

A.9 CONFIDENTIAL REPORTING CODE THE COUNCIL'S POLICY ON "WHISTLEBLOWING"

INTRODUCTION

The Council has had in place since 1994 a Code of Conduct for all Employees. This makes clear that employees should report any impropriety or breach of procedure that they encounter in working for the Council, but does not give a detailed framework for what is now commonly termed 'whistleblowing' by employees.

The July 1998 White Paper on Modernising Local Government accepted the recommendation of The Committee on Standards in Public Life that every local authority should institute a procedure for whistleblowing. This Council has decided to adopt an existing LGA/LGMB model code pending any further legislation. It is described as a 'Confidential Reporting Code'.

The Council has recently agreed a whistleblowing procedure for Social Services staff. This deals with issues of particular relevance to this service and will sit alongside this new 'Confidential Reporting Code'.

Involvement of Councillors in the Code

As part of the Council's overall scrutiny processes the Council, as the ultimate employer of all LBHF staff, will be made aware of issues raised through a whistleblowing procedure. The Council will also consider establishing some form of Standards Committee with responsibilities for scrutiny functions and would be the logical reporting point, at Councillor-level, to oversee the operation of the whistleblowing code.

Awareness and publicity

For any whistleblowing code to work effectively, all employees need to understand how it works and the circumstances in which it should be used. The Council has obtained a pack of training and publicity materials from the national charity Public Concern at Work, which has published up-to-date material which takes into account the 1998 Public Interest Disclosure Act. Each department will be responsible for their own staff briefings.

Trade Union consultation

Staffside support the principle of introducing a whistleblowing code.

Public Interest Disclosure Act

The Public Interest Disclosure Act gives employees two safeguards in respect of disclosures of information. Firstly, an employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure. Secondly, if an employee is dismissed because of having made such a disclosure, the dismissal will automatically be unfair and, further, there will be no need for the employee to have two years' continuous employment before bringing a claim for unfair dismissal.

This new legislation is complex, and if you feel you need more information about how the Act works, please contact Legal Services Division.

CONFIDENTIAL REPORTING POLICY - "Whistleblowing"

1. PREAMBLE

1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, 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.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

1.4 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers where referred to in Council contracts. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes. It complements the Social Services Whistleblowing policy, which is designed to address issues more specific to that service, and which was introduced in 1998.

1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.

1.6 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or

- is against the Council's Standing Orders, Financial Regulations, Contracts Code, or other policies, or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does not replace the corporate complaints procedure (copies of which are held by all departments).

3. SAFEGUARDS

Harassment or Victimisation

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

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you 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 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 policy 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 exercising this discretion the factors to be taken into account would include:

- 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.

7. HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. 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 management is involved, you should approach the Managing Director, Monitoring Officer (Director of Policy and Administration), Director of Finance, Internal Audit.

7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

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

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 Obtain advice/guidance on how to pursue matters of concern from:

Managing Director (Geoff Alltimes ext: 2000)

Director of Policy & Administration (Henry Peterson ext: 2100)
Director of Finance (Jane West {from 2.1.2003} ext:1570)
Chief Internal Auditor (Victor Renner-Thomas ext: 2529)
Public Concern at Work (independent helpline 020 7404 6609)

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE COUNCIL WILL RESPOND

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

8.2 Where appropriate, the matters raised may:

- be investigated by management, 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

8.3 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, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. 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 procedures.

8.4 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.

8.5 Within ten working days of a concern being raised, the responsible person (Director of Policy and Administration) will write to you:

- acknowledging that the concern has been received
- indicating how we 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.

8.6 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.

8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

8.8 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.

8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

9.1 The Director of Policy and Administration (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.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. 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:

- Public Concern at Work (020 7404 6609)
- District Audit (020 7233 6400)
- your trade union
- Fulham CAB, Hammersmith & Fulham Community Law Centre
- relevant professional bodies or regulatory organisations
- the police.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.