

CP4 - Confidential Reporting policy (also known as whistleblowing)

1. Introduction

- 1.1 Stockport Council is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisal.
- 1.2 This Confidential Reporting Policy is intended to encourage and enable employees and others to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.

2. Scope of the Policy

- 2.1 The policy applies to all employees, Councillors and contractors on Council business either working for the Council on Council premises, for example, agency staff, builders and drivers. The policy also covers suppliers and those providing services under a contract with the Council in their own premises for example, care homes. There are also separate but complementary confidential reporting arrangements in place for school based staff.
- 2.2 This policy is written in accordance with include details of any relevant legislation and is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services for example child protection reporting arrangements.
- 2.3 This policy is written in accordance with the Employment Rights Act 1996; Equality Act 2010; Health and Safety at Work Act 1974; Protection from Harassment Act 1997; Management of Health and Safety at Work Regulations 1999 (SI 199/3243) and Public Interest Disclosure Act 1998.

3. Policy statement

- 3.1 Stockport Council acknowledges that employees and contractors are often the first to realise that there may be something seriously wrong within the Council. They may not 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.
- 3.2 Whistleblowing is where an individual has concerns about a danger or illegality that has a public interest to it, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individuals own position and has no public interest.
- 3.3 This policy aims to:
 - Encourage employees to feel confident about raising serious concerns and to question and act upon their concerns;
 - provide avenues for employees to raise those concerns and receive feedback on any action taken;
 - allow employees to take the matter further if they are dissatisfied with the Council's response; and
 - reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.
- 3.4 There are existing procedures in place for dealing with grievances, Health and Safety, harassment, stress, violence at work, dignity at work and smoking. If concerns cover any of these aspects employees should first consult the relevant policy or procedure on the

Council's People and Organisational Development intranet site. The Confidential Reporting Policy is intended to cover those major concerns made in the public interest that fall outside the scope of these procedures. These include:

- conduct which is an offence or breach of law, including but not limited to, any breach of the Equality Act 2010 in relation to the protected characteristics of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation;
- disclosures related to miscarriage of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- modern slavery;
- other unethical conduct; and
- the deliberate covering up of information relating to any of the above bullet points.

3.5 Any serious concerns that employees have about service provision or the conduct of officers (including temporary, supply or casual workers), Councillors or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. Reporting this concern must be made in the public interest. This may be about something that:

- makes people feel uncomfortable in terms their experience or the standards they believe the Council subscribes to;
- is against the Council's procedures and protocols as set out in the Constitution e.g. the Contract Procedure Rule;
- falls below established standards of practice;
- amounts to improper conduct; or
- is an abuse of power for personal gain.

3.6 This policy has the support of the relevant trade unions and professional organisations.

4. Roles and Responsibilities

This section outlines the roles and responsibilities for the main parties involved in creating a safe environment where individuals with a concern about Council practises come forward to report them in the public interest.

These lists are not exhaustive.

4.1 The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

4.2 Senior Managers (Heads of Service and above)

Senior managers play a lead role in creating an open and transparent environment where Council standards are embedded, monitored and followed.

They are responsible for ensuring that:

- all staff are aware of this policy and associated procedures;
- they set a good example by their behaviour;
- all reports of malpractice reported to them are taken seriously and investigated;
- employees who make an allegation in the public interest are not victimised; and

- confidentiality is preserved at all times unless agreed otherwise.

4.3 **Managers, supervisors and team leaders**

In order to achieve the consistent application of this policy and its associated procedure the main responsibilities of managers, supervisors and team leaders is to:

- set a good example by their behaviour;
- ensure good practise is followed in the work areas that they manage;
- respond to and support employees who report concerns under this policy;
- treat all concerns seriously and sensitively;
- ensure that the correct policy is used to pursue concerns if the Confidential Reporting policy is not applicable;
- encourage employees to raise their concerns in writing;
- provide full and clear advice to employees on the procedures to be followed; and
- ensure that employees are not victimised at any stage, either before and after a matter is resolved.

If managers, supervisors and team leaders do not carry out their responsibilities under this policy then they make be subjected to disciplinary action and claims from the employee that they also contravene the policy.

4.4 **Employees**

Employees are responsible for:

- reporting any public interest concerns they have as early as possible;
- raising the concerns in writing (if possible);
- putting their name to any allegations rather than making them anonymously (where possible)
- reporting if they are victimised after raising a concern under this policy; and
- acting in the public interest at all times.

4.5 **HR and Organisational Development People and OD Services**

HR and Organisational Development People and OD Services play an important role in supporting the organisation to act in an environment with the highest possible standards of openness, probity and accountability.

Their role is to:

- support managers and employees on the interpretation and application of this policy;
- provide skills and knowledge-based training to enable managers to fulfil their responsibilities under this policy; and
- be aware of changes in legislation.

Confidential Reporting procedure

5. Safeguards

5.1 Harassment or Victimisation

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in the public interest.

In addition, the Public Interest Disclosure Act 1998 protects employees from reprisals as long as they meet the rules set out in the Act. The Council may be fined for not protecting anybody making a disclosure in the public interest.

Any investigation into allegations of potential wrongdoing including malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.

5.2 Confidentiality

All concerns will be treated in confidence and every effort will be made to protect the employee's identity if they wish to remain anonymous. However, at the appropriate time, employees may need to come forward as a witness.

5.3 Anonymous Allegations

This procedure encourages people to put their names to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will still be considered at the discretion of the Council.

When exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

5.4 Untrue Allegations

If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against them. However, if an employee makes malicious or vexatious allegations without good reason; to cause trouble; for personal gain, or to discredit the council or any member or officer, an investigation will take place to determine whether disciplinary action should be taken.

6. How to raise a concern

6.1 The earlier an employee expresses a concern the easier it is to take action.

6.2 Concerns should normally be raised with an employee's immediate line manager or their superior. However, this depends on the seriousness and sensitivity of the issue involved and who is suspected of the wrongdoing including malpractice. For example, if an employee believes that management is involved, they should approach the Deputy Chief Executive; Monitoring Officer; Chief Internal Auditor or ~~Corporate Executive~~ Director of Corporate and Support Services. Their contact details can be found below.

6.3 Employees can raise a concern in writing either by letter or e-mail; by telephone or in person. Employees should advise the person they approach that they **wish to make a complaint under the Confidential Reporting Procedure**. Employees who choose to raise their concern in writing should use a Confidential Disclosure form. Information required includes background and history of the concern; dates and places where possible and reason why concerned about the situation. All correspondence should be sent to the Deputy Chief Executive in the first instance. A copy of the Confidential Disclosure form can be found on appendix A.

6.4 Although employees are not expected to prove beyond doubt the truth of an allegation, they should have reasonable grounds for their concern or be acting in the public interest.

6.5 Guidance and advice on how to pursue matters of concern can be sought from:

<u>Mr Paul Richards</u>	Deputy Chief Executive	<u>077101496700</u> <u>161</u> <u>474 4634</u>	e-mail: paul.richardsMichael.cullen@stockport.gov.uk
<u>Ms Kathryn Rees</u>	<u>Executive Director – Corporate and Support Services</u>	<u>07989 208</u> <u>640</u>	e-mail: kathryn.rees@stockport.gov.uk
Mrs Vicki Bates	Monitoring Officer	0161 474 3219	e-mail: monitoring.officer@stockport.gov.uk
Mr John Pearsall	Chief Internal Auditor	0161 474 4033	e-mail: john.pearsall@stockport.gov.uk

6.6 Employees may wish to discuss their concerns with a colleague or trade union representative first to see if any other employees have had the same experience or concerns.

6.7 Employees may invite a trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Meetings can be arranged off site if needed.

6.8 A summary of the reporting procedure can be found on appendix B.

7. How the Council will respond

7.1 The Council will respond to all concerns.

7.2 The action taken by the Council will depend on the nature of the concern. The council could decide that the matters raised may:

- Be investigated internally by management, internal audit, or another process;
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry; or
- Be referred to another appropriate policy or procedure.

7.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and what form it should take. The overriding principle which the Council will have in mind is the public interest. Any concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those separate procedures.

- 7.4 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.
- 7.5 Within 10 working days of a concern being raised, the appropriate officer will write to the employee:
- acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling employees whether any initial enquiries have been made; and
 - telling employees whether further investigations will take place and if not, why not.
- 7.6 The amount of contact between the officers considering the issues and the employee will depend on the nature of the concerns raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 7.7 In appropriate cases, where an independent inquiry is to be held the Council will consult with the relevant Trade Unions about the scope and constitution of that inquiry.
- 7.8 Where any meeting is arranged, (off-site if preferred), employees can be accompanied by a union or professional association representative or a friend.
- 7.9 The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for them to receive advice about the procedure.
- 7.10 The Council accepts that employees need to be assured that the matter has been properly addressed. So, subject to statutory constraints, the Council will inform the employee when the matter has been concluded telling them the outcome.
- 7.11 A summary of the Disclosure Investigation process is enclosed ~~in~~ appendix C.

8. How the matter can be taken further if you are not satisfied

- 8.1 This procedure is intended to provide employees with an avenue within the Council to raise concerns. If employees are unable to raise the matter within the Council or they are dissatisfied with the action taken, the following are possible contact points:
- a Stockport councillor (if you live in Stockport)
 - the external auditor (Grant Thornton)
 - their solicitor
 - their trade union
 - their local Citizens Advice Bureau
 - relevant professional bodies or regulatory organisations
 - the police
 - the independent charity Public Concern at Work¹
- 8.2 If an employee does take the matter outside the Council, they should ensure that they do not disclose confidential information.

9. Feedback and Review

Employees are invited to comment on this policy and procedure and suggest ways in which it could be improved. All written feedback should be sent to the Deputy Chief Executive.

¹ Public Concern at Work (disclosure hotline 020 7404 6609 or www.pcaw.org.uk for useful advice) is an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice and employers who wish to create a culture where it is safe and accepted for staff to blow the whistle.

Appendix A

Confidential Reporting – Disclosure Form

Description of the Concern: Please put as much detail as you can to assist in any investigation which might be required, - include date(s), time(s), person(s) involved, witnesses, location, why you are concerned and length of time you have been concerned (please use extra sheet if necessary).

Have you discussed your concerns with anyone?
- include details of with whom, when and what the results of the discussion were.

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate

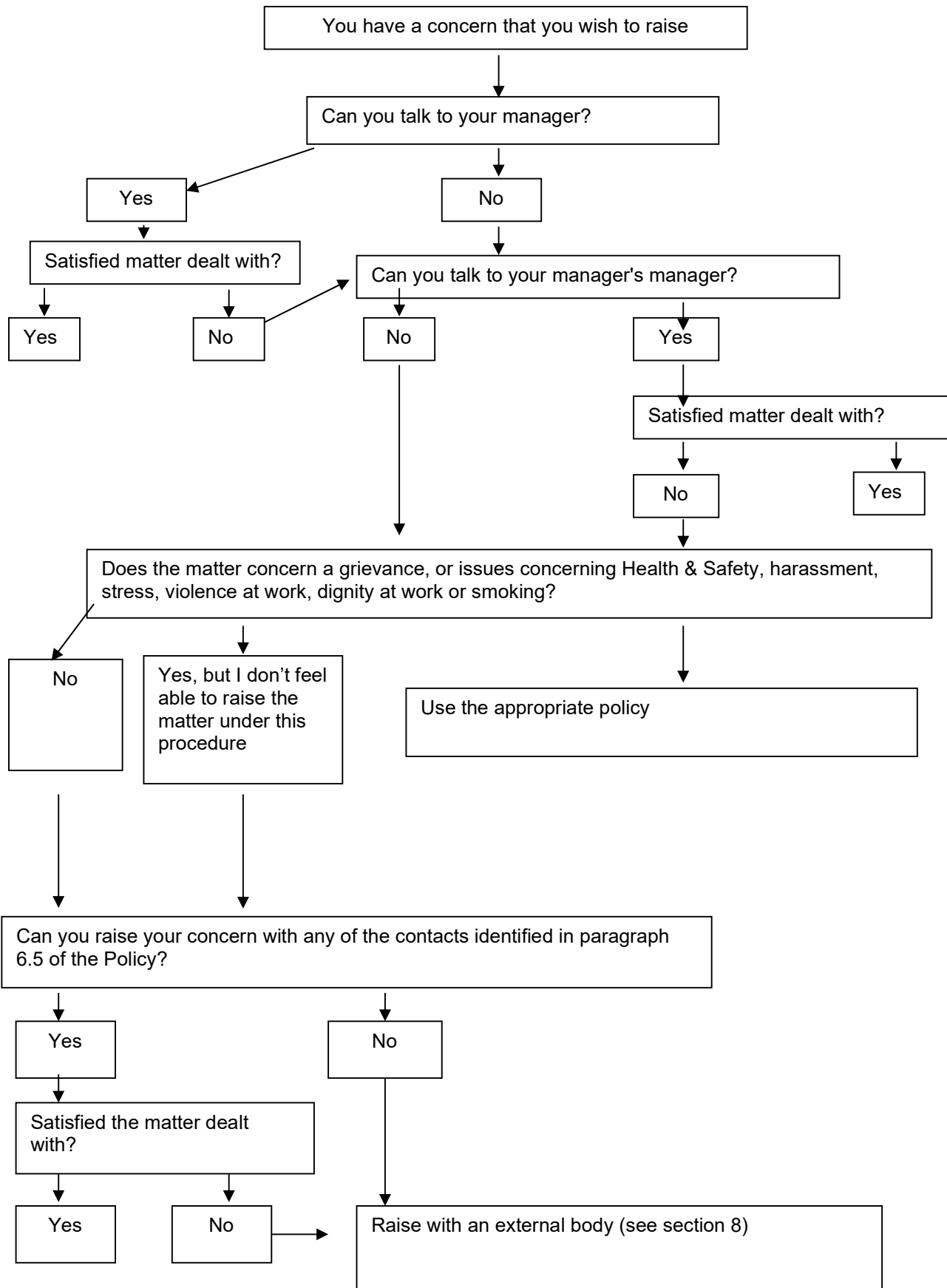
Name Service

Contact details

Signed Date

On completion the form should be returned to the Deputy Chief Executive in a sealed envelope marked 'Private and Confidential'.

Summary of Confidential Reporting procedure



Appendix C

Summary of Disclosure Investigation Process

