

WHISTLE BLOWING PROCEDURE

1. Introduction

Harlow Council is committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within the Council rather than over-looking a problem or raising the matter outside.

It applies to all employees, agency workers and those contractors working on Council premises, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

2. Other Complaints Procedures

This procedure is separate from the Council's Complaints Procedures and other statutory reporting procedures applying to some directorates. Managers are responsible for making service users aware of these procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

3. Aim & Scope

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken

- given a response to their concerns and are aware of how to pursue them if not satisfied
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

3.1 There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures.

These include:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur, as the result of which the Council fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct, discrimination of any kind, and waste/frivolous expenditure
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
- past, current or likely damage to the environment

3.2 Concerns about any aspect of service provision or the conduct of officers or Council Members or others acting on behalf of the Council, can be reported under the Whistle Blowing Procedure. This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards they believe the Council subscribes to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

3.3 The Council's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

4. Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

5. Anonymous Allegations

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at the Council's discretion.

In exercising the 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 confirming the allegation from attributable sources.

6. Untrue Allegations

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

7. How to Raise a Concern

7.1 General

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- explain the reason why you are particularly concerned about the situation.

Alternatively you can leave a message on the Council's confidential Whistle Blowing 'hot-line' (Tel: 01279 446221).

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

7.2 Step One - Raising a Concern

Whenever possible you should raise your concern with your immediate manager or his/her manager. If this is not appropriate, you should approach the following according to the nature of the concern:

Directorate	Contact Name	E-mail
Chief Executive's Department	Malcolm Morley	malcolm.morley@harlow.gov.uk
Finance	Peter Morbey Donna Mason	peter.morbey@harlow.gov.uk donna.mason@harlow.gov.uk
Community & Customer Services	Lynn Seward	lynn.seward@harlow.gov.uk
Housing	Andrew Murray	andrew.murray@harlow.gov.uk
Regulation	Graeme Bloomer	graeme.bloomer@harlow.gov.uk
Governance	Mike White	mike.white@harlow.gov.uk
Growth and Regeneration	Cath Shaw	cath.shaw@harlow.gov.uk
Independent Helpline	N/A	01279 446221

Harlow Council has an Anti Fraud and Corruption Policy Statement and all suspected financial irregularities must be reported to the Internal Audit Manager.

7.3 Step Two - How the Council will Respond

The action the Council takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, Internal Audit or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days, the responsible person (the officer to whom you reported the issue to) will write to you:

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

8. Contact

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

9. Attending Meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

10. Support

The Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise or arrange for you to have advice about the procedure.

The Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

The Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

11. How the matter can be taken further

This procedure is intended to provide individuals with an avenue to raise concerns within the Council. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work 0207 404 6609
- Audit Commission 01279 446636
- a local Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside the Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named Council contacts.

12. Public Interest Disclosure

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled to not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any Council employee directly due to the individual having made such a disclosure will automatically be unfair.

13. Issue

This was approved at the Policy & Resources Committee 26th November 2009.

This replaces the Confidential Reporting Procedure previously contained in the Employee Handbook dated December 2000.

Nigel Delbarre
HR Manager
21st May 2010