

Audit Committee – 1 September 2014

Confidential Reporting (Whistleblowing) Procedure

Summary of Report

This report details the recently refreshed Confidential Reporting (Whistleblowing) Procedure and provides information regarding the use of the procedure as requested at the Audit Committee of 16 July 2014.

Background papers:

Confidential Reporting (Whistleblowing) Procedure, audit files.

Recommendation:

1. To note the contents of this report.



James Walsh – Chief Finance Officer

15 August 2014

Legal considerations

The Confidential Reporting (Whistleblowing) Procedure has been amended to reflect the whistleblowing amendments to the Employment Rights Act 1998 made by the Enterprise and Regulatory Reform Act 2013, which applied to qualifying disclosures made on or after the 25 June 2014.

Financial considerations

None directly related to this report.

Citizen impact

Providing arrangements, which enable whistleblowing complaints to be received, demonstrates that the council operates in an open and transparent way. Taking appropriate steps to investigate whistleblowing allegations, demonstrates the seriousness in which the council takes its responsibilities in ensuring effective control arrangements are in place and in dealing with reported concerns. This provides an assurance to stakeholders and citizens regarding the security of the council's operations.

Performance and risk management issues

Whistleblowing allegations are subject to risk assessment and are investigated as appropriate. Some result in little investigatory time having to be spent, others can take

much longer. Where relevant robust action is taken, for example, disciplinary, court proceedings, police referral and recovery of losses.

Investigation work arising from whistleblowing allegations is regularly reported to Audit Committee. This work is also subject to regular review and progress monitoring by both the Head of Internal Audit and the Section 151 officer.

Equality Implications

An Equality Impact Assessment has been completed on the Confidential Reporting (Whistleblowing) Procedure, prior to its approval by Standards Committee.

Consultation

The Confidential Reporting (Whistleblowing) Procedure went out for consultation to managers and trade unions on 24 September 2013. Following consultation, the trade unions have agreed to support the procedure.

The Procedure was approved by CMT on 14 November 2013.

The procedure was considered by Standards Committee on 29 April 2014 and it was resolved that it be agreed and adopted, subject to minor amendments to be made by the Head of Legal and Democratic Services. It came into effect from 1 June 2014.

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Confidential Reporting (Whistleblowing) Procedure

The refreshed Confidential Reporting (Whistleblowing) Procedure, which came into effect on 1 June 2014, is detailed at **Appendix 1**.

The procedure appears on the Human Resources and Internal Audit intranet pages and also on the council's internet page under council and democracy.

As well as being able to telephone or write in with their concerns, it is also possible for individuals to report concerns via the Internal Audit whistleblowing hotline on 01922 655880 and also via an online notification form. These are secure and confidential communication channels managed by Internal Audit.

A link to the online notification form is below:

[Online Notification Form](#)

Whistleblowing Allegations Received

14 whistleblowing complaints have been received by the organisation over the last 3 year period (2011/12 to 2013/14). The number of whistleblowing allegations received per directorate is detailed in the table below.

Directorate	Number of Whistleblowing Allegations Received		
	2011/12	2012/13	2013/14
Children's	0	1	2
Neighbourhood	1	1	0
Regeneration	0	1	0
Resources	0	3	1
Social Care & Inclusion	1	3	0
	2	9	3

Each whistleblowing concern is subject to an initial assessment and may result in an investigation being required. Possible outcomes following investigation, include, no action, a report with action plan for improvement (to address any control weaknesses identified), disciplinary action or combination of these. Of the 14 whistleblowing concerns received, in 7 cases a report with action plan for improvement was issued, in 4 cases a report plus disciplinary action was the outcome and in 3 cases the work is ongoing (an interim report has been issued in 1 of these cases).

Investigation work arising from whistleblowing allegations is regularly reported to Audit Committee. This work is also subject to regular review and progress monitoring by both the Head of Internal Audit and the Section 151 officer.

Confidential Reporting (Whistleblowing) Procedure

Document title	Confidential Reporting (Whistleblowing) Procedure		
Owner	Human Resources Strategic Services		
Status	Draft	Version	
Effective from	1 June 2014	Approved on	27 April 2014
Last updated	April 2014	Last updated by	HR Strategy and Planning Team
Purpose	<p>This 'whistle blowing' procedure plays a key part in maintaining the highest standards of openness, honesty and accountability by requiring everyone to report appropriate concerns.</p> <p>This procedure links to:</p> <ul style="list-style-type: none"> • Code of Conduct for Employees 		

If you would like this information in another language or format contact Human Resources Directorate Team.

Telephone 01922 65 5671

Text phone 01922 654000

Secure fax 01922 655622

Email hrdirectoratesupportteam@walsall.gov.uk



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1. Why do we have this procedure?

- 1.1 The Council is committed to maintaining the highest standards of openness, honesty and accountability.
- 1.2 This 'whistle blowing' procedure plays a key part in maintaining those standards by requiring everyone to report appropriate concerns (**see section 2 - what concerns should be reported?**). The Council's Code of Conduct for Employees makes this a specific obligation for all employees.
- 1.3 If you are a Council employee, a temporary or agency worker working for the Council, a contractor working for the Council on Council premises or provide goods or services to the Council then you are required to report appropriate concerns, in return for which you will be provided with feedback on action taken. You will also be protected from any reprisals or victimisation for 'whistle blowing'.

2.0 What concerns should be reported?

- 2.1 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 'whistle blowing' 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.
- 2.2 You should report any serious concerns that are 'in the public interest' (see 2.3) and appear to involve:-
 - 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 unrest or discrimination
 - unauthorized use of public funds
 - possible fraud or corruption
 - sexual, physical or verbal abuse
 - any other improper conduct that makes you feel uncomfortable in terms of falling below known standards or going against Council policies or practice
 - breach of any legal obligation
 - safeguarding children and vulnerable adults
 - deliberately concealing any of the above



- 2.3 A concern is only 'in the public interest' if it goes beyond matters of personal concern to you. You should **not** use this procedure 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 pay and grading appeal procedures).
- 2.4 Sometimes, a concern may be 'in the public interest' but may also be something that you have a personal interest in. If this is the case, please tell the person that you raise your concern with of your personal involvement.

3.0 When should I report my concerns?

- 3.1 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. 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.
- 3.2 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 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.

4.0 Will the Council protect me if I raise a genuine concern?

- 4.1 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, 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.
- 4.2 The Council does not tolerate any discrimination, harassment or victimisation and will take action to protect you if you have used this procedure to raise a genuine concern.
- 4.3 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.



- 4.4 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. However, such protection does not apply to you if you raise a concern that you know to be untrue, malicious or vexatious and any such instances will be followed up (where applicable) and may result in disciplinary action.

5. How should I raise a genuine concern?

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) Procedure.

5.2 Step 2

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

- | | |
|---------------------------------------|--------------|
| ➤ Head of Internal Audit | 01922 654727 |
| ➤ Executive Directors:- | |
| Children's | 01922 652081 |
| Neighbourhood | 01922 653203 |
| Regeneration | 01922 652004 |
| Resources | 07764 628186 |
| Social Care & Inclusion | 01922 652700 |
| ➤ Head of Human Resources | 01922 655600 |
| ➤ Assistant Director Finance | 01922 652102 |
| ➤ Head of Legal & Democratic Services | 01922 654822 |



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 01922 655880

5.3 Step 3

If you have followed these channels but still have concerns, or if you feel that you cannot raise your concern with any of the above, please contact the Chief Executive on 01922 652000.

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
- external auditors
- Citizens Advice Bureau
- the relevant professional body or regulatory body
- the police

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.pcaw.co.uk.

Hopefully, this procedure 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.



6. What will happen after I have reported my concern?

- 6.1 Once you have reported a concern, the Council will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. In any case, within ten days, you will be written to with:
- An acknowledgement that the concern has been received
 - An understanding of the concern that has been reported
 - An indication of how the matter will be dealt with
 - An indication of any initial enquires that have been made
 - Information on staff support mechanisms
 - Notification of any further investigations that will take place and if not, why not
- 6.2 Where appropriate the matters raised may:
- Be investigated by management, Internal Audit, or disciplinary process
 - Be referred to the external auditor
 - Form the subject of an independent enquiry
 - Be referred to the police
- 6.3 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.
- 6.4 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.
- 6.5 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:	
<p>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.</p>	
<p>Please provide the names and contact details of any people involved in your concerns, including witnesses.</p>	



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:	
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Signature:	
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For completion by the organisation:

Date form received by the organisation:	
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Name of recipient and job role:	
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Signature:	
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