

E3 - OFFICERS' WHISTLE BLOWING POLICY

COTSWOLD DISTRICT COUNCIL

**OFFICERS'
WHISTLEBLOWING POLICY**

1.0 PREAMBLE

- 1.1 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 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 encourage employees and others, with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2.0 AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- provide avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the Council's response, and
 - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.
- 2.3 That concern may be about something that:
- is unlawful; or
 - is against the Council's Procedure Rules or policies; or
 - falls below established standards or practice; or
 - amounts to improper conduct by the Council or an individual employee.

3.0 SAFEGUARDS

3.1 Harassment or Victimisation

3.1.1 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 the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

3.1.2 This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

3.2 Confidentiality

3.2.1 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and statement by you may be required as part of the evidence.

3.3 Anonymous Allegations

3.3.1 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Chief Executive.

3.3.2 In exercising the discretion, the factors to be taken into account could include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

3.4 Untrue Allegations

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 malicious or vexatious allegations, disciplinary action may be taken against you. Disciplinary action will not be taken by the person whom you made the allegations about.

4.0 HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on

the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive or Human Resources Service Manager.

- 4.2 If you suspect a fraud, the booklet called 'How should you react to suspected Fraud?' issued to all staff, gives further advice on what and what not to do.
- 4.3 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.
- 4.4 The earlier you express the concern, the easier it is to take action.
- 4.5 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 4.6 Advice and guidance on how matters of concern may be pursued can be obtained from the Chief Executive or any Strategic Director.
- 4.7 You may invite your trade union or professional association to raise a matter on your behalf.

5.0 HOW THE COUNCIL WILL RESPOND

- 5.1 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 Comptroller and Auditor General of the National Audit Office;
 - form the subject of an independent inquiry.
- 5.2 In order 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 specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.

- 5.4 Within ten working days of a concern being received the nominated investigations officer will write to you;
- acknowledging that the concern has been received;
 - indicating how it proposes 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; and
 - telling you whether further investigations will take place, and if not, why not.
- 5.5 The amount of contact between the officer considering the issues and you will depend on the nature of the matters raise, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a 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 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 advise you about the procedure.
- 5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

6.0 HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- your local Council member (if you live in the area of the Council);
 - The Comptroller and Auditor General of the National Audit Office;
 - relevant professional bodies or regulatory organisations;
 - your solicitor;
 - the Police.

6.2 If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Check with the contact point about that.

7.0 THE RESPONSIBLE OFFICER

7.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. That officer maintains 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. Internal Audit and the Benefits Investigation team investigate and maintain a record of frauds.

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