

CYNGOR SIR POWYS COUNTY COUNCIL

Whistleblowing Policy

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Cyngor Sir Powys County Council Whistleblowing Policy

1.0 Introduction – What is Whistleblowing?

Whistleblowing is the term given to the act of reporting or disclosing something of concern, such as wrong-doing relating to illegal acts or omissions at work, financial malpractice or dangers to the public or to the environment.

The Public Interest Disclosure Act 1998, together with this policy, provides a means for employees who raise concerns in good faith and reasonably believe them to be true, to be protected from possible reprisal or victimisation.

2.0 Policy Statement

Under the Official Code of Conduct, employees have a duty to raise attention to any deficiency in the provision of services, impropriety or breach of procedure.

The Council encourages staff to use this policy constructively in its commitment to providing the highest possible standards of service and accountability to the public. This policy and procedure sets out what to do in order to voice serious concerns and aims to empower employees to do this within the Council at the earliest possible opportunity rather than 'bottling it up' for fear of intimidation, victimisation or harassment.

To this end, Powys County Council will not tolerate any victimisation, harassment or unfair treatment of any whistleblower. Any such behaviour or misuse of this policy will be dealt with through the Council's Disciplinary procedure.

3.0 What is covered by this policy?

The Whistleblowing policy is intended for use where there is concern about something that you believe:

- Is a criminal offence (e.g., fraud, corruption or theft) which has been/is likely to be committed;
- Is a miscarriage of justice which has or is likely to occur;
- Is against the Council's Financial Regulations, Codes of Conduct or policies;
- Is, or is likely to be a danger to the health or safety of any individual;
- Has, or is likely to, damage the environment;
- Is an act of discrimination to any member of staff or service recipient on grounds of race, gender or disability;
- Amounts to abuse of a service user by any member of staff;
- Amounts to neglect to deal with complaints (e.g., of abuse or malpractice);
- Falls below established procedures or standards of practice;
- Amounts to improper conduct;
- Is a cover-up of any of the above or where information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

If, however, you are aggrieved about your personal situation, please use the Grievance Procedure or the Fairness & Dignity at Work policy, which you can get from your manager, from Human Resources or from your Trade Union representative. The Whistleblowing

policy is primarily for concerns where the interests of others or of the Council itself are at risk.

Complaints of misconduct against County councillors should be made to the Council's Monitoring Officer (In Legal Services).

If you raise a concern under this Whistleblowing policy which you believe to be genuine and is made in good faith but it is not confirmed by the investigation, then no action will be taken against you. If, however, it is found that you have made a false allegation with malicious or mischievous intent, the action will be dealt with under the Disciplinary policy.

4.0 Who can use the Whistleblowing policy?

This policy is available to all employees of the Council, irrespective of status. It may also be used by anyone carrying out work on behalf of the Council such as agency workers, independent consultants or contractors if they have a concern about something they witness whilst conducting Council business and this policy should be shared with any of these bodies.

5.0 What support should a Whistleblower expect to receive?

It may not be an easy decision to report a concern, especially if the person fears reprisal from those responsible for the malpractice. However, the Council encourages staff to report concerns and as such, you will receive the support to do this and the Council will deal with the matter swiftly.

Measures will be taken to safeguard a whistleblower from harassment or victimisation. Any measures taken to protect you would be with your agreement and of such a nature that you do not feel disadvantaged in any way. If you are worried about reprisal, you should say so at the time of reporting the malpractice so that this can be taken into account when addressing the matter. If you experience or receive unwelcome behaviour as a result of raising a concern, the Council will take appropriate and necessary action against the offender and to protect you.

Because of this commitment to protect whistleblowers, you are encouraged to put your name to the concerns you are raising so that the person investigating the matter can verify or clarify any points with you and add credibility to the concern. Concerns expressed anonymously are much less powerful and can be difficult to substantiate. Your identity will be protected as far as possible, but you must be aware that any investigation into the matter is likely to reveal the source of the information and you may be required to make a statement which will form part of the evidence. If you are interviewed as part of any investigation, all attempts will be made to ensure these take place away from the workplace or at a location which does not identify the purpose of your meeting to other people.

If you do raise a concern under this policy, you will not be at risk of losing your job or of suffering any form of retribution as a result, provided that:

- The disclosure is made in good faith; and
- You reasonably believe that information and any allegations contained in it, are substantially true; and
- You are not acting for personal gain.

The Staff Counselling Service is available to all staff and you may wish to make contact with a Counsellor for additional support.

6.0 How to raise a concern at work

If you become concerned about something at work, you should first discuss this with your manager. If the concern involves your manager or someone senior to them in your service area, then you should contact one of the people listed below as appropriate:

- The Head of Finance, or Audit Manager
- The Head of Legal, Scrutiny & Democratic Services
- The Head of HR
- The Child/Adult Protection Co-ordinator
- Any senior manager whom you feel comfortable approaching
- A Strategic Director
- The Chief Executive

You should make contact with one of these people as soon as possible because the sooner something is reported, the easier it is to take action. You may also speak to a trade union representative who may be able to help you raise your concern.

It may be the case that you are not the only person with concerns and you may wish to come forward together for moral support, but you may be interviewed separately as part of any resulting investigations so that the fullest picture possible can be drawn.

It is best to support your concerns by putting it in writing, giving names, dates, places, the events as they appear to you and why you are concerned about the situation.

If, for any reason, you feel unable to write it all down, then speak to the person you are reporting to so that they can record what you are describing to them.

If you are unsure whether, or how, to use this procedure or want independent advice, you may contact Public Concern at Work, an independent authority on public interest whistleblowing. They can give free, confidential advice at any stage on how to raise a concern about serious malpractice at work. They can be contacted on 020 7404 6609 or email helpline@pcaw.co.uk.

Points to remember:

Do –

- Make an immediate note of your concerns
- Convey your suspicions to one of the people listed above
- Deal with the matter promptly
- Seek advice from your union or from Public Concern at Work

Don't –

- Do nothing
- Be afraid of raising your concerns
- Approach or accuse any individuals directly

- Try to investigate the matter yourself
- Convey your suspicions to anyone other than those with the proper authority

7.0 What will happen when a concern is raised?

The person you reported the concern to will write to you to acknowledge your concern and indicate how it is intended to proceed and the reasons why.

Once the matter has been reported to the appropriate person they will inform the monitoring officer in order that all potential whistle-blowing cases are recorded. The monitoring officer will also be informed once the matter has been responded to and informed of the outcome in order that this can be recorded and if necessary reported to the Standards Committee.

Depending on the nature of the concern, the action taken may take the following forms:

- An investigation under the relevant Council policy/procedure (e.g., Child or Adult Protection, Anti-fraud & Corruption)
- Referral to the Police
- Referral to an external auditor
- An independent enquiry

It is likely that you will be interviewed or asked further questions to assist the investigation and you may be asked to sign a statement confirming the details of what you have reported. You are entitled to bring a trade union representative or a colleague (provided they are not involved in the matter) to any interviews or meetings.

In the event that an investigation results in criminal or disciplinary proceedings you may be required to attend a hearing. The Council will advise you about this and support you through the process. You may also wish to seek support and guidance from your trade union.

Subject to any legal constraints, you will be kept informed of any action taken during and after the investigation and once the matter has been concluded, you will be informed of the outcome, but you must keep any information confidential.

8.0 Monitoring this policy

The Standards Committee has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer maintains a record of concerns raised and the outcomes, together with feedback of peoples' experience of using this policy, and will report as necessary to the Standards Committee who will make recommendations to the Council.

9.0 What do I do if I am not satisfied that the matter has been dealt with?

The Council will take all reasonable steps to ensure that your concerns have been addressed and dealt with in the appropriate manner, but if you feel that this is not the case, then the following are possible contact points:

- The Council's Monitoring Officer – 01597 826395
- Your local County Councillor (if you live within Powys) – 01597 826410

- Your trade union
- Internal Audit – 01597 826821
- Relevant professional or regulatory bodies
- Your solicitor/the Citizen's Advice Bureau
- The Police – Dyfed-Powys Police – 101 / 01267 222020
- Public Concern at Work - 020 7404 6609 or email helpline@pcaw.co.uk
- The Health & Safety Executive – 0845 3450055
- Public Services Ombudsman for Wales – 01656 641150