



Craven District Council

Whistleblowing Policy

Policy for Employees of the Council

Last Updated: November 2013

Approved: Audit and Governance 18 1 2010

Minor Updates approved CLT December 2013

1. INTRODUCTION

- 1.1. Craven District Council is committed to providing an environment of openness where individuals feel that they are able to raise concerns regarding serious malpractice. This Policy formulated in accordance with the provisions of the Public Interest Disclosure Act 1998, (PIDA) sets out the procedure for raising concerns about such matters and affords anyone raising concerns under the policy protection from reprisal.
- 1.2. 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.
- 1.3. It is one of the Council's aims to promote democracy and accountability, by conducting business in an open and accountable way and operating to the highest ethical standards. As a result, 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 to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.4. This policy document makes it clear that you can come forward and voice your concerns 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.
- 1.5. The policy applies to you whether you are a permanent or temporary employee, agency or casual member of staff or if you work as a contractor or volunteer.
- 1.6. These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some service units. You are responsible for making service users aware of the existence of these procedures.
- 1.7. This policy has been discussed with the relevant trade unions and professional organisations 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; and
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- a criminal offence has been, is being or is about to be committed;
- there has been or is about to be a serious miscarriage of justice;
- the health and safety of individuals or groups has been, is being or is about to be jeopardised;
- the environment has been is being or is about to be severely damaged;
- the unauthorised use of public funds;
- discrimination, bullying victimisation or harassment;
- improper conduct or unethical behaviour;
- other unethical conduct;
- there has been, is, or is about to be a failure to comply with legal obligations; and
- information about the above has been concealed or there have been attempts to conceal any of these

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, for sanctions to be applied.

2.3. **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;
- is against the Council's Standing Orders and policies;
- falls below established standards of practice; or
- amounts to improper conduct.

2.4. This policy does **not** replace the corporate Complaints' Procedure.

3. SAFEGUARDS

Harassment or Victimisation

- 3.1. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this Policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.
- 3.2. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

Confidentiality

- 3.3. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Anonymous Allegations

- 3.4. This policy encourages individuals to raise concerns and affords them the appropriate protection for doing so.
- 3.5. Allegations raised anonymously are much less powerful but will be dealt with at the discretion of the Council.
- 3.6. 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.

Deliberately False and Malicious Allegations

- 3.7. The Council will ensure that adequate resources are put into investigating any allegations of fraud, corruption or malpractice that it receives. Accordingly, it will view very seriously any false or malicious allegations, which it receives. The making of deliberately false or malicious allegations by any employee of the Council will be regarded as a serious disciplinary offence.

4. HOW TO RAISE A CONCERN

- 4.1. As a first step, you should normally raise the concern with your immediate manager or their superior. 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 your manager is involved, you should raise the matter with the next more senior managerial level within your service/department. You should indicate if you want to raise the matter in confidence so that appropriate arrangements can be made when taking the matter forward, if you cannot raise the matter in your Service/Department because you feel the people whom would report it to may be involved in the malpractice or if you feel that the matter is so serious that you cannot discuss it with any of the above, please write to:

Chief Executive
Craven District Council
Council Offices
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

Or

The Monitoring Officer
At the same address

- 4.2. Concerns may be raised verbally or in writing. Staff who wish to make a written report are asked to include the following information:
- the background and history of the concern (giving relevant dates);and
 - the reason why you are particularly concerned about the situation.
- 4.3. The earlier you express concern; the easier it is to take action.
- 4.4. 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.
- 4.5. **IF IN DOUBT RAISE IT.**

5. INDEPENDENT ADVICE

5.1. If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- Staff may invite a trade union representative to raise a matter on their behalf
- Human Resources
- Internal Audit
- Public Concern at Work

Internal Audit

5.2. We have arrangements in place with for Harrogate Borough Council to carry our audit and review function . The Chief Auditor at Harrogate Borough Council may also be contacted if you have any suspicions of fraud or corruption.

The contact details are:

Chief Auditor
Harrogate Borough Council
Council Offices
Crescent Gardens
Harrogate
HG1 2SG

Public Concern at Work

5.3. The independent charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. They can be contacted as follows:

3rd Floor Bank Chambers,
6-10 Borough High Street,
London , SE1 9QQ

020 7404 6609
Fax: 020 7403 8823
E-Mail: whistle@pcaw.co.uk
Website: www.pcaw.co.uk

6. HOW THE COUNCIL WILL RESPOND

- 6.1. 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.
- 6.2. Where appropriate, the matters raised may:
 - be investigated by the management, internal audit, or through the disciplinary process;
 - be referred to the police;
 - be referred to the external auditor; and/or
 - form the subject of an independent inquiry.
- 6.3. 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, harassment or discrimination issues) will normally be referred for consideration under those procedures.
- 6.4. 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.
- 6.5. Within ten working days of a concern being raised, the Council will write to you:
 - 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 investigations will take place; and if not, why not.
- 6.6. 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 information provided. If necessary, the Council will seek further information from you.
- 6.7. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 6.8. 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.
- 6.9. 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.

7. MANAGERS RESPONSIBILITY

7.1. It is a manager's responsibility to:

- Deal with any concerns that are raised in accordance with the policy ensuring that they are treated seriously and investigated as appropriate.
- Ensure that appropriate arrangements are made if the individual wishes to raise the matter in confidence.
- Ensure that anyone raising a concern in accordance with the terms of the policy is protected from reprisal.
- Notify the HR Group of any concerns that are formally brought to their attention.

7.2. All managers will receive training in the legislative framework governing 'whistleblowing' in accordance with the provisions of the Public Interest Disclosure Act 1998 and the Council's Whistleblowing policy.

8. THE MONITORING OFFICER

8.1. The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and will liaise where necessary with Internal Audit and/or the Chairman of Audit and Governance Committee. 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 Audit and Governance Committee.

9. WHAT NOT TO DO IF YOU SUSPECT FRAUD, CORRUPTION OR MALPRACTICE

9.1. Don't:

- Be afraid of raising your concerns; you will not suffer any recrimination.
- Approach or accuse individuals directly.
- Try to investigate the matter yourself.
- Convey your suspicions to anyone other than those with the proper.

10. EXTERNAL CONTACTS

10.1. Whilst we hope this policy gives you the reassurance you need to raise such matters internally or as a contract or agency worker, we would rather you raised a matter with the appropriate regulator than not at all. Therefore, provided you are acting in good faith, you feel you have exhausted or are unable to use internal channels to report the malpractice and you have evidence to back up your concern, you may also wish to contact:

- The *External Auditor* (if you believe there has been financial or procedural irregularity).
- The Police (if you believe that a criminal act is about to or has taken place) Tel: 101 or if outside the force area 01904 618961 (North Yorkshire Police).
- Relevant professional bodies (if you believe that professional misconduct has taken place).
- The Health and Safety Executive (if you believe that a serious breach of health and safety legislation has occurred). Tel: 0845 345 00 55.

11. SUPPORT FOR ANYONE INVOLVED IN A COMPLAINT

11.1. It is recognised that all those involved in a 'whistleblowing' issue may experience different emotional or psychological reactions to their experiences. The Council's independent and confidential counselling service (accessed via the Occupational Health Service) is available to all concerned. Further details can be obtained from the HR Group or via the HR. Or contact Oasis Peoplecare directly Tel: 0800 9757141.

12. REVIEW

- 12.1. This policy will be reviewed on a regular basis in the light of operating experience and/or change in legislation or at intervals of two years.

13. LINKS TO OTHER POLICIES

- 13.1. This policy should be cross-reference with other Councils Policies & Procedures, for example: -

- Anti-Fraud and Corruption Strategy
- Management of Sickness
- Disciplinary Policy
- Grievance Policy
- Incident Reporting Policy
- Register of gifts and hospitality
- Serious Untoward Incident Policy
- Standing Financial Instructions and Standing orders
- Health & Safety Policies
- The Regulation of Investigatory Powers Act (RIPA) Procedure
- Money laundering Procedure
- And any other relevant formal Trust Policies & Procedures

14. THE LAW

- 14.1. This policy and procedure has been written down to take account of The Public Interest Disclosure Act 1998, which protects staff making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.
- 14.2. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by section 151 Local Governments Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 2003.



If you would like this information in a way which is better for you, please telephone 01756 700600.

Craven District Council
Council Offices
1 Belle Vue Square
Broughton Road
Skipton
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BD23 1FJ

Tel: 01756 700600

Email: contactus@cravenc.gov.uk

Website: www.cravenc.gov.uk



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