

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Whistleblowing Policy, Guidance and Concerns Received
Meeting/Date: Corporate Governance Committee – 13 June 2018
Executive Portfolio: Strategic Resources: Councillor J A Gray
Report by: Internal Audit & Risk Manager
Wards affected: All Wards

Executive Summary

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.

It is recommended that no changes are made to either the whistleblowing policy or guidance. In line with previous Committee recommendations the Managing Director has approved a change to the Policy to allow for the reporting of the outcome of this review to be included in the Local Code of Corporate Governance, rather than the Annual Governance Statement.

Only Council employees, contractors or suppliers providing services under a contract to the Council are classified by law as whistleblowers. No allegations has been received during 2017/18 that fulfilled this criteria.

Members of the public have continued to use the whistleblowing channels available to raise matters of concern and six separate allegations have been received during 2017/18.

There are no financial or legal implications arising from this report.

Recommendations:

It is recommended that the Committee:

1. Consider the results of the annual review of the whistleblowing policy.
2. Approve the whistleblowing policy and guidance.

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report deals with the review of the whistleblowing policy and guidance and contains details of the total number of whistleblowing allegations received during the year ending March 2018.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The whistleblowing policy and guidance notes were both 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.

3. ANALYSIS

Policy and Guidance review

- 3.1 After undertaking the whistleblowing policy and guidance review in June 2016, Committee recommended that minor changes to the policy and guidance that do not affect the overall approach taken to whistleblowing can be approved by the Managing Director. One such change has been made. The policy used to state that the annual governance statement (AGS) would contain details of the results of the annual whistleblowing review. That statement has been replaced by one that requires the Local Code of Corporate Governance to include details of the annual review. As the AGS no longer needs to include within it all the supporting governance processes, the Managing Director feels it is appropriate for details of the review to be included in the Local Code.
- 3.2 Whilst there have been no significant legislative or legal decisions in the past year that require the policy or guidance to be amended, a privacy statement has been added to the on-line whistleblowing form to meet the general data protection regulations.

Whistleblowing concerns received

- 3.3 There are a number of channels available for a whistleblower to raise their concerns. These include an internet form, a specific email address and a dedicated 24 hour telephone.
- 3.4 No whistleblowing allegations (as per the definition in the policy) have been received in 2017/18 (one allegation was received in 2016/17).
- 3.5 Six allegations were received from members of the public. All were passed to the relevant service for action.

4. KEY IMPACTS

- 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 that employees and contractors have the ability to report, in confidence, issues of concern to the Council. The whistleblowing policy sets out the 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. The Managing Director is of the opinion that the current policy, guidance and publicity material gives employees and others the opportunity to raise matters through the whistleblowing channels available.

5. WHAT ACTIONS WILL BE TAKEN

5.1 The policy and guidance note is already publicised to employees via the Council's usual communication channels (team briefings, intranet and posters).

6. LINK TO THE CORPORATE PLAN

6.1 The whistleblowing policy ensures that employees and contractors are able to raise concerns in the knowledge that they will be taken seriously, investigated appropriately and confidences maintained. Adoption of a policy helps to support good standards of governance. Good governance underpins the delivery of all of the Corporate Plan objectives.

7. REASONS FOR THE RECOMMENDED DECISIONS

7.1 The policy requires an annual report be presented to the Committee. After reviewing the policy and guidance no changes to either document are required.

BACKGROUND PAPERS

Whistleblowing Policy

Whistleblowing Guidance

CONTACT OFFICER

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Huntingdonshire District Council Whistleblowing Policy

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 individuals 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 the Code of Practice issued by Public Concern at Work². It was adopted by the Corporate Governance Committee on behalf of the Council on 13 June 2018.

SCOPE OF THE POLICY

This policy applies to all Council employees and those contractors working for the Council on its premises. It also covers suppliers and those providing services under a contract with the Council in their own premises.

The term ‘individual’ is used throughout this policy and includes all of the above.

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 individual with serious concerns about any aspect of the Council’s work shall be encouraged to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage or dismissal. 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.

¹ Enterprise and Regulatory Reform Act 2013

² Public Concern at Work is a charity. It is the leading independent supporter of whistleblowers and a provider of best practice guidance and advice

PROTECTED DISCLOSURE

Any individual who raises a concern shall be treated as though they are making a protected disclosure if they disclose any information which they reasonably believe is made in the public interest and relates to any of the areas listed below:

- 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 or suppression of any information that falls into any of the areas above.

This list is not exhaustive.

Individuals who make a protected disclosure will be protected from victimisation, subsequent discrimination or disadvantage or dismissal.

CONCERNS NOT COVERED BY THE POLICY

The Council wants all serious or sensitive concerns to be raised. This policy is not intended to replace existing policies or procedures.

- Individuals who have a concern about their own personal circumstances or how they are being treated at work should first raise their concerns informally with their line manager who will attempt to resolve the concern³. If that is not possible then the grievance or dignity at work policy should be followed.
- Members of the public who wish to raise a concern should use the complaints procedure.
- If the concern refers to the misconduct of a Councillor, the procedure set out in the Member Code of Conduct should be followed.

If an individual raises a protected disclosure concern under the wrong policy or procedure, it will be treated as though it was made correctly.

³ Certain types of personal circumstance concerns may still be classed as protected disclosures if the public interest test is satisfied. Please contact the Internal Audit & Risk Manager for more information.

IMPLEMENTING THE POLICY

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

- 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 individual, 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
- who have provided their contact details understand that they will receive a response to their concerns and how to take the matter further if they are dissatisfied 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.

RAISING A CONCERN

The Council will maintain a number of different channels that allow concerns to be raised. Full details are contained in the guidance note.

The Council will encourage individuals to raise their concerns openly and reserves the right not to investigate anonymous concerns.

INVESTIGATING OFFICER

All concerns received under this policy shall be reported immediately to the Internal Audit & Risk Manager who 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 individual raising the concern.

UNTRUE CONCERNS

No action will be taken against any individual who raises a concern that they have reason to believe to be true.

If during the course of an investigation it is felt that the concern has been raised frivolously, maliciously or for personal gain, appropriate disciplinary action will be taken.

SAFEGUARDS

The Council will not dismiss or subject any individual to detriment of any kind, due to them making a 'protected disclosure'.

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

The Council will not tolerate the harassment or victimisation (including informal pressures) of any individual who has raised a concern.

The Council's disciplinary procedures will be used against anybody who is found to be harassing or victimising the individual raising the concern or who has disclosed the name of that individual to anybody other than the Council's Managing Director, the Corporate Director (Services) or the Internal 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 how an individual can whistle-blow to a prescribed person.

MONITORING AND REVIEW

The Corporate Director (Services) will be responsible for monitoring the implementation and effectiveness of this policy and guidance note. This will include an annual review, and an annual report to the Corporate Management Team and the Corporate Governance Committee on the effectiveness of the arrangements that have been introduced. The Local Code of Corporate Governance shall contain details of the outcome of the annual review and the effectiveness of the whistleblowing arrangements.

End.

Huntingdonshire District Council Guidance Note for Whistleblowers

This guidance has been prepared to accompany the Whistleblowing Policy. It explains how the Council will deal with whistleblowing concerns that it receives.

We realise that for some individuals it will take a great deal of courage to raise a concern. If you honestly and reasonably believe what you are saying is true, you will have nothing to fear by telling us your concern. 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.

Your concern will be treated in confidence. We will not tolerate the victimisation of anyone who reports an issue to us. Without exception, we will take disciplinary action against anyone who victimises any individual.

Concerns received may 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.

WHAT YOU NEED TO TELL US

If you have a concern then please raise it with us openly rather than anonymously. Openness makes it easier for us to assess the issue, work out how to investigate the matter and if required, obtain more information. It is best if your concern is raised in writing and that you provide your name and some contact information. An email address or telephone number would be sufficient.

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 that should be also be provided. 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. This 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 (e.g. legal representative, colleague, Staff Council or Union representative).

HOW TO CONTACT US

There are a number of ways in which you can raise a concern.

You can:

- speak to your line manager, a member of the Internal Audit team, a Head of Service or the Corporate Director (Services).
- complete the [online form](#)
- send an email to whistleblower@huntingdonshire.gov.uk
- leave a message on the 24 hour telephone hotline: [01480 387080](tel:01480387080).
- 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

WHO WILL INVESTIGATE YOUR CONCERN?

All concerns received are passed to the Internal Audit & Risk Manager. They are the only person who can see what has been written on the electronic forms or in emails. They are also the only person who can access messages left on the telephone hotline. Post that is marked 'strictly private and confidential' will be passed unopened to them.

The Internal Audit & Risk Manager will use their discretion when deciding if an anonymous concern is to be investigated, taking the following factors into account:

- The seriousness of the issue raised
- The amount of information provided to support of the concern
- Whether the individual may be required to provide further information
- The ability to trace the individual if the concern is considered malicious.

WHAT WE WILL DO

Once we have received your concern the Internal Audit & Risk Manager will initially assess the information you have provided and consider what action should be taken.

If the concern is valid but should not be classed as a protected disclosure (e.g. bullying) within the terms of the whistleblowing policy, they will contact you and ask

whether you want the information to be passed to the appropriate manager for further action. You will also be asked if you wish your name to be disclosed or not.

Depending on the outcome of the initial assessment it may be 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 we will contact you within 10 working days, summarising your concern and telling you:

- whether an investigation will take place and if not, why not;
- who will be handling the matter and how you can contact them;
- how long we estimate the investigation will take;
- whether your further assistance may be needed; and
- providing you with information on the support that is available to you; and

When the investigation has been completed we will contact you again and provide you with as much detail about the investigation as we are able to. It may be that we aren't 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 YOU ARE UNHAPPY WITH OUR RESPONSE

If:

- you believe that we have not properly investigated your concern; or
- you are unhappy with the outcome of any investigation

you should contact the Council's Managing Director or Corporate Director (Services). They will decide if any further action is to be taken.

WHO TO REPORT TO EXTERNALLY

If you

- remain unhappy with the decision reached by the Council's Managing Director or Corporate Director (Services); or
- sincerely believe that by raising your concern with us you will be subject to detriment (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".

The Government has issued a [list of prescribed persons](#) who you can make a disclosure to.

If you wish to report externally, but are unsure of what to do then please contact either the Internal Audit & Risk Manager or the 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 can contact the **Council's external auditors, Ernst & Young on [01223 394 400](tel:01223394400)**.

When raising a concern externally remember to make it clear that you are raising the issue as a whistleblower.

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 have suffered detriment or been in any way disadvantaged 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 and that you have not intentionally provided us with false information.

FURTHER INFORMATION AND ADVICE

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

David Harwood, Internal Audit & Risk Manager
or
Oliver Morley, Corporate Director (Services)

 [01480 388115](tel:01480388115)

 [01480 388103](tel:01480388103)

End.