Officer is dealing with your concerns properly, you might wish to raise the matter with an independent person. You can contact the Chairman of the Council's Standards Committee, contact details for whom are on the intranet page for the Confidential Reporting Code. The Chairman is a Member of the Council and he can ask the Monitoring Officer for a report on how any matter is proceeding.

If your concern is about the Monitoring Officer you should contact the Chair of the Standards Committee, the Chief Executive or Public Concern at Work (contact details below).

If you believe that the matter is so serious that you cannot discuss your concern with an internal officer, you can contact the Council's Shared Internal Audit Service on 01438 845502. This should only be used for the most serious matter where you are unable, or unwilling, to report the matter internally.

If you do take the matter outside the Council, you should be aware of the confidential nature of the information you possess and only divulge what is absolutely necessary to establish your concern. It is strongly recommended that you seek external legal advice or the advice of a trade union officer before taking this action.

### ***Getting some advice***

If you are unsure about whether or how to use this Code or want independent advice, you may contact the independent charity Public Concern at Work. Their advisors can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work. Their contact details are:

helpline@pcaw.co.uk  
Tel: 020 7404 6609



You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. However please carefully consider the need to maintain confidentiality to protect any potential investigation and prevent those subject of the concern to be made aware of it through a third party.

### ***What protection will I receive?***

#### Employment protection

##### Your legal rights

There is employment protection available for employees. If you raise a genuine concern you will not be at risk of losing your job or suffering any form of retribution. The Legislation makes it unlawful for the Council to dismiss anyone or allow them to be victimised or suffer any form of retribution on the basis that they have made an appropriate lawful disclosure.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) because you have raised a concern and will consider taking action under its Bullying and Harassment Policy or other disciplinary action deemed necessary to protect you when you raise a concern in the public interest. The Council will not apply pressure on you to withdraw a concern.

Colleagues must not mistreat a fellow employee for making a confidential report.

This also means that where you act in the public interest, it does not matter even if you are mistaken.

If, however, you make an untrue allegation maliciously or for personal gain, consideration may be given to taking disciplinary action against you. Disciplinary matters are for managers to consider but they will discuss the matter with the Monitoring Officer and Human Resources.

#### Confidentiality

The Council hopes that the protection it offers will encourage you to raise your concerns openly but you can ask that your identity is not disclosed when the matter is being investigated. If you ask for confidentiality, the Monitoring Officer will advise you about whether your concern can be investigated if your identity is withheld. If so, your name will not be disclosed unless the Council is required to by law. In some cases it may be necessary to disclose details of your allegation to the Police or the Audit Commission, for example where the matter results in criminal proceedings or where the Council has a statutory obligation such as a requirement to report.



You should understand that if your personal evidence is necessary to prove your claim you might need to consider revealing your identity. The Monitoring Officer can discuss this with you.

Should you require support during an investigation you can contact 'ppcworldwide' the Council's confidential employee assistance provider or Public Concern at Work.

### **How will the Council respond?**

The timescales for a response will vary depending on the circumstances of the concern raised. You will be informed of the likely timescales for receiving a response and will be updated as to progress against that estimate.

If you have raised your concerns with your line manager, they will be able to keep you informed of what action they and/or the Monitoring Officer are taking to resolve your concerns.

If you raise your concerns with the Monitoring Officer there is a two step process for deciding what action might be appropriate

#### **Step 1**

The Monitoring Officer will make initial enquiries to decide whether or not an informal review or an internal investigation is warranted. The Monitoring Officer's decision to proceed or not will be supported by reasons which will be given to you in writing.

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.

#### **Step 2**

If an investigation is necessary the Monitoring Officer may ask Audit or a similar function to carry this out, or in more serious cases, refer the matter to the Police for investigation. The Monitoring Officer will tell you who is handling the case and what further assistance may be required from you. Your identity will not be revealed to the investigating officer if you have asked for confidentiality but you will be told how to contact the investigator if you want to do so.

The Monitoring Officer will also try to give an indication of:

- how it is proposed to deal with the matter;
- how long it will take to provide a final response;
- whether any initial enquiries have been made; and
- staff support mechanisms.

The outcomes of investigations carried out by an investigating officer or management will be reported back to the Monitoring Officer. Wherever possible you will be given feedback about the investigation. However, sometimes the actions that are proposed involve a duty of confidence that the Council owes another person, for example when taking disciplinary proceedings. It will not be possible to tell you about such actions.



If you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice and support about the procedure.

***Reviewing the outcome***

This Code is intended to provide you with an avenue to raise your concerns. If you are unhappy with the outcome of any investigation and can provide additional information not considered before, you can ask the Monitoring Officer to review an investigation. Alternatively you may wish to speak to Public Concern at Work or the Council's external auditors whose details can be found on the intranet page for the Confidential Reporting Code.