

SECTION 22 – CONFIDENTIAL REPORTING “WHISTLEBLOWING” CODE

INTRODUCTION

- 22.1 All of us at one time or another have concerns about what is happening at work and usually these concerns are easily resolved. However, when you are troubled about something that involves a **danger (to public or colleagues), professional misconduct or financial malpractice**, it can be difficult to know what to do.
- 22.2 You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next. You may feel that raising the matter would be disloyal to colleagues, to managers or to the Council.
- 22.3 This Council has introduced this policy to enable everyone to “blow the whistle” safely and without fear of any repercussions so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes receipt of your concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.
- 22.4 If something is troubling you which you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position in work, please use the Council's Grievance Procedure. **This whistleblowing procedure is primarily for concerns where the interests of others or this Council are at risk.**
- 22.5 A whistleblowing concern is about a risk, malpractice or wrongdoing **that affects others**. It could be something which adversely affects other workers, the organisation itself and/or the public.
- 22.6 A grievance is a personal complaint about someone's own employment situation (e.g. relationships at work or Terms and Conditions of employment and how they have been applied or interpreted).

If in doubt - raise it!

- 22.7 This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the Council. Where you have a concern which is personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply. In circumstances where unwanted conduct or unnecessary behaviour is displayed to exert power, fear or anxiety on yourself or a work colleague(s) the Council's Fairness and Dignity at Work Policy can be used. If you are not sure about which policy applies to your concern, please contact the Monitoring Officer. There is of course, a need to ensure that any investigation process is not misused and therefore any abuse, such as raising unfounded malicious allegations, may be treated as a serious disciplinary matter.

THIS APPLIES TO YOU

- 22.8 This applies to all staff whether you are a permanent employee, a Member, agency or temporary staff, the staff of one of our contractors, or a volunteer.

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OUR COMMITMENT TO YOU

Protection of the “ Whistle-Blower”

22.9 The Council is committed to this policy and hopes that you feel able to voice your concerns openly. This policy sets out a framework within which you can make a “protected disclosure” without fear that you will be subjected to victimisation or dismissal (and selection for redundancy) provided that the disclosure is made in accordance with the Public Interest Disclosure Act 1998 (“The Act”) as amended. It is important for you to be aware that you can only make a public disclosure in certain circumstances. A “protected disclosure” must be of a certain type of information known as a “qualifying disclosure” and the disclosure must be made in a way which is described in the Act.

22.10 A qualifying or protected disclosure is a disclosure of information made in the public interest which in the reasonable belief of the person making the disclosure tends to show one or more of the following:

- 22.10.1 illegal practices (for example, a criminal offence).
- 22.10.2 a failure to comply with a legal obligation.
- 22.10.3 the health and safety of an individual, whether this is a member of the public or staff being endangered.
- 22.10.4 damage to the environment.
- 22.10.5 miscarriage of justice.
- 22.10.6 deliberate concealment of any of the above.

Your confidence

22.11 We will not tolerate the harassment or victimisation of anyone raising a concern and disciplinary action may be taken against those who harass whistle-blowers. The Council hopes that you feel able to voice their concerns openly. Nonetheless, we recognise that you may be anxious. If so you can ask to talk privately to a senior officer within the service or to one of the persons identified in rules 22.15 to 22.19 below. If you want to raise your concerns confidentially, we will make every effort to ensure that your name will not be revealed without your consent. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

22.12 However there may be occasions when it may become necessary to disclose your personal details. This could be for a variety of reasons depending upon the nature of the concerns raised. For example, it could be to ensure fairness for all involved.

22.13 The Council will seek to withhold personal details being released; it cannot guarantee that others will not try to deduce (correctly or otherwise) your identity. This may be the case where concerns have already been raised with colleagues or managers. In addition, at the appropriate time you may need to come forward as a witness. Where it is necessary for your identity to be disclosed we will discuss this with you, explaining the reasons why your identity needs to be disclosed. We will also discuss and provide any reasonable support to try to alleviate concerns that you may have regarding the need to make the disclosure.

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Anonymous concerns

22.14 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the facts to be taken into account would include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from available sources. It is better that concerns are raised anonymously rather than not at all.

HOW TO RAISE A CONCERN INTERNALLY

- 22.15.1 You should not attempt to investigate suspected malpractice yourself.
- 22.15.2 You should deal with the matter promptly, if you feel your concerns are warranted, involving your recognised trade union or professional body as necessary.
- 22.15.3 You make an immediate note of your concerns (making a note of all relevant details such as ‘what was said’ in a telephone discussion or other conversations), the date, time and the names of any parties involved particularly details of any witnesses.

Step one

22.16 If you have a concern, we hope you will normally feel able to raise it with the appropriate Line Manager so it can be resolved locally.

Step two

22.17 If you don’t feel step one is appropriate or it hasn’t worked, please raise the matter with your Head of Service, Director or Strategic Director. Please say if you want to raise the matter in confidence so that they can make arrangements accordingly. We will write to you summarising your concern and the action we propose to take.

Step three

22.18 If these steps have been followed but have not worked, or you feel that the matter is so serious that you cannot discuss it with any of the above, you can report your concerns, in strict confidence to:

- 22.18.1 The Council’s Internal Audit Manager by writing to the Internal Audit Manager, County Hall, Llandrindod Wells, Powys LD1 5LG or by telephone on 01597 826821: or
- 22.18.2 The Council’s Monitoring Officer (Chief Legal Officer) (Tel: 01597 826746); or
- 22.18.3 The Council’s Chief Finance Officer (Tel: 01597 826729); or
- 22.18.4 The Leader or a Deputy Leader (Tel: 01597 826199)

NB. Protection of Children and/or Vulnerable Adults

22.19 If you witness or have concerns about the safety or welfare of a child or vulnerable adult or if you suspect that abuse may be taking place, please report your concerns immediately to the Council’s Safeguarding Manager, Ruth Ingram (Tel 01957 827023) during normal office hours. Outside office hours please contact the Out of Hours Team on 0845 7573818. Alternatively, you can call the

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Police by phoning 101 and ask for your local Police Station or by phoning 999 if it is urgent.

HOW WE WILL HANDLE THE MATTER

- 22.20 Once you have told us of your concern, it will be looked into to assess what action should be taken. This may involve an informal review, an internal inquiry or an investigation all of which will be independent and will not involve the line managers of the whistle-blower or the person against whom the complaint has been made. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. We will write to you summarising your concern and setting out how we propose to handle it.
- 22.21 When you raise the concern we may ask you how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the grievance or other procedures we will tell you.
- 22.22 Your concern will be dealt with as quickly as possible and normally any investigation will be concluded within one calendar month.

COUNCIL RESPONSIBILITY OF THIS POLICY

- 22.23 The Executive Management Team member who is responsible for this policy is David Powell, the Strategic Director for Resources. However, all whistleblowing concerns will be co-ordinated by Clive Pinney, the Solicitor to the Council.

RESPONSE TIMES

- 22.24 Employees and members of the public need to be aware that matters which have been raised through the Whistleblowing Policy can often be difficult to investigate. In all cases however, all whistle-blowers will receive a written acknowledgement of the concern(s) raised within 10 working days. Subject to the limitations and provisions of statute and confidentiality, all matters raised should be fully investigated within one calendar month. The outcome of the investigation will be notified to the whistle-blower in writing within 10 working days of the completion of the investigation, however, it may not be possible to fully disclose what outcomes were reached in respect of all the issue(s) raised.

INDEPENDENT ADVICE

- 22.25 If you are unsure whether or how to raise a concern or you want free independent advice at any stage, you may contact:
- 22.25.1 your Trade Union or Professional Association; and/ or
 - 22.25.2 the charity Public Concern at Work on 020 7404 6609. Their lawyers can give you independent confidential advice at any stage about whistleblowing.

EXTERNAL CONTACTS

- 22.26 To reassure you that we want you to raise concerns internally and that we will deal with it properly, please know that you can also contact specific regulatory bodies, such as the Health & Safety Executive or the Wales Audit Office. Where you believe the local response has been inadequate, you can also raise your

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concerns with a body such as Public Concern at Work on 020 7404 6609 and your union will be able to advise you which route is appropriate in your circumstances.

22.26.1 The Wales Audit Office can be contacted at:

PIDA Officer
The Auditor General for Wales
24 Cathedral Road
Cardiff
CF11 9LJ
E-mail: whistleblowing@wao.gov.uk
Phone: 01244 525980

22.26.2 For concerns related to the provision of social services, the Care and Social Services Inspectorate Wales (CSSIW) can be contacted at:

Welsh Government Office
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ
E-mail: cssiw@wales.gsi.gov.uk
Phone: 0300 7900 126

22.26.3 You may also find assistance from the following website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf 7

IF YOU ARE DISSATISFIED

22.27 If you are unhappy with the response, remember you can go to the other levels and bodies detailed above.

22.28 While we cannot guarantee that you will be satisfied with our response, our aim is to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

WHO WE CONSULTED

22.29 This policy has been drawn up in consultation with Trades Unions, the Wales Audit Office, the Council’s Standards Committee, Democratic Services Committee and Governance and Audit Committee. The Council will review the policy from time to time and welcomes your comments.

REVIEW OF POLICY AND SCRUTINY

22.30 This policy will be reviewed in accordance with the dates set out on the front cover of the policy.

22.31 All staff and Members who are aware that a whistleblowing complaint has been made must inform the Solicitor to the Council who will:

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- 22.31.1 record the number and types of concerns raised, follow-up action taken and the outcomes of investigations;
- 22.31.2 report the number and types of concerns annually to the Standards Committee and the Governance and Audit Committee;
- 22.31.3 ensure that there is evidence of timely and constructive feedback to the worker raising the concern;
- 22.31.4 seek feedback from individuals who have used the arrangements;
- 22.31.5 from time to time recommend to the Strategic Director for Resources that internal audit consider the effectiveness of the whistleblowing procedures.