

WHISTLEBLOWING POLICY



Doncaster
Metropolitan Borough Council

WHISTLE-BLOWING POLICY

1. Introduction

- 1.1 Doncaster Council is committed to the highest possible standards of openness, probity and accountability. We expect that elected members and officers at all levels will protect the Council and its resources and lead by example, ensuring high standards of personal conduct and adherence to the Council's policies, procedures and rules.
- 1.2 In line with this commitment, we encourage employees, workers, elected members, school governors, partners, service users and citizens with any concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.3 Decisions as to whether to raise your concerns can often be a difficult decision to make. This policy outlines the whistleblowing process for all parties.
- 1.4 We will take all appropriate measures to protect both clients, including children and vulnerable people, and public funds and to reduce the risk of an irregularity occurring from either internal or external sources. Whenever an irregularity of any description is detected it will be investigated and prosecution, disciplinary and recovery action will be taken as appropriate. The action we take will be influenced by the irregularity or concern raised.

2. Our aims

- 2.1 This Whistle-blowing Policy is intended to encourage and enable you to raise any concerns within the Council, without fear of reprisals, rather than overlooking a problem or blowing the whistle outside.
- 2.2 Whilst the term "whistle-blower" usually refers to an employee, we intend this policy to be used by anyone wishing to raise a concern.
- 2.3 This policy aims to:
 - Provide avenues for you to raise concerns and receive appropriate feedback on any action taken.
 - Allow you to take the matter further if you are dissatisfied with the Council's response.and
 - Reassure you that you will be protected from possible reprisals or victimisation for whistle blowing providing that you have a reasonable belief that you have made a disclosure in the public interest. (Please note that the Public Interest Disclosure Act 1998 allows for specific protection for employees and workers that whistle-blow. Whilst this act does not extend to other parties, we aim to reassure all those who raise concerns that we take reprisals and victimisation extremely seriously).

What concerns are covered?

2.4 Whistle-Blower or Complainant?

2.5 Whistleblowing is basically the act of reporting concerns of wrong-doing so that they may be investigated and acted upon. The term whistle-blower is typically reserved for employees that whistle blow about actual or suspected wrong-doing within their own organisation. This policy covers however, is intended to cover employees, elected members, partners, customers or citizens. A whistle blow however, is not the same as a complaint.

2.6 A way to establish whether an individual raising a concern is a 'whistle-blower' or a 'complainant' is to consider the nature of the concern.

- If the concern is about wrong doing and affects others, e.g. the general public and not just 1 individual, family or household, then you are likely to be a whistle-blower
- If the concern affects only yourself, your family or household and is not about wrong doing, then you are likely to be a complainant

2.7 This whistle-blowing policy is intended to cover concerns and malpractice that fall outside the scope of other procedures such as something that –

- Is unlawful; or
- Is against the Council's Constitution or policies; or
- Falls below established standards or practice; or
- Amounts to improper conduct.

2.8 Examples of concerns and malpractice in this context may include:

- **Corruption or Bribery** - including offering or accepting a reward for performing or failing to perform an act which leads to a gain for the person offering the bribe.

E.g. the offering or acceptance, by any Council official or representative, of any incentive for them to do something that they should not such as make a decision contrary to policies or procedures, disclose information that they should not or provide or deny services contrary to policies or entitlements.

- **Theft** - the dishonest taking of property belonging to another person with the intention of depriving the owner permanently of its possessions or their use.

E.g. the theft of asset / goods / stocks, misuse grants and public funds for purposes other than they were made available or theft of cash or equipment.

- **Fraud** – fraud is an act of deception intended for personal gain or to cause a loss to another party. The general criminal offence of fraud can include:
 - deception whereby someone knowingly makes false representation in order to gain an advantage (this can include the intentional distortion of financial statements to conceal losses, mis-represent performance or conceal the misappropriation of assets)
 - or they fail to disclose information for their own advantage
 - or they abuse a position of trust for their own advantage

E.g the dishonest completion of claim forms such as benefits or grants claims in order to secure a grant or benefits to which someone is not entitled. Dishonest completion of expenses claims or mileage claims, abuse of Council services for personal use, dishonest awards of contracts to family or friends, dishonest manipulation of performance information or targets to award pay increments or other incentives etc

- **Failure to observe, and breaches of, the law and statutory responsibilities** including;

- Dangerous procedures risking health and safety to the public and/or employees,
- Damage or the risk of damage to the environment by inappropriate, dishonest or negligent acts
- Abuse or bullying of clients including children and vulnerable people,
- Abuse of or a failure to properly protect children and vulnerable people by Council officers or members either through their action or inaction
- Failure to observe, or breaches of The Constitution, Scheme of Delegation, Contract Procedure Rules and Financial Procedure Rules or other policies
- Inappropriate use of council assets such as vehicles, machinery, computers or software licenses

2.9 Whilst the above examples are not exhaustive, it is clearly in the interest of all parties to identify any instances of these acts, deal with those responsible and take appropriate steps to prevent (where possible), such things from happening again. Whistleblowing concerns are always serious issues and will be treated as such.

2.10 **Examples of complaints and issues that fall outside of the whistleblowing policy are:**

- Employee grievances such as bullying or harassment
- Disputes over pay, bills, tenancies, leases etc (except where there are suspicions of wrong-doing)
- Dissatisfaction with a local or government policy
- Dissatisfaction with the quality or level of service received from the Council (except where it there are suspicions of wrong-doing)
- Dissatisfaction with a Council decision (except where there are suspicions of wrong-doing)

There are existing procedures in place to enable service users to complain through the

Council's Complaints Procedure

<http://www.doncaster.gov.uk/talktous/complaintsandcompliments/index.aspx>

The Grievance Policy / Procedure

This policy is for employees wishing to lodge a grievance relating to their own employment (Please note that this link will only work for employees accessing this information from the Council's intranet site. A copy of this policy is available from Human Resources or from your line manager if you cannot access this system)

<http://intranet.doncaster.gov.uk/directorates/finance-corporate-services/grievance>

2.11

Bullying and Harassment Policy / Procedure

This policy is for employees wishing to report bullying or harassment at work. (Please note that this link will only work for employees accessing this information from the Council's intranet site. A copy of this policy is available from Human Resources or from your line manager if you cannot access this system)

<http://intranet.doncaster.gov.uk/directorates/finance-corporate-services/bullying-and-harassment-policy-and-procedure>

3. Employee/Worker protection

- 3.1 Employees are often the first to realise that there may be something wrong within the Council. However, they may decide not to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This policy makes it clear that staff can report concerns without fear of reprisal. This policy is intended to encourage and enable staff to raise serious concerns within the council rather than overlooking a problem or blowing the whistle outside.
- 3.2 The Council's policy is reinforced by the Public Interest Disclosure Act 1998 and provides statutory protection to employees and workers making disclosures. Protections are afforded to employees and workers where they report a concern provided that they reasonably believe their claim is in the public interest. Employees and workers should not make a false or malicious allegation and not seek to gain personally from raising the concern. Action may be taken against those individuals that do.

4. Safeguards – Harassment and Victimisation

- 5.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

5. Anonymous Allegations & Confidentiality

- 5.1 Any concerns you raise will be treated seriously and confidentially and investigated as appropriate. During our investigations, we will treat any information you give us confidentially. However, whilst we endeavour to protect you, we also need to ensure that we fairly investigate the concern. This may mean that some of the details passed to us need to be passed on to the person being investigated in the interests of a fair investigation / hearing. In these instances, we may not be able to investigate your concerns without revealing some of the details you give us.

- 5.2 We will take all steps possible to protect your identity and confidentiality, where it is not possible to investigate the concerns without compromising this, we will discuss this with you first. If you request to remain anonymous, all efforts will be made to ensure this is respected and if at all possible, the Council, if requested, will not reveal its source.
- 5.3 We recognise that, despite any protections in place, you may want to raise your concerns anonymously. We strongly recommend that you include your name and contact details in any concerns raised. Concerns raised anonymously can be harder to investigate and without your details, it is impossible to ask you for further clarity or information.
- 5.4 Any concerns raised anonymously will still be considered, but it may not be possible in all cases to investigate them.
- 5.5 The factors to be taken into account in determining whether to proceed with an anonymous allegation would include –
- The seriousness of the issues raised;
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from attributable sources without your information / statements.

6. Untrue Allegations

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.
- 6.2 If, however, you make malicious or vexatious allegations, legal or disciplinary action may be taken against you.

7. How to raise a concern

- 7.1 This depends on the nature of the concern and the seriousness and sensitivity of the issues involved and who it is thought to be involved in the malpractice. Whistleblowing is always a serious matter and whistleblowing routes should only be used to raise serious concerns. Please see section 3.4 for further information on the serious issues that should be raised under this policy.
- 7.2 Concerns are best raised as early as possible. The earlier you raise a concern, the easier it is to investigate and take action on. Early whistleblowing minimises the impact on the Council and its stakeholders.
- 7.3 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern. We request that you do not investigate the concern yourself in any way as this can sometimes compromise any evidence that we need to examine in order to investigate and take appropriate action on any concerns.
- 7.4 Please use the details below to contact us about your concern. Please note that you may invite your trade union, professional association or representative to assist you in raising a concern.

Emergencies

If the concern relates to an immediate endangerment to life or to suspected terrorism you should contact the police by telephone on 999.

7.5 **Employee whistleblowing** should be raised within the Council with either;

- The Monitoring Officer, Roger Harvey TheMonitoringOfficer@doncaster.gov.uk.
- Head of Internal Audit, Colin Earl
- Director of Finance and Corporate Services, Simon Wiles
- The Assistant Director for Financial services, Steve Mawson
- The Assistant Director of Human Resources and Communications, Jill Parker or
- The Chief Executive, Jo Miller

7.6 Any concerns in writing should include as much detail as you are able to provide. Where possible, please set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. The more information you provide us with, the better we are able to assess your concerns and determine the right course of action.

7.7 If you do not feel able to put your concern in writing, you can telephone or email any of the officers. above, or email: TheMonitoringOfficer@doncaster.gov.uk. You do not have to give your name if you do not want to

7.8 The Council is keen to encourage employees to raise concerns and an employee may speak in confidence to a whistleblowing support officer located in Human Resources OD (who will be allocated on request from the Assistant Director of Human Resources and Communications) who can provide advice and support independent from any investigation or process.

7.9 **Elected members, school governors, service users, partners and citizens**

8.10 Concerns should be raised with either the Head of Internal Audit, Director of Finance and Corporate Services, the Monitoring Officer, or Chief Executive.

This can be by letter to:
Civic Office,
Waterdale,
DN1 3BU,

Telephone (01302 736000) or by email.

8.11 Advice and guidance on how matters of concern may be pursued can be obtained from the same sources.

8. Concerns about safeguarding and the protection of vulnerable adults or children.

8.1 The Council takes seriously its responsibilities regarding the safeguarding of vulnerable adults and children. Any concerns relating to safeguard issues are likely to be dealt with via other policies and procedures.

- 8.2 Safeguarding concerns regarding children are dealt with by the Doncaster Children's Trust. Any concerns raised regarding children's safeguarding will be shared with the Children's Trust and may be investigated by the Trust rather than the Council.
- 8.3 If you have concerns regarding abuse to vulnerable adults or children you may also contact the Safeguarding Adult and Children teams rather than using this policy. Information on raising such concerns has been linked to below.

Adults –

http://www.doncaster.gov.uk/sections/socialcareforadults/howtoraiseconcerns/Safeguarding_Adults.aspx

Children –

<http://www.doncasterchildrenstrust.co.uk/reporting-concerns-about-a-child>

9. How the Council will respond

- 9.1 The action taken by the Council will depend on the nature of the concern. The matters raised may :
- Be investigated internally (you will be advised if it is considered that the matter falls within the grievance or complaints or another procedure - the decision whether it falls outside of the whistleblowing procedure will be done in consultation with the Monitoring Officer and Assistant Director of Human Resources and Communications).
 - Be referred to the Police
 - Be referred to the external Auditor
 - Form the subject of an independent inquiry
- 9.2 Where a concern is about fraud, theft, bribery or corruption, Internal Audit Services will be notified and involved / consulted in any subsequent investigation. Internal Audit are required by professional standards to maintain a register of any such concerns and the results of any investigations into them.
- 9.3 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 and who should undertake it. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 9.4 Some concerns may be resolved by agreed action without the need for investigation.
- 9.5 Providing that you have given us contact details, we will write to you within 20 working days :-
- Acknowledging that the concern has been received
 - Indicating how we proposes to deal with the matter
 - Giving an estimate of how long it will take to provide a final response
 - Telling you whether any initial enquiries have been made, and
 - Telling you whether further investigations will take place, and if not, why not.

- 9.6 The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information originally provided. If necessary, further information / clarification will be sought from you.
- 9.7 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union or professional association representative or a representative who is not involved in the area of work to which the concern relates.
- 9.8 It is important for you, the whistle-blower, that concerns are properly reviewed and addressed. Whilst we must comply with relevant legislation including the Data Protection Act, we will keep you informed as to the outcome of any investigation. Please be aware that specific personal information relating to individuals cannot be released. This will include details of any action taken against individuals.

10. How the Matter can be Taken Further

- 10.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points :
- An elected Member of the Council
 - KPMG, The Council's external auditor
 - Relevant professional bodies or regulatory organisations
 - Your solicitor
 - The Police
 - Public Concern at Work
 - Trade Union/Professional Association
 - The Local Government Ombudsman
- 10.2 If you do take the matter outside the Council, you need to ensure that you do not disclose information that is privileged or confidential to the Council and if you are an employee, do not breach your obligations under the Council's Code of Conduct for Employees. Whilst all of the code is important, paragraph 15 - 15.2 concerning contact with the press and media is particularly relevant.

Excerpt from the Code of Conduct for Employees - Contact with the Press and Media

15.1 The Council has a Head of Communications whose role is to deal with the press and media and offer advice and guidance to Directorates in the preparation of information and publicity for their services.

15.2 Unless specifically nominated and authorised by the Chief Executive or the Chief Officer of the Department concerned, employees are not permitted to give reports or speak to the press and media on matters relating to employment with the Council, Council business or decisions of the Council. Employees with this responsibility should guard themselves against declaring a view which is contrary to a position taken by the Council and which may be deemed to be critical of that decision.

- 10.3 To view the Code of Conduct for Employees click the following link (please note that this is only available to employees with access to the Council's intranet site. If you do not have access to this site, please contact your line manager for a copy of this code).- <http://intranet.doncaster.gov.uk/directorates/finance-corporate-services/code-of-conduct>

11. Officer Responsibility and Reporting to Monitoring Officer

- 11.1 The Responsible Officer, who is the Monitoring Officer, has overall responsibility for the maintenance and operation of this policy.
- 11.2 If a whistleblowing complaint is made to any officer other than the Monitoring Officer, they must provide the details on the Whistleblowing report form as soon as possible after the complaint has been made. Once the issue / concern has been dealt with they must inform the Monitoring Officer of the outcome.
- 11.3 If an officer considers a whistleblowing complaint falls outside of the whistleblowing procedure this decision must be taken in consultation with the Monitoring Officer and Assistant Director of Human Resources and Communications.
- 11.4 The Officer investigating the whistleblowing concern may contact the Monitoring Officer who will allocate a suitable officer to provide support and guidance on the process.
- 11.5 The Monitoring Officer will maintain a record of concerns raised and action taken in a form which does not endanger confidentiality and will report as necessary to the Council.
- 11.6 Where a concern is about fraud, theft, bribery or corruption, Internal Audit Services will be notified and involved / consulted in any subsequent investigation. Internal Audit is required by professional standards to maintain a register of any such concerns and the results of any investigations into them.

12. Evaluation

- 12.1 The success of this policy may be assessed by:
 - The number of reported incidents of malpractice
 - Monitoring whether individuals feel able to report occurrences without fear or favour
- 12.2 The Monitoring Officer presents an annual report to the Audit Committee detailing the whistleblowing complaints received in the year. A report is also produced by Internal Audit Services for the Audit Committee that details identified frauds and other corrupt activities uncovered. These reports can be accessed on the Council Chamber element of the website www.doncaster.gov.uk

13. Other related policies and procedures

- Anti-Fraud, Bribery and Corruption Framework
- Complaints Procedure
- Employee Code of Conduct
- Grievance Policy and Procedure
- Harassment and Bullying Policy and Procedure

- Members Code of Conduct

14. Communications and Publicity

- 14.1 Training on and awareness of this policy, for all employees, will be through one or more methods e.g. the Council's induction process, fraud awareness training, whistleblowing e-learning module (Link to be attached), literature and team briefings.