

Slaithwaite CE J & I School



Whistleblowing Policy September 2019

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WHISTLEBLOWING - A CODE FOR CONFIDENTIAL REPORTING OF MALPRACTICE

Introduction

People working for Kirklees are likely to be amongst the first to notice if there is something wrong within the Council, but may find it difficult to speak up because of feelings of disloyalty, or because they fear harassment or victimisation. It is often easier to ignore malpractice, rather than report it and this is why we read in the newspapers of major scandals in local authorities which have been going on for years.

We expect the very highest standards of probity and want to operate openly and accountably. If you work for the Council, you have a responsibility to voice any concerns you have about possible malpractice, so that appropriate action can be taken. This whistleblowing policy is intended to encourage and allow you to raise your concerns **within** the Council, confidentially. We will make sure that you will not be victimised or suffer disadvantage if you report your genuine concerns.

There are existing procedures which allow employees to raise issues regarding their employment and it is not intended that this policy should replace these: nor is it to be used by those who are generally dissatisfied at work. It is to allow you to bring to the attention of those who can make a difference, any practice which you believe, or suspect:-

1. Is unlawful;
2. Is a serious breach of the Council's Standing Orders or Policies;
3. Falls substantially below established standards of practice;
4. Amounts to improper conduct.

It is difficult to come up with a complete list of issues which might cause concern, but you should report fraud, corruption or financial irregularities, the physical, mental or sexual abuse of clients, unfair discrimination, abuse of power, dangerous practices, criminal conduct, serious damage to the environment, negligence, unprofessional behaviour and evasion of statutory responsibilities. The malpractice might be carried out by Council employees, contractors, consultants, or Elected Members.

Safeguards Against Victimisation or Harassment

It will often be very difficult for workers to report their concerns and the Council will provide support for those who do. We will not tolerate any harassment or victimisation and will take action to protect anyone who raises genuine concerns.

We will do our best to protect your identity if you do not want your name to be disclosed. You may, however, be required later to come forward as a witness and at that point your identity may have to be disclosed. If this happens, we will discuss with you the support and protection we can offer.

Making allegations anonymously

We want people to give their name when making an allegation so that we can check the facts with them and make sure that it is not merely malicious or mischievous. If you feel unable to give your name, then this should not stop you reporting your suspicions. Anonymous allegations will still be considered, but will be much more difficult to investigate.

False allegations

If you make an allegation frivolously, maliciously, or for personal gain, you may be disciplined.

How to raise a concern

This will depend on who you think is involved in the malpractice and how serious the issues are. Normally you should first speak to your immediate manager. If, however, you feel that the matter cannot be resolved by talking to your line manager, if for example, you believe that they are involved, then you can speak to their manager, or raise it with your Head of Service. You can also seek advice from your Personnel Officer, Equalities Officer, or trade union representative, on the most appropriate way of reporting your suspicions.

If you do not feel able to contact any of these people, you can talk to any of the Council's Whistleblowing Officers, who are:

- Deborah Lucas, Head of Human Resources, Tel: 01484 221000.
- Chris Read, Tele: 01484 221000.
- Martin Dearnley, Tele: 01484 22100
- David Gearing, Chief Finance Officer, Tele: 01484 221000

There is also a confidential 'malpractice hotline' where you can leave a message which can only be listened to by one of the Whistleblowing Officers, Tel 01484 225030, or 7007 from an internal phone, anywhere in the Council.

You should let us know your concerns as early as possible and give as much information as you can, including names, dates, places, history and why you are concerned.

You may bring your trade union representative or a friend with you to any meetings or interviews if it is necessary for you to be questioned about the allegations you have made.

How the allegations will be dealt with

All allegations will be investigated; how and by whom depends on how serious they are and who they involve. The investigation may be handled internally, referred to the District Auditor or Police, or looked at by an independent inquiry.

If you raise your concerns under this policy, then will write to you within 10 working days saying:-

What we intend to do;

How long we think this will take;

Whether any more information is required you.

If we do need to meet with you, we will contact you to see how we can do this, whilst maintaining confidentiality. We will try to minimise any difficulties you might have as a result of raising your concern. If you are required to give evidence in criminal or disciplinary proceedings, we will ensure you receive advice and support.

Providing that there are no legal constraints, we will let you know the outcome of the investigation, so that you can see that the matter has been properly addressed.

Raising your concerns elsewhere

This whistleblowing policy has been drawn up so that you can have your concerns dealt with by managers in the Council. If, however, you have no faith in those investigating your concerns or if, after you have raised your concerns, you feel there has been a cover-up, then you may consider one of the following contact points.

1. A Councillor - names and addresses can be obtained from Kirklees Libraries.
2. Your Trade Union.
3. The District Audit - name and address in Appendix A
4. Public Concern at Work - address given in Appendix A
5. The Police

Employees of the Council have a responsibility not to undertake any actions which might bring the Council into disrepute. If you **do** decide to report your concerns outside the Council, you must ensure that you have a good reason for doing so, and you must not disclose confidential information.

Using other Procedures

The Council has other procedures which you might wish to use instead of **SPEAK OUT!**, depending on the nature of your concern. These include procedures on Grievance, Dignity at Work, Recruitment Complaints and Corporate Complaints, Anti-Fraud Policy. If you don't know where to find these, or need advice on which procedure is the most appropriate, contact your Personnel Officer or Trade Union representative.

Summary

Whilst we try and ensure the very highest standards of conduct within the Authority, serious failure, irregularities, dishonesty and wrong-doing occasionally occur. Where employees fail to report their suspicions, they can become implicated, by their silence, in the wrong-doings. Failure to report such matters will be treated seriously and may lead to disciplinary action being taken against you. The Authority

encourages you to expose malpractice and our policy is to protect you and ensure your complaints are dealt with properly.

The Authority may be able to offer a whistleblowing service to local voluntary organisations. Contact David Dowse on 01484-225141 for further details.

APPENDIX A

Raising your concerns outside the Council

This Whistleblowing policy has been drawn up so that you can have your concerns dealt with properly, independently and confidentially by the council. But if you have no faith in this process, then you may consider contacting:

- the police - phone 101 from any phone (9 then 101 from council phones)
- the council's external auditor : KPMG,1 The Embankment, Leeds LS1 4DW, (0113 231 3000)
- Public Concern at Work - an independent authority on whistleblowing at www.pcaaw.co.uk or phone 020 7404 6609
- There are a number of other organisations to which Whistleblowing concerns may be raised without any breach of the statutory guidelines and with whom you retain full protection of you are a protected person see <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Council employees have a responsibility not to undertake any action which might bring the council into disrepute. If you do decide to report your concerns outside the council, you must ensure that you have a good reason for doing so and you must not disclose confidential information.

WHISTLEBLOWING - GUIDELINES FOR MANAGERS ON CONFIDENTIAL REPORTING OF MALPRACTICE

Why is a Whistleblowing Code needed?

Public Concern at Work, an independent charity set up to ensure that concerns about serious malpractice are properly raised and addressed in the workplace, give the following reasons for having a Whistleblowing code:

"Employees will often be the first to see or suspect misconduct, which may be innocent or which may turn out to be a fraud on your organisation, a public danger, or some other serious malpractice. Making sure your employees keep their eyes open and can and do play their part is a key way to deliver good practice. If you successfully involve your employees, it should give a clear message to those who are tempted that they won't get away with it. And everyone else will soon see that you are serious about tackling all forms of serious malpractice and abuse."

In addition, the Public Interest Disclosure Act 1998 protects workers, who, for good reason, blow the whistle, from action by their employer. For these reasons, Kirklees has drawn up a Code for Confidential Reporting of Malpractice entitled **SPEAK OUT!**. This code gives a number of assurances to whistleblowers:

1. That the matter will be dealt with confidentially and, wherever possible, their identity will not be disclosed.
2. That we will write to them within 10 working days explaining:-
 - What we intend to do;
 - How long we think this will take;
 - Whether any more information is required from them.
3. Providing that there are no legal constraints, we will let them know the outcome of the investigation, so that they can see that the matter has been properly addressed.

4. We will ensure that they are not victimised or harassed as a result of any matter raised in good faith.
5. We will take action against anybody who raises a complaint maliciously or frivolously.

When should the Code be used?

It is difficult to list all the issues which might be raised under this code and there may be occasions where you feel that the matter should be dealt with under a different procedure, or where employees are misusing the procedure. As a manager, it is for you to decide whether misuse is occurring and take appropriate steps.

Employees are encouraged to report their concerns about fraud, corruption or financial irregularities, the physical, mental, or sexual abuse of clients, unfair discrimination, abuse of power, dangerous practices, criminal conduct, damage to the environment, negligence, unprofessional behaviour and evasion of statutory responsibilities. The malpractice might be carried out by Council employees, contractors, consultants, or elected Members

Maintaining confidentiality

If the whistleblower wants the matter to be dealt with confidentially, then this should be respected, and wherever possible, you should try and use other information, rather than their evidence. You should ensure that only those involved in the investigation, (think whether you need to involve anybody else), are told who made the allegation and that the papers are kept securely. If the matter goes to a formal hearing, either criminal or disciplinary, then the individual charged will have the right to hear the evidence against them and to cross-examine the witnesses, or see the statements. At this point therefore, anonymity will no longer be possible. You should offer support and help to the whistleblower in these circumstances.

Victimisation and harassment

Many employees do not raise their suspicions, because they fear reprisals. You must ensure that those affected by the complaint are not given the opportunity to make life difficult for the whistleblower. This may mean issuing instructions on behaviour and conduct to those involved, or moving one or other of the parties to another location, or area of work, to minimise conflict. Where reprisals do take place, you must take swift action to ensure this is dealt with properly.

Malicious Complaints

Where the whistleblower raises issues maliciously, vexatiously or frivolously, then action can be taken against them. The whistleblower should not be exempt from investigation or disciplinary action.

Advice and support for Managers

Advice is available from your Service HR Team, or one of the Whistleblowing Officers. Dependent on the nature of the complaint, you may also need to involve Legal, or an Equalities Adviser and in the case of financial irregularities, fraud or corruption, you must involve Internal Audit, who have a statutory role in such matters. Consideration should be given to developing supplementary guidelines for certain services, to deal with issues that are of particular concern within that service. Complaints against Members should be raised with the Chief Executive.

Registering the Complaint

All concerns about malpractice, raised with managers, must be registered, within 5 working days using the 'malpractice hotline': tel. 01484 225030, or 7007 on an internal phone. You must give details of the nature of the concern and what action is proposed, but not the name of the whistleblower.

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Next Review September 2020