

Confidential Reporting (Whistleblowing) Policy



Version Control

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Purpose	To maintain the highest standards of openness, honesty and accountability by requiring everyone to report appropriate concerns.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Code of Conduct for Employees
- Collective Grievance Policy
- Counter Fraud and Corruption Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Grievance Policy
- Dignity at Work Policy
- Disciplinary Policy

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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Introduction

- 1.1** Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2** The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3** The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4** This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5** The council is committed to maintaining the highest standards of openness, honesty and accountability. This whistleblowing policy plays a key part in maintaining those standards by requiring everyone to report appropriate concerns. The council's Code of Conduct for Employees makes this a specific obligation for all employees.
- 1.6** Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of. Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome if the investigation reported back to the worker who raised the issue.
- 1.7** This policy enables staff and members to raise concerns about any financial or other malpractice in the council without fear of being subject to victimisation or discrimination for whistleblowing. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.

Scope

- 2.1** This policy applies to all council employees, including chief officers and fixed term and temporary employees. The policy also applies to other workers, such as casual workers, agency workers, supply workers, trainees and contractors.
- 2.2** This policy applies to council employees who work in council maintained schools.

Principles

- 3.1** Everyone, at one time or another, may have concerns about something that is happening at work. More often than not, these concerns are relatively minor and you can probably resolve them informally. However, when those concerns are about unlawful conduct, financial malpractice or dangers to the public or environment, it can be difficult to know what to do. Confidential reporting or whistleblowing is about helping people to raise legitimate concerns or worries without opening themselves up to detrimental treatment or risking their job security for raising their concerns in the normal way.
- 3.2** You should report any serious concerns that are ‘in the public interest’ (see 3.3) and appear to involve illegal or unethical conduct:-
- a criminal offence or breach of the law
 - a miscarriage of justice
 - a health and safety risk to employees or the public
 - damage to the environment
 - community discrimination
 - unauthorised use of public funds
 - possible fraud or corruption
 - breach of any legal obligation
 - safeguarding children and vulnerable adults
 - deliberately concealing any of the above
- 3.3** A concern is only ‘in the public interest’ if it goes beyond matters of personal concern to you, that you have reasonable belief of such an act occurring, having occurred or likely to be committed. You should not use this policy to report concerns of a personal nature – for example in relation to a grievance or your salary grade (these should, instead, be pursued through the grievance or job evaluation and grading policy and appeal policies).
- 3.4** Sometimes, a concern may be ‘in the public interest’ but may also be something in which you have a personal interest. If this is the case, please tell the person that you raise your concern with of your personal involvement.

When should I report my concerns?

- 3.5** The council understands that you may be worried about raising a concern, perhaps feeling that it is none of your business or that it is only a suspicion.
-
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You may also feel that you are being disloyal to your colleagues or the organisation, or worried about reporting things to the wrong person or in the wrong way. If you are not sure whether or not to raise a concern, you should first discuss the issue with your line manager or HR.

- 3.6** However, it is your responsibility to report any concerns as soon as possible and the council would like you to do so at an early stage rather than waiting for 'proof' of any suspicions. Providing that you have reasonable belief that unauthorised activity of an illegal or unethical nature is taking place, then you should report it. Remember that you will not get into trouble for raising genuine concerns and the council will protect you if you raise a genuine concern.

Will the council protect me if I raise a genuine concern?

- 3.7** You will not be at risk of losing your job or suffer any detriment or retribution from the council because you have raised a genuine concern. This will still be the case even if investigations subsequently show that there has been no improper conduct. However, such protection does not apply to you if you raise a concern that you know to be untrue, malicious or vexatious, by knowingly disclosing false information; such instances will be followed up (where applicable) and may result in disciplinary action.
- 3.8** If you are already the subject of disciplinary investigation or action, or your job has been placed at risk of redundancy, these proceedings will not be halted because you have raised a genuine concern, instead they will run concurrently.
- 3.9** The council does not tolerate any discrimination, harassment or victimisation and will take action to protect you if you have used this policy to raise a genuine concern regarding illegal or unethical conduct as described above.
- 3.10** Your identity will remain confidential, it will not be disclosed without your consent. For reporting purposes, you will be identified by a reference number. If the situation arises where the council cannot resolve the concern without revealing your identity (for example, because your evidence is needed in court) this will be discussed fully with you as to whether and how the council can proceed.
- 3.11** All concerns will be investigated including those that are raised anonymously and feedback will be provided where relevant and where contact details have been provided and therefore you are encouraged to identify yourself when you report a concern. The effectiveness of any whistleblowing investigation may be limited where an individual chooses not to be identified.
- 3.12** Repeat complaints / concerns will not normally be reconsidered if the same or similar matter has previously been raised and dealt with under this policy.
- 3.13** When an individual makes a disclosure, the council will process any personal data collected in accordance with GDPR. Data collected from the point at which

the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

- 3.14 Any matters discussed as part of this process including minutes and witness statements should be kept confidential and only those directly involved in the process will be advised of any details relating to the case.
- 3.15 Employees are reminded of the council's confidential (counselling) Employee Assistance Programme that is available to provide support and advice to any employee who makes a whistleblowing disclosure. Details of which can be found on the HR intranet pages.
- 3.16 Consideration will be given within this process to any reasonable adjustments required in accordance with the Equality Act to enable employees to fully participate.

Accountabilities

- 4.1 Managers are accountable for the following;
 - Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
 - Acting on any disclosure brought to their attention, ensuring it is progressed through the appropriate channels and logged with the council's Monitoring Officer;
 - Ensuring strict confidentiality is maintained throughout the process;
 - Ensuring steps are taken to resolve any breakdown in relationships between employees following a whistleblowing disclosure;
 - Ensuring that employees are aware of their responsibilities in accordance with this policy.
- 4.2 Employees are accountable for the following;
 - All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
 - Raising any concerns as soon as possible with their line manager in the first instance or through alternative appropriate mechanisms;
 - Ensuring that it is made clear the concern is being raised under whistleblowing policy from the outset;
 - Complying with the requirements of this policy and procedure.

Procedure

Please see 5.4 if your concern relates to service users of social care for children or adults.

5.1 Step 1

In many cases, you will hopefully feel comfortable in raising your concern with your own manager, either verbally or in writing. The more information that can be supplied, including dates, times, details and names, the greater the opportunity to establish the facts.

Although you are not expected to prove beyond doubt the truth of the allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

You can choose whether to use the form attached at Appendix 1 to report your concerns but in any case it provides a helpful guide on the sort of information that it is helpful to supply when you report your concern.

When raising any concern you must ensure that you clearly state that you are raising concerns under the Confidential Reporting (Whistleblowing) Policy.

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with one of the following:

- Director of Human Resources 01922 655600
- Head of Legal & Democratic Services / Monitoring Officer 01922 654822

- Executive Directors:-
 - Children's Services 01922 652081
 - Economy, Environment and Communities 01922 652004
 - Resources and Transformation 01922 655600
 - Adult Social Care 01922 654700

The above contact list can also be used if you are a contractor or supply goods or services to the council

or

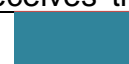
you can use the on line notification form which is available on the internal audit intranet page and enables concerns to be reported in a secure and confidential manner

or

you can use the internal audit 'whistleblowing' hotline on 01922 655880 where you will be able to leave a voice recorded message.

5.2 Step 2

All matters raised under the Confidential Reporting (Whistleblowing) Policy will be centrally recorded by the Monitoring Officer. Whoever receives the



complaint/concern must ensure they log the issue at the point it is raised and provide details of the ensuing investigation/outcome to the Monitoring Officer.

The line manager (or appropriate person) will arrange an investigation into the matter (either by investigating the matter personally or immediately passing the issue to someone in a more senior position). The investigation may involve the worker who raised the concern and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the Corporate Management Team, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is necessary, the line manager (or the person who carried out the investigation) will report the matter to HR and a disciplinary procedure may be initiated. Any disciplinary procedure may also run concurrently with a whistleblowing investigation if necessary. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Corporate Management Team has done, or proposes to do, about it, where appropriate. If no action is to be taken, the reason for this will be explained.

5.3 Step 3

If you are concerned that the investigating officer has failed to make a proper investigation or has failed to report the outcome of the investigations to the Corporate Management Team, or if you feel that you cannot raise your concern with any of the above, please contact the Chief Executive on 01922 652000, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the Corporate Management Team as in step 2 above.

5.4 If your concern relates to service users of adults or children's social care, the statutory procedure set up to protect the interests of vulnerable service users should be used. In the first instance, such concerns should be directed to CustomerCareTeamSocialCare@walsall.gov.uk

5.5 If you feel it would be helpful to seek external advice you may wish to contact;

- your trade union representative
- Citizens Advice Bureau
- the relevant professional body or regulatory body
- the police
- external auditors

or "Public Concern at Work" (020 7404 6609). Public Concern at Work is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice at www.whistleblowing.org.uk



Hopefully, this policy will give you the confidence to raise any concerns within the council. However, if you feel unable to do so, the council would much prefer that you raised the matter with an appropriate external regulator than not at all.

- 5.6** The amount of contact between you and those considering the issues 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. Where any meeting is arranged, off-site if you wish, you can be accompanied by a trade union representative or a work colleague.
- 5.7** Sometimes you might be asked for your opinion on how the matter might best be resolved. Again, if this is a matter in which you have a personal interest, you must say so.
- 5.8** Where appropriate the matters raised may:
- Be investigated by management / internal Audit, and/or result in a disciplinary process commencing
 - Be referred to an external auditor
 - Form the subject of an independent enquiry
 - Be referred to the police
- 5.9** The council will give you as much feedback as it possibly can. If requested, the response will be confirmed in writing. However, sometimes the council will not be able to tell you the precise action taken – for example, if this infringes a duty of confidence owed to someone else.

Remember, malpractice affects everyone and is unacceptable.

Blowing the whistle on it is one way of stamping it out – for good.

Appendix 1

Formal Confidential Reporting (Whistleblowing)

Formal Confidential Reporting (Whistleblowing)	
Employee's name:	
Employee's job title:	
Employee's preferred contact method and details:	
Date:	
Does your public interest disclosure relate to your line manager?	Yes/No
Summary of disclosure:	
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.	
Please provide the names and contact details of any people involved in your concerns, including witnesses.	



Formal Confidential Reporting (Whistleblowing)	
Outcome requested:	
Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.	
Declaration:	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.	
Form completed by:	
Signature:	
For completion by the organisation:	
Date form received by the organisation:	
Name of recipient and job role:	
Signature:	

