



# Confidential Reporting (Whistleblowing) Policy

**Responsibility:** Personnel committee

**Review Cycle:** Every three years, or earlier in the event of legislative changes

<u>Date of Adoption / Renewal</u>	<u>Resolution Number</u>
21 February 2017	7997

## **CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY**

### **1. Introduction**

- 1.1 The council is committed to the highest standards of openness and expects employees to come forward and voice concerns where applicable.
- 1.2 This policy covers major concerns that fall outside the scope of other policies and procedures. It applies to concerns relating to other staff members and/or councillors.
- 1.3 Concerns relating to councillors may be better dealt with under the provisions of the Member Code of Conduct.
- 1.4 All concerns raised will be treated in the strictest confidence and the identity of the staff member will not be revealed without prior agreement. Staff members will not be penalised, disciplined or shown other unfavourable treatment for raising a legitimate non-malicious concern under this policy.
- 1.5 This policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for employees who disclose information about alleged wrongdoings in certain specific circumstances.

### **2. Purpose of policy**

- 2.1 This policy aims to:
  - encourage staff members to feel confident to make a disclosure of concerns
  - provide appropriate avenues for these concerns to be raised by staff members
  - reassure staff members that they will be protected from being penalised or suffering detriment for making a disclosure

### **3. Concerns covered by this policy**

- 3.1 This policy covers any serious concerns about any aspect of service provision or the conduct of officers or members of the council or others acting on behalf of the council.
- 3.2 Concerns that fall within this policy include, but are not limited to;
  - where a criminal offence has been committed, is being committed or is likely to be committed
  - where a person has failed, is failing or is likely to fail to comply with any legal obligations
  - health and safety risks, including risks to the public
  - where misleading or incorrect information is knowingly provided to the council as part of its decision making process
- 3.3 It is important that this confidential reporting policy is not used by staff members to raise concerns over their employment conditions, as the grievance policy is intended to address these issues. This policy is also not to be used by staff members as a mechanism for challenging decisions, practices and policies with which staff members disagree.

#### **4. How to raise a concern**

4.1 The council has a number of policies which may be a better mechanism for raising concerns, dependant on the nature of the concern. Before raising a concern under this policy, staff members should refer to:

- Grievance Policy
- Member Code of Conduct
- Complaints Procedure

4.2 If this is the most suitable mechanism for reporting, concerns should be raised, either orally or in writing, to the line manager. The most senior employee should raise any concern with the council chairman or vice-chairman if the concern relates to the chairman.

4.3 The concern should detail as much background information and history as possible, including dates, times and the nature of the concern. While the staff member is not expected to prove beyond doubt the allegation, they are expected to be able to demonstrate that the disclosure is being made in good faith and with no malicious intent.

#### **5. How the council will respond**

5.1 The council will investigate any concern raised under this policy. The nature of any investigation will be determined at the discretion of the individual to whom the concern was reported, and may include referral to an alternate source such as an auditor. A decision may be made to use one of the alternate council policies to follow through the investigation.

5.2 The identity of the staff member raising the concern will be kept confidential throughout, unless agreed by the staff member.

5.3 The individual will be informed of how the council intend to pursue the concern, or if the council have decided the concern is unfounded.

5.4 Should it become necessary during any investigation to meet with the staff member raising the concern, every effort will be made to arrange this at a time and location to protect the identity of the staff member.

5.5 The council will take steps to minimise any difficulties which a staff member may experience as a result of raising, or being suspected of raising a concern, and if a staff member is required to give evidence at any criminal or disciplinary hearing the council will offer support.

#### **6. Malicious allegations**

6.1 The council is committed to the highest standards of openness and expects employees to come forward and voice concerns where applicable.

6.2 However, the council will not tolerate deliberately misleading, malicious or substantially untrue allegations made by any staff member under the guidance of this policy.

6.3 Any staff member found to have made a deliberately misleading, malicious or substantially untrue allegation will be subject to the council's disciplinary policy.