



Elmbridge

Borough Council

... bridging the communities ...

Confidential Reporting (Whistleblowing) Policy

Last updated: February 2019
Para 7.6 updated

1. Introduction

- 1.1 Elmbridge Borough Council's revenue and capital annual budget is in excess of £100m. The Council aims to ensure that this is spent properly on providing Council services for the local community.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects staff and others that it deals with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.3 This Policy is intended to cover major concerns you might have that fall outside the scope of other procedures which might include:
- Offences or breaches of law
 - Disclosures related to miscarriages of justice
 - Health and safety risks
 - Damage to the environment
 - Unauthorised use of public funds
 - Possible fraud and corruption
 - Sexual or physical abuse of clients/customers, or Other unethical conduct
- 1.4 The adoption of this Confidential Reporting Policy by the Council is intended to encourage and enable any individual including staff to raise any serious concerns they have about the Council, rather than overlooking a problem or 'blowing the whistle' outside. The Policy makes it clear that you can raise concerns on a confidential basis, without fear of victimisation, subsequent discrimination or disadvantage. It is based on the Public Interest Disclosure Act 1998, which gives staff raising concerns under its rules legal protection against reprisals.
- 1.5 The policy applies to all employees and those contractors engaged by the Council on public service work. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, temporary accommodation for the homeless. Partners and subsidiaries are also expected to meet the expectations set out in the policy.

2. Aims and Scope of this Policy

- 2.1 This Policy aims to:
- encourage you to feel confident about raising serious concerns
 - encourage you to question practice and act upon any concern
 - provide clear channels for you to raise those concerns
 - ensure that you receive a response to concerns you raise and that you are clear about how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you raise a concern in good faith reasonably believing something is wrong.

3. Safeguards

Harassment or Victimisation

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of staff.

- 3.2 The Council recognises that making the decision to report a concern can be difficult. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service.
- 3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) of someone raising something of concern to them and will take appropriate action to protect you against this when you raise a concern in good faith.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. Confidentiality

- 4.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. Anonymous Allegations

- 5.1 This Code encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 In deciding whether to consider anonymous concerns the following are some of the factors which will be taken into account:
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources

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. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's disciplinary procedures.

7. How to Raise a Concern

- 7.1 As a first step, you should normally raise concerns with your immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management is involved, you should approach the Chief Executive, the Section 151 Officer, the Strategic Director, the Monitoring Officer or the Head of Internal Audit Partnership.

The Section 151 Officer is the Strategic Director & Deputy Chief Executive for the purpose of this report.

7.2 Concerns may be raised verbally or in writing. If you wish to make a written report it is best to use the following format:

- the background and history of your concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

7.3 You are advised to report your concerns to one of the following Senior Officers:-

Chief Executive, Rob Moran
Section 151 Officer, Sarah Selvanathan
Monitoring Officer, Alan Harrison
Head of Internal Audit Partnership, Simon White
Internal Audit Manager, Sue Bushby.

7.4 Do...

- Make an immediate note of your concerns.
- Note all relevant details, such as what has occurred, the date, time and name of any parties involved.
- Report your suspicions promptly; any delay may cause the Council to suffer further financial loss.

7.5 Don't...

- Ignore the matter.
- Be afraid of raising your concerns; you will not suffer any recrimination.
- Approach or accuse individuals directly.
- Try to investigate the matter yourself.
- Convey your suspicions to anyone other than those with the proper authority.
- Illegally record a conversation.

7.6 Officers are encouraged to raise concerns about any issue or suspicion of Tax Evasion or Anti-Money Laundering in accordance with those policies.

8. How the Council Will Deal with the Concern

8.1 The Council will always respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 If you raise a concern with your manager which they feel is beyond the scope of their authority or of a serious nature they will refer it to one of the Officers listed in paragraph 7.3 above rather than dealing with it personally.

8.3 Where appropriate, the matters you raise may:

- be investigated by Managers, Internal Audit or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

8.4 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, if so, what form it should take. The overriding principle for the Council is the public interest. Concerns or allegations which fall within the scope of

specific procedures (for example grievance or sexual harassment) will normally be referred for consideration under those procedures.

- 8.5 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.
- 8.6 As soon as possible after a concern has been received, the Manager with whom you raise your concern will refer it to one of the Officers listed in paragraph 7.3 above and within ten working days this Officer will write to you in confidence:
- acknowledging that your concern has been received
 - indicating how the Council propose 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
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 8.7 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, the Council will seek further information from you.
- 8.8 Where any meeting is arranged, which can be away from the offices or your place of work if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.9 The Council will take steps to minimise any difficulties which 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 arrange for you to receive advice about the procedure.
- 8.10 The Council accepts that you need to be assured that the matter has been properly addressed and so subject to legal constraints, will inform you of the outcome of any investigation.

9. The Responsible Officer

- 9.1 The Officers listed in paragraph 7.3 above are responsible for the operation of this Policy and for maintaining a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Council.

Confidential Reporting (Whistleblowing)



01372 474107

E-Mail: whistleblowing@elmbridge.gov.uk

Monitoring Officer

Head of Legal Services

E-Mail: legalservices@elmbridge.gov.uk

Internal Audit

Internal Audit Manager

E-Mail: internalaudit@elmbridge.gov.uk

External Audit

Grant Thornton is the Council's external auditor, a Government appointed, independent body, which may be contacted if you feel that your suspicions of fraud or malpractice have not been satisfactorily dealt with through the internal route provided for, within the confidential reporting (whistleblowing) policy.

Audit Manager, Grant Thornton

Ade Oyerinde

E-Mail: Ade.O.Oyerinde@uk.gt.com

Public Concern At Work

This is a charity whose mission is to ensure that concerns about malpractice are properly raised and addressed in the workplace. Advice and legal help is provided to those concerned about abuse, public danger, fraud and other serious crime in the workplace.

Suite 306,
16 Baldwin Gardens,
London EC1N 7RJ

E-Mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

Unison

Unison Branch Secretary

E-Mail: unison@elmbridge.gov.uk