

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Annual Review of Whistleblowing Policy and Guidance
Meeting/Date: Corporate Governance Panel – 26 November 2014
Executive Portfolio: Resources: Councillor J A Gray
Report by: Internal Audit & Risk Manager
Ward(s) affected: All Wards

Executive Summary

The whistleblowing policy and guidance is reviewed annually.

The purpose of whistleblowing law is to protect individuals who make disclosures of wrongdoings in the public interest without fear of reprisals from their employer.

The review of the policy and guidance has been completed by the Internal Audit & Risk Manager. A number of changes are being proposed to both the policy and guidance to reflect the new management structure. No other substantial changes are proposed. The policy and guidance can be found at Appendix 1 and 2.

Public Concern at Work (PCaW), the leading independent supporter of whistleblowers and provider of guidance and advice, has issued a code of practice (Appendix 3) that it encourages organisations across all sectors to sign up to. Promotion of the code by the PCaW is through 'The First 100 Campaign'. It is recommended that the Council supports the campaign and becomes a signatory to it. This will send a strong message to employees that it is supportive of those who wish to raise a concern via whistleblowing and that harassment, bullying or victimisation of a whistleblower will not be tolerated.

Recommendations:

It is recommended that the Panel :

1. Approve the revised whistleblowing policy and guidance.
2. Agree the Council becomes a signatory to the Public Concern at Work, 'The First 100 Campaign'.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report deals with the review of the whistleblowing policy and guidance.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The whistleblowing policy and guidance was introduced in 2000 in response to the Public Interest Disclosure Act 1998 (PIDA). Both documents are reviewed annually to ensure they continue to be fit for purpose. Consequently both documents mirror best practice requirements. This year's review has been conducted by the Internal Audit & Risk Manager.
- 2.2 The policy allows any employee, contractor or member of the public the opportunity to report, without fear or victimisation, a serious or sensitive concern. (e.g. a potential fraud or corrupt act, any danger to health and safety or the mistreatment or abuse of any customers, particularly children).

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Panel last reviewed the policy and guidance in November 2013, shortly before Public Concern at Work (PCaW), the leading independent supporter of whistleblowers, issued their 'Whistleblowing Commission' Report on the effectiveness of existing arrangements for workplace whistleblowing in the UK.
- 3.2 The Report recommended that the PIDA be amended to allow the Government to issue a whistleblowing code of practice that would be taken into account by courts and tribunals when issues of whistleblowing arise. The Government has not amended the PIDA as suggested, but it does support the code of practice.
- 3.3 The code of practice provides practical guidance on the raising, handling, training and reviewing of workplace whistleblowing procedures and practices. It has been compared to our own policy and guidance. There are a few differences in phrasing and terminology but these are not considered sufficient enough to require the policy and guidance to be amended.
- 3.4 To support the code of practice, PCaW has started 'The First 100 Campaign'. An appeal to organisations across all sectors to sign up to the principles of the code and work towards compliance with it. It is recommended that the Council supports this, and becomes a signatory to it. This will show employees that we wish to support them in speaking up about wrongdoing and listen to them when they do.
- 3.5 There are a number of changes being proposed to both the current policy and guidance to reflect the new management structure. No other substantial changes are proposed. All the changes are clearly marked on the policy and guidance which are attached, as appendices, to this report. Once approved, they will be made available on the Council's website and intranet.

**4. KEY IMPACTS/RISKS?
HOW WILL THEY BE ADDRESSED?**

- 4.1 The Council is not required by statute to have a whistleblowing policy in place although it is considered to be best practice.
- 4.2 It is important the employees, service users and contractors etc., have the ability to report, in confidence, issues of concern to the Council. The whistleblowing policy introduces a framework in which this can be done and importantly, sets out the protection that will be afforded to a whistleblower. Dealing effectively with a whistleblowing allegation is important to protect the Council from potentially significant reputation, commercial and financial risks.
- 4.3 Not having a reporting mechanism in place, may lead people to report matters outside of the Council with consequential impacts upon the reputation of the Council.
- 4.4 Having a policy and guidance in place is of limited use if it is not publicised or made known. Raising the profile of whistleblowing internally has been done through the use of posters, intranet and notes on the employee bulletins etc. The challenge is to raise the profile externally, with service users and contractors etc. In previous years the Council Tax leaflet, and posters in Post Offices, Doctors and Dentists surgeries have all been used to raise the profile of whistleblowing.

5. LINK TO THE LEADERSHIP DIRECTION

- 5.1 The whistleblowing policy sits within the corporate aim of ensuring we are a customer focused and service led council, which has the aims of delivering value for money services, becoming more business-like and efficient in the way we deliver services and ensuring customer engagement drives service priorities and improvement.

6. CONSULTATION

- 6.1 Not applicable.

7. LEGAL IMPLICATIONS

(Comments from the Head of Legal & Democratic Services)

- 7.1 There are no legal implications arising from this report.

8. RESOURCE IMPLICATIONS

(Comments from the Assistant Director, Finance & Resources)

- 8.1 There are no resource implications arising from this report. If a decision is taken to join the '100 First Campaign' then resources may need to be spent to publicise that decision both within and outside the Council. The cost of doing this will be funded from current resources.

9 REASONS FOR THE RECOMMENDED DECISIONS

- 9.1 Changes are required to the whistleblowing policy and guidance to reflect the managerial changes that have been introduced.
- 9.2 Supporting the 'The First 100 Campaign' organised by PCaW will show all employees and those we provide services to and undertake business with, that the Council is committed to properly investigate all whistleblowing allegations.

10. LIST OF APPENDICES INCLUDED

Appendix 1 – Whistleblowing Policy
Appendix 2 – Whistleblowing Guidance
Appendix 3 – Public Concern at Work – Code of Practice

BACKGROUND PAPERS

Public Concern at Work, Whistleblowing Commission report

CONTACT OFFICER

David Harwood. Internal Audit & Risk Manager
Tel No. 01480 388115



Huntingdonshire District Council Whistleblowing Policy

Introduction

Huntingdonshire District Council recognises that those that it employs and provides services to are often in the best position to know when the interests of the public are being put at risk. They can act as an early warning system on matters of health and safety or help to uncover fraud and mismanagement.

The Council also recognises that these people may not wish to express their concerns for a number of reasons. They may think it is disloyal to do so or they may fear reprisals, or they may not expect any action to be taken, or they may not know the best way to proceed. They may therefore find it easier to ignore their own concerns, or to “blow the whistle” to someone outside the Council.

The Council wants to build an environment of trust and openness so that people are prepared to whistle blow knowing that their concern will be treated confidentially and investigated appropriately. This Policy has been prepared in response to the Public Interest Disclosure Act 1998 and other legislation¹ and has been formally adopted by the Corporate Governance Panel on behalf of the Council.

Policy Statement

The Council is committed to the highest possible standards of openness, probity and accountability and to dealing with all fraud and other forms of malpractice reported.

Any employee, contractor, member of the public or any other organisation with serious or sensitive concerns about any aspect of the Council’s work shall be encouraged to come forward and voice those concerns at an early stage without fear of victimisation, subsequent discrimination or disadvantage. These concerns may relate to issues that are occurring now, took place in the past, or are likely to happen in the future.

All concerns received will be treated in confidence, examined and investigated in accordance with this policy.

Any employee or contractor who raises a concern shall be treated as though they are making a ‘protected disclosure’ (within the meaning of employment legislation)², if the concern is connected with any of the areas listed under the following section and been raised in the public interest.

¹ Enterprise and Regulatory Reform Act 2013

² Employment Rights Act 1996

Concerns covered by the Policy

The policy is intended to deal with genuine concerns of a serious or sensitive nature about wrongdoings in the following areas:-

- fraud and corruption
- any customers that we deal with, particularly children, being mistreated or abused
- an unlawful act
- the health and safety of any individual has been, or is likely to be endangered
- damage to the environment
- discrimination of any kind; or the
- deliberate concealment of any information that falls into any of the areas above.

Concerns not covered by the Policy

The Council wants all serious or sensitive concerns to be raised.

Any concern that falls under another Council policy or procedure will be investigated in accordance with that policy, for example the grievance or dignity at work policy if the issue is raised by an employee, or the complaints procedure if the issue is raised by a service user or contractor. Concerns involving Councillors will be referred to the Council's Monitoring Officer.

If the concern refers to an issue that is not in the public interest, not covered by this policy or any other Council policy or procedures (e.g. an employee not performing their duties correctly whilst under the influence of alcohol or non-prescribed drugs) it will be investigated as though it was received under this policy.

Implementing the Policy

The Council shall take appropriate action to publicise the policy so that all potential whistleblowers:

- feel confident that they are able to contact the Council and raise their concerns about Council practices
- realise that concerns should be raised about any employee, councillor, supplier or anyone who provides services to the public on the Council's behalf
- are aware of the different ways they can inform the Council of their concerns
- understand that concerns will be received in good faith and taken seriously
- are aware that anonymous concerns may not be investigated
- understand that they will receive a response to their concerns and are aware of how to pursue them further if they are not satisfied with the response
- are reassured that they will be protected from victimisation, subsequent discrimination or disadvantage

A guidance note shall be made available setting out the actions that will normally be taken when a concern is received.

Investigating Officer

All whistleblowing concerns received under this policy shall be reported immediately to the Audit & Risk Manager. He will be responsible for reviewing the concern, deciding upon the action to take, leading and directing investigations, preparing any subsequent reports and liaising with the person raising the concern.

Safeguards

The identity of the person raising the concern will remain confidential. If disclosure is required for any reason then this will be discussed with the person concerned.

The Council will not tolerate the harassment or victimisation (including informal pressures) of any person who has raised a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern or who has disclosed the name of a whistleblower to any person other than the Council's Managing Director, **the Corporate Director (Services)** or the Audit & Risk Manager.

Whistleblowing Externally

Whilst the Council would like all concerns to be raised with it initially, it recognises that the Public Interest Disclosure Act 1998 allows for concerns to be made to "prescribed persons". The guidance note will provide information on external whistleblowing.

Monitoring and Review

The ~~Head of Legal and Democratic Services~~ **Corporate Director (Services)** will be responsible for monitoring the implementation and effectiveness of the Policy and the guidance note. This will include an annual review and an annual report to the ~~Chief Officers'~~ **Corporate** Management Team and the Corporate Governance Panel.

End.



Huntingdonshire District Council Guidance for Whistleblowers

Introduction

This guidance explains how the Council will react when it receives a concern under its whistleblowing policy. You can read the Council's whistleblowing policy on its website or request a copy from the Head of Legal and Democratic Services. His telephone number is listed at the end of this note.

We realise that for some individuals it will take a great deal of courage to raise a concern. Please be assured that your concern will be treated in confidence at all times and that we will not tolerate the victimisation of anyone who reports an issue to us.

Concerns received will probably require different responses. This guidance is intended to provide you with an idea of the steps we will generally follow when a concern is received.

The guidance applies to all employees, suppliers, contractors and members of the public who wish to raise a serious or sensitive concern about a potential criminal offence, breach of the law, health and safety or environmental issue.

What you need to tell us

If you have a concern then please raise it with us sooner rather than later. We would much rather be told about a concern and investigate it, even if the investigation shows your concern was unfounded, than not know about the matter in the first place.

It is best if your concern is raised in writing and that you provide your name and some contact information. A telephone number is sufficient.

When you first raise your concern we will treat it in good faith and accept that it is true. You should however try and avoid making your concern anonymously. If your concern is justified, but made anonymously, we may still be unable to investigate it if we can't contact you to obtain further information. Please think carefully about remaining anonymous.

You need to tell us as much as you can about your concern. Please try and provide some background information and all the names, dates and places that are relevant. If you have any documentary evidence to support your concern then please tell us about that as well. The more information you are able to provide the easier it will be for us to investigate your concern.

If you are uneasy about putting your concern in writing then contact us using one of the methods below and ask for a meeting, which doesn't have to be at

the Council's offices. If you wish you can bring other people to the meeting if that will reassure you.

How to contact us

There are a number of ways you can contact us.

Complete the electronic form that is available on the Council's web pages at <http://www.huntingdonshire.gov.uk>. Type whistleblowing into the search engine or go to W on the A to Z listing, and then select whistleblowing

Send an email to whistleblower@huntingdonshire.gov.uk

Leave a message on the 24 hour telephone hotline, 01480 387080.

Write a letter, clearly marking the envelope Strictly Private & Confidential to:

Internal Audit & Risk Manager
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

No matter which method you use to contact us, all the information you provide will be treated in confidence.

Who will investigate your concern?

All concerns are passed to the Council's Internal Audit & Risk Manager as soon as they are received. All electronic forms and emails together with the telephone hotline are accessible only by him. Post that is marked 'strictly private and confidential' will be passed unopened to him.

What we will do?

Once you have told us of your concern the Internal Audit & Risk Manager will look into it to assess initially what action should be taken.

The initial assessment may involve an internal inquiry or a more formal investigation. Please be assured that the number of people who are made aware of the concern will be kept to a minimum.

If he believes that your concern is valid, but should not be classed as a whistleblowing concern, e.g. a potential breach of planning consent, then he may pass your concern to a member of staff in the relevant department to investigate. Your concern will be passed on anonymously, your details will remain confidential.

Depending on the outcome of the initial assessment we may decide that your concern is valid but that we have insufficient information to continue with the investigation. If this happens we will try and obtain further information to allow us to continue with the investigation. If this is not possible and no other option is available to us, we may request you to gather additional information on our behalf. You are under no obligation to do this however.

Once we have validated your concern and have sufficient information to continue, your concern will be investigated.

All meetings, decisions and actions taken in dealing with the concern will be recorded in writing.

Letting you know what we're doing

If you have provided contact information you will be told who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.

When the investigation has been completed we will contact you again with as much detail about the investigation as we are able to provide. Please note that we may not be able to tell you the precise action we have taken, as this may infringe a duty of confidence owed by us to someone else.

What if we take no action?

If after undertaking the initial assessment and speaking with you, we feel that we do not have sufficient information to undertake an investigation into your concern then we will tell you. If you are unhappy about this, you should contact the Council's Managing Director or ~~Head of Legal & Democratic Services~~ Corporate Director (Services) who will decide if any further action needs to be taken.

Maintaining confidentiality

We will do our utmost to protect your identity. If it has to be disclosed to allow us to undertake disciplinary or other more serious action against any wrongdoer, then we will discuss this with you. In some circumstances, especially if the Police are involved, we may be legally obliged to disclose your identity without your consent. Again, we will discuss this with you.

If you feel that you are being harassed or victimised because you have raised a concern then you must let us know. We will take action to protect you as long as we believe that your concern was raised in the public interest.

Who to report to externally

If you sincerely believe that, by raising your concern with us, you will be subject to victimisation or reprisals of whatever sort, or that evidence to support your concern will be destroyed, then you should raise the matter with an external organisation, known as a “prescribed person”.

If you wish to take this course of action, but are unsure of what to do then please contact either the Internal Audit & Risk Manager or the ~~Head of Legal and Democratic Services~~ Corporate Director (Services). They will be able to advise you on what you need to do, without asking for details of your concern.

Alternatively you could contact the Council’s external auditors, PriceWaterhouseCoopers, on 0207 213 5497.

When raising a concern externally remember to make it clear that you are raising the issue as a whistleblower. This gives you additional statutory rights.


Further information and advice

If you want further information or advice about whistleblowing then please contact either:

David Harwood, Internal Audit & Risk Manager  01480 388115

or

~~Colin Meadowcroft, Head of Legal and Democratic Services  01480 388021~~

Julie Slatter, Corporate Director (Services)  01480 388103

End.