

CONFIDENTIAL REPORTING POLICY

1. PREAMBLE

- 1.1 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 be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. This process is commonly referred to as "whistle blowing".
- 1.3 It is recognised that certain cases will have to proceed on a confidential basis. The code of practice set out in this policy makes it clear that staff can make reports without fear of reprisals. This Code is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking problems or raising them outside the Council.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This code of practice aims to:
- **encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;**
 - provide avenues for staff to raise concerns and receive feedback on any action taken;
 - **ensure that staff receive a response to their concerns ;**
 - allow staff to take the matter further if they are dissatisfied with the Council's response to the concerns expressed; and

- reassure staff that they will be protected from possible reprisals or victimisation, **if staff have a reasonable belief that they have made a disclosure in good faith.**

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. The Confidential Reporting Policy is intended to cover concerns that fall outside the scope of the grievance procedure. Thus any serious concern that a member of staff has 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 and should be reported under this policy.

This concern may be about something that is:

- **an offence or breach of law**
- **a disclosure related to miscarriages of justice**
- **a health and safety risk, including a risk to the public as well as other employees**
- **damage to the environment**
- **an unauthorised use of public funds**
- **possible fraud and corruption**
- **sexual or physical abuse of clients**
- against the Council's Standing Orders and policies
- against established standards of practice
- **other improper or unethical conduct; or**

The concern may be something that makes employees feel uncomfortable in terms of known standards, their experience or the standards to which they believe the Council subscribes.

3. SAFEGUARDS

3.1 HARASSMENT OR VICTIMISATION

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the Council as a whole. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in order to protect a person who raises a concern in good faith. **Any investigation into allegations of potential malpractice raised by an individual, will not influence or be influenced by any disciplinary or redundancy procedures that already affect the individual.**

3.2 CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal the identity if that is the wish of the individual. However, it must be appreciated that any investigation process may reveal the source of the information **and that the individual may need to come forward as a witness and provide a statement, as part of the evidence.**

3.3 ANONYMITY

This policy encourages members of staff who raise concerns to put their name to their allegation whenever possible. Concerns expressed anonymously **are much less powerful but** will be considered at the discretion of the Council. 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 obtaining the necessary information.

3.4 FALSE AND MALICIOUS ALLEGATIONS

The Council will protect itself and its staff from false and malicious expressions of concern by taking disciplinary action where appropriate. **If** a concern, which is genuinely believed, proves to be unfounded on investigation **no action will be taken against the member of staff.** The Council will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised. However, it acknowledges that it will not be possible to prevent all of the repercussions potentially involved.

4. HOW TO RAISE A CONCERN

4.1 Concerns should normally be raised with an appropriate level of line management (i.e. the immediate manager or his/her superior). However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

4.2 If a member of staff believes that senior management is involved in the matter of concern, an approach should be made to the Strategic Director, Internal Audit or the Chief Executive. In other cases, concerns may normally be made using the usual management channels.

4.3 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why the member of staff is particularly concerned about the situation.

4.4 It should be noted that often the earlier a concern is expressed the easier it is to take appropriate action.

- 4.5 Although staff are not expected to prove the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for concern.
- 4.6 Advice and guidance on how specific matters of concern may be pursued can be obtained internally from the Internal Audit Service. Alternatively staff may wish to get confidential advice from their trade union or professional association
- 4.7 **Staff may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.**
- 4.8 Staff may invite their trade union or professional association **representative or work colleague to be present during any meetings or interviews in connection with the concerns they have raised.**
- 4.9 **Where staff feel that they cannot approach anyone in the Council, they may wish to report their concerns through an independent reporting scheme called 'Fraud Watch'. This company is independent of the Council. It passes to the Council details of allegations made to it concerning matters of fraud, corruption or other irregularity. The scheme is open to employees of the Council as well as to the general public. The company will not notify the Council of the source of the allegation without the permission of the individual complainant. Each referral will be thoroughly investigated by the Council. The telephone number of Fraud Watch is: 0500 500 777.**

5. HOW THE COUNCIL WILL RESPOND

- 5.1 The action taken by the Council will depend on the nature of the concern. Where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process
 - **be referred to the external auditor**
 - be referred to the police
 - form the subject of an independent inquiry.
- 5.2 In order to protect individuals and the Council, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.
- 5.3 It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally some issues may be investigated without the need for initial enquiries. If urgent action were required, this would be taken before any investigation is conducted.

5.4 Within ten working days of a concern being raised, the Council will write to the person raising the concern (i.e. initially the individual or representative with whom the report was lodged as set out in Sections 4.1 and 4.2):

- acknowledging that the concern has been received,
- indicating how it proposes to deal with the matter,
- giving an estimate of how long it will take to provide a final response
- **telling the person whether any initial enquiries have been made**
- **supplying the person with information on staff support mechanisms, and**
- **telling the person whether further investigations will take place and, if not, why not.**

Every effort will be made to resolve the matters raised as soon as possible, in the interests of the Authority, the person raising the concern and the person(s) being investigated.

5.5 The amount of contact between the officers considering the issues and the member of staff raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

5.6 Where any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union or professional association representative or a **work colleague** who is not involved in the area of work to which the concern relates.

5.7 The Council will take appropriate steps to minimise any difficulties, which a member of staff may experience as a result of raising a concern. For example, if staff are required to give evidence in criminal or disciplinary proceedings, the Council will need to inform them and consider what steps are required to provide support.

5.8 The Council accepts that staff raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible **as the investigation progresses.**

6. **HOW THE MATTER CAN BE TAKEN FURTHER**

6.1 This policy is intended to provide staff with an avenue to raise concerns within the Council. However, if a member of staff is dissatisfied with the Council's response, she or he can raise the matter with the District Auditor

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1st and 2nd Floors
Sheffield House
Lytton Way
Off Gates Way
Stevenage
Herts
SG1 3HB

Telephone No: 01438 351570

- 6.2 In taking a matter of concern outside the Council, staff should ensure that, so far as possible, it is raised without confidential information being divulged and would, other than in exceptional circumstances, be expected to have exhausted the internal routes available first.

7. **HOW THE POLICY WILL BE MONITORED**

The Council has a responsibility for registering the nature of all concerns raised and to record the outcome. The Council's Internal Audit Division will produce an annual report, which will identify any patterns of concern and assess the effectiveness of the policy.

8. **RESPONSIBLE OFFICERS**

The responsibility for **the maintenance and operation of this policy** rests with the Strategic Directors **who maintain records of concerns raised and the outcomes (but in a form which does not endanger confidentiality). The records are forwarded to Internal Audit so that an annual report can be compiled.**

9. **REVIEW**

This procedure will be kept under review and any amendments will be subject to consultation with staff representatives.