

# WHISTLEBLOWING

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|---|--------------------|
| <b>CREATED:</b>   | <b>SUMMER 2013</b> |
| <b>BY:</b>  | <b>SLT</b>         |
| <b>REVIEW DETAILS:</b>  | <b>SUMMER 2015</b> |
| <b>Currently awaiting updated policy from Navigate Academies Trust.</b> |                    |



## 1. STANDARD

At some point in time every member of staff will have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.

Middlesbrough Council is committed to the provision of services of the highest quality for the residents and businesses of Middlesbrough. The Council has set in place quality standards, rules and procedures to ensure that the highest standards of conduct and commitment to service are observed. However, despite these measures, malpractice and wrongdoing can still occur. Middlesbrough Council is not prepared to tolerate any such wrongdoing.

The greatest deterrent to wrongdoing is the probability that such wrongdoing will be reported and the certainty that it will be investigated vigorously, that those who are responsible for it will in appropriate cases be punished, and that the matter will be promptly remedied. This Policy Statement is therefore intended as a clear declaration that, if any such wrongdoing by the Council or any of its employees, or by any of its contractors or suppliers, is identified by or reported to the Council, it will be swiftly and thoroughly investigated and rectified, and that the Council will also investigate means of ensuring that such wrongdoing can be prevented for the future.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

'Whistleblowing' is often understood to be an act where an employee expresses a concern outside the organisation because, for various reasons, they do not feel able to raise the matter internally. The Whistleblowing Policy aims to encourage and enable staff to raise serious concerns of 'blowing the whistle' within the Council rather than overlooking a problem or raising the issue outside.

Middlesbrough Council has introduced this procedure to enable you to raise your concerns about such malpractice at an early stage and in the right way. It would rather that you raised the matter when it is just a concern rather than wait for proof.

If something is troubling you, which you think somebody should know about or look into, please use this procedure. If, however you are aggrieved about your personal position, please use the Grievance Procedure – which you can get from your manager or Human Resources. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

This Whistleblowing Policy adds to, rather than replaces, existing procedures whereby employees of the Council and members of the public may already raise complaints or matters of genuine concern with the Council. It therefore applies to those instances where a person feels that, for any reason, they cannot make use of those existing complaints procedures.

There are particular circumstances where you have a contractual obligation and duty to report matters and failure to do so may result in disciplinary proceedings. Examples of these circumstances are contained within the Council's Disciplinary Procedures and include a requirement to report any alleged or actual abuse of a child by a member of staff or other person having contact with the child.

If in doubt – raise it!

## **The Council's assurances to you**

The Council recognises that a decision to 'blow the whistle' can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of the malpractice that is the source of the concern or from the organisation as a whole.

### **Your Safety**

The Council and Chief Executive are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course this assurance is not extended to someone who maliciously raises a matter they know is untrue.

### **Your Confidence**

The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that you may nonetheless want to raise a concern in confidence under this policy. If you ask for your identity to be kept in confidence, we will not disclose it without your consent. If the situation arises when it is not able to resolve the concern without revealing your identity (for instance because your evidence is needed in Court), further discussions will be held with you as to whether and how the matter can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Concerns expressed anonymously will be considered at the discretion of the Council. In exercising this discretion the factors that would be taken into account could include:-

- whether it is the Council's business
- the credibility of the concern
- the seriousness of the issues raised, and
- the likelihood of obtaining the necessary information

### **How we will handle the matter**

Once you have informed the appropriate officer of your concern, it will be looked into to assess initially what actions should be taken. The action that will be taken by the Council will depend on the nature of the concern. The matters raised may be investigated by a manager, internal audit or through the disciplinary process. Alternatively, they may be subject to independent enquiry. Relevant matters may also be subject to investigation by the Police. However, in order to safeguard both the Council and individuals, initial enquiries will be made to determine whether the commitment of resources to any form of investigation would be appropriate. These initial enquiries would also assist in determining the most appropriate process for the consideration of the concern. Any necessary action that is required urgently would be carried out ahead of any assessment/investigation process.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, you should notify the officer at the outset. If your concern falls more properly within the Grievance Procedure you will be informed accordingly.

While the purpose of this policy is to enable the Council to investigate possible malpractice and take appropriate steps to deal with it, you will be given as much feedback as is possible. A referral of concern will be acknowledged, and an indication of how the Council proposes to deal with the matter, within 10 days. An indication of the likely time-scales involved in providing a final response will also be provided. If it is not possible for initial enquiries to be completed within 10 days the letter of acknowledgement will explain the situation. If a decision is made not to investigate, an explanation will be provided of the reasons for the decision.

Some issues may be investigated without the need for initial enquiries to be made. Similarly, some concerns may be capable of resolution by agreed action without the need for investigation.

The level of contact between officers who will consider the issues and the members of staff expressing the concern will again depend on the nature of the matters raised, the potential difficulties involved as well as the clarity of the information provided. Further information may need to be sought from the person expressing the concern.

The Council will take appropriate steps to prevent a member of staff experiencing any difficulties as a result of using the Whistleblowing Policy.

Please note, however, that it may not be possible to tell you the precise action proposed where this would infringe a duty of confidence owed to someone else. The objective of the various responses would be to ensure that a person expressing a legitimate concern can be assured that the matter has been addressed.

### **3. PROCEDURE**

How to raise a concern internally

#### **Step One**

If you have a concern about malpractice, it is hoped that you will feel able to raise it first with your manager. This may be orally or in writing.

#### **Step Two**

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with one of the named contact officers, again it is hoped that you will raise the matter with the named officer from your service area.

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

Whilst staff will not be expected to prove the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for concern.

#### **Independent advice**

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- if applicable, your trade union; **or**
- the independent charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

#### **External contacts**

While it is hoped that this policy gives you the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as the Local Government Ombudsman, District Auditor, the Audit Commission, official regulators. Your trade union will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

#### **If you are dissatisfied**

If you are unhappy with the Council's response remember you can go to the other bodies detailed in this policy. While the Council cannot guarantee that it will respond to all matters in the way that you might wish, it will try to handle the matter fairly and properly. By using this policy, you will help the Council to achieve this.

### **Monitoring the policy**

The Council will maintain a record of all matters raised through the Whistleblowing Policy in order that an assessment may be made of its effectiveness and any emerging patterns.

### **WHISTLEBLOWING POLICY - CONTACT OFFICERS**

|                  |                              |        |
|------------------|------------------------------|--------|
| Fred Green       | Strategic Resources          | 729025 |
| Peter Kettlewell | Community Protection Service | 728235 |
| Jan Douglas      | Social Care                  | 729500 |
| Ruth Hicks       | Social Care                  | 729034 |
| Neville Marshall | Social Care                  | 729320 |
| Denise Waites    | Social Care                  | 300870 |
| Jenny Cooke      | Children Families & Learning | 728040 |
| Mark Matthews    | Children Families & Learning | 829934 |
| John Smith       | Children Families & Learning | 201825 |
| David David      | Children Families & Learning | 728103 |
| Mary Griksaitis  | Children Families & Learning | 201829 |
| Chris Chapman    | HBS – Finance                | 727500 |
| Colin Brown      | Streetscene                  | 264509 |
| Ian Busby        | Transport & Design Services  | 728114 |
| Nigel Sayer      | Executive Office             | 729031 |

### **PROCEDURE FOR CONTACT OFFICERS AND MANAGERS**

- All Contact Officers shall receive full training as regards all aspects of dealing with a concern raised under the Whistleblowing Policy.
- The Contact Officer will clarify that the concern is being raised under the Council's Whistleblowing Policy and ensure that any further information is provided in a confidential setting/environment.
- The Contact Officer will ensure that details of the concern are immediately recorded on a pro-forma.
- The Contact Officer shall keep a copy of the form in a safe and confidential place and ensure that the original is hand-delivered to the Monitoring Officer immediately (or in their absence to the Deputy Monitoring Officer).
- The Monitoring Officer shall maintain a register of all concerns raised under the Whistleblowing Policy.
- The Contact Officer role is likely to finish at this point, unless the Monitoring officer determines that there should be further involvement by the Contact Officer. In such an event the Monitoring Officer will determine the extent of that involvement.
- Nothing within the Policy shall prejudice the Monitoring Officer in respect of any action he/she may take in their role as Monitoring Officer.

**RECORD OF CONCERN RAISED UNDER THE PUBLIC INTEREST DISCLOSURE ACT 1998  
AND MIDDLESBROUGH COUNCIL'S 'WHISTLEBLOWING' POLICY**

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|--|--|
| <b>Date and Time Concern Raised:</b>   |  |
| <b>Manner in Which Concern Raised:</b> | <b>Please tick one of the following:</b> |
| <b>E-Mail:</b>                         |  |
| <b>Letter:</b>                         |  |
| <b>Meeting:</b>                        |  |
| <b>Telephone:</b>                      |  |
| <b>Other (Please Specify)</b>          |  |

**Details of Person Raising the Concern**

|   |                       |
|---|-----------------------|
| <b>Name:</b>  |                       |
| <b>Address:</b>   |                       |
| <b>Employer: Middlesbrough Council</b>                              | <b>Other Employer</b> |
| <b>Department:</b>  | <b>Service area:</b>  |
| <b>Telephone No: (Work)</b>   | <b>(Home):</b>        |
| <b>Does the person raising the concern wish to remain anonymous</b> | <b>YES/NO</b>         |

**Nature of Concern**

| <b>Concern</b>   | <b>Please tick relevant categories</b> |
|--|--|
| <b>Conduct which is an offence or a breach of law</b>                              |  |
| <b>Disclosures related to miscarriages of justice</b>                              |  |
| <b>Health and Safety, including risks to the public as well as other employees</b> |  |
| <b>Damage to the environment</b>   |  |
| <b>Unauthorised use of public funds</b>  |  |
| <b>Possible fraud and corruption</b>   |  |
| <b>Sexual or physical abuse of clients</b>   |  |
| <b>Other unethical conduct</b>   |  |
| <b>Other (please specify)</b>  |  |

**Reasons for not raising concern with Immediate Line Manager:**

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**WHISTLEBLOWING POLICY FLOW CHART**

