

Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

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WHISTLEBLOWING POLICY

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1. What is this about?

- 1.1 As an employee of the Council, or someone working under a contract with the Council, you may be the first to identify concerns about malpractice within the Council. However, you may be reluctant to voice your concerns because of fears about possible repercussions, or a feeling of disloyalty to your colleagues. You may consider it easier to ignore your concerns rather than report what may just be your suspicions.
- 1.2 This policy is intended to encourage and enable you to raise serious concerns within the Council with confidence, rather than overlooking those concerns or taking them outside.
- 1.3 Whistleblowing is where an employee has a concern about danger or illegality that has a public interest aspect to it: usually because it threatens others (e.g customers, shareholders, public). A grievance on the other hand is, by contrast, a dispute about your own employment position and has not additional public interest dimension. Where the two are entangled, the Monitoring Officer will consider the facts, assess the risks and decide how best to deal with the issue in hand. There is a Grievance Policy in place to enable you to lodge a grievance or for matters that fall outside this policy. It is very important that this policy is not used to raise individual grievances.

2. What legal protection do you have?

- 2.1 The Public Interest Disclosure Act 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, provided that you reasonably believe that the disclosure you make to the Council, either as your employer or (in the case of a contractor disclosing information) as the organisation that has legal responsibility for that matter is in the public interest.

3. What does the Council think about malpractice in the workplace?

- 3.1 The Council is committed to the highest possible standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged to come forward and voice those concerns i.e 'blow the whistle'.
- 3.2 The Council recognises that your decision to report your concerns can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns in the public interest, you will be doing your duty to the Council, your colleagues and those to whom the Council provides a service.

- 3.3 The Council will not tolerate your harassment or victimisation and will take action to protect you, including disciplinary action if necessary, however, the Council's protection does not extend to halting redundancy or disciplinary procedures to which you are already subject.

4. Who can blow the whistle?

- 4.1 All employees of the Council (including schools staff) can raise their concerns under this policy, as well as contractors working for the Council (e.g. agency staff, builders etc.) and the voluntary sector. This policy also applies to suppliers of goods and services under a contract to the Council and voluntary workers working with the Council. This policy is not available for use by members of the public who should instead use the Corporate Complaint's Policy.

5. Who and what can I blow the whistle about?

- 5.1 You can raise your serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. Your concerns may relate to something which is happening, has already happened or is likely to happen in the future. For example, your concerns may be about something that:

- is potentially unlawful, fraudulent or corrupt;
- might contravene the Council's Standing Orders, financial procedures, policies, codes of conduct or other legal obligations;
- could amount to improper conduct by an officer or a member;
- might fall below established standards of practice;
- constitutes sexual, physical or emotional abuse;
- potentially endangers the health and safety of an individual;
- is causing, or is likely to cause, damage to the environment;
- might involve a miscarriage of justice;
- is an attempt to cover up any of the above.

6. How do I raise my concerns?

- 6.1 You should normally raise your concerns with your immediate line manager or the next level of management. (Manager Arrangements for whistleblowing concerns are set out in Appendix 1 of the policy).

However, you may feel that your concerns are so serious or sensitive that you should raise them with a Chief Officer, for example a Corporate Director, the Chief Executive, the Chief Finance Officer, the Monitoring Officer, or the Chief Internal Auditor. You may invite your trade union or professional association representative to raise your concerns on your behalf if you wish.

- 6.2 If any information raises concerns about harm or potential harm to either children or vulnerable adults, these concerns should be reported immediately to Children's Services or the Protection of Vulnerable Adults (POVA) Team as the case may be, or out of hours to the Emergency Duty Team.
- 6.3 Unsupported anonymous complaints and allegations will have to be treated with caution. It is better to raise your concerns in writing but you may equally express your concerns verbally and have their detail recorded for you. Whilst you will not be expected to prove the truth of any allegations you make, you will need to demonstrate sufficient grounds for your concerns.
- 6.4 You can raise concerns safely using this policy and your concerns will be taken seriously. Whilst you have the right to raise concerns externally if you feel that to be appropriate, you are encouraged to raise them with the Council so that you have legal protection.

Public Concern at Work offers a free, confidential advice line which can give you access to advice on how to raise a concern safely and effectively. Examples of prescribed people and bodies you can report malpractice to, other than the Council are listed on the.gov.uk website and include:

- The Auditor General for Wales – for the proper conduct of public businesses, value for money, fraud and corruption in public bodies in Wales
- Care Council for Wales – relating to the registration of social care workers in Wales
- ESTYN – inspecting the quality and standards in education and training providers in Wales
- Children's Commissioner for Wales – matters relating to the rights, welfare and interests of children in Wales

7. Is my identity kept confidential?

- 7.1 You are encouraged to put your name to your allegation whenever possible however the Council will do its best to protect your identity if you so wish. You must, however, appreciate that the investigation process may unavoidably reveal your identity, additionally, you may be required to provide a formal statement as evidence. If you are required to give

evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you.

7.2 The Council would prefer you to express any concerns anonymously, if necessary, rather than remain silent about wrongdoing.

7.3 The Council as a data controller is fully committed to ensuring the safe and appropriate use of personal information in line with the principles of the Data Protection Act. If you have any concerns regarding the processing of your personal data you should seek advice from the Council's Information Team, if necessary.

8. What happens if my concerns prove to be unfounded?

8.1 If you raise your concerns in the public interest, but they are proved to be unfounded, no action will be taken against you. The Council will, however, not tolerate any malicious or vexatious allegations and will take appropriate disciplinary action against you if necessary.

8.2 If you are not an employee of the Council but have a contractual, voluntary, funding or other such relationship with the Council and make a malicious or vexatious allegation, your ongoing relationship with the Council is likely to be affected.

9. What happens when concerns are raised?

9.1 The action taken by the Council will depend on the nature of the concerns raised. They may:

- be investigated internally by management, internal audit;
- be referred to the Police;
- form the subject of an independent inquiry.

9.2 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. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. All allegations of a serious nature will be reported immediately to the Monitoring Officer.

9.3 Within ten working days, the officer with whom your concerns are raised (the Contact Officer) will write to you:

- acknowledging that your concerns have been received;

- indicating how it is proposed to deal with your concerns;
 - telling you whether any initial enquiries have been made;
 - telling you whether further investigations will take place, and if not, why not.
- 9.4 The Contact Officer will provide you with as much feedback as possible, however, there may be circumstances where information will not be shared with you in order to comply with a duty of confidence or in compliance with statutory duties.
- 9.5 The amount and frequency of contact between yourself, the Contact Officer and / or those officers tasked with investigating your concerns will depend upon 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 yourself.
- 9.6 When any meetings are arranged between yourself, the Contact Officer and / or those officers tasked with investigating your concerns, you will have the right, if you so wish, to be accompanied by a representative of your trade union / professional association or a friend who is not involved in the area of work to which your concerns relate. Steps will be taken to minimise any difficulties which you may experience as a result of raising concerns, for example, if you are required to give evidence in criminal or disciplinary proceedings, you will be advised about the procedure.
- 9.7 The Council understands that you will need to be assured that your concerns have been dealt with properly and therefore, subject to legal constraints, the Contact Officer will inform you of the outcome of any investigation within 10 days of its conclusion.

10. What should you do if you are unhappy with the Council's response to your concerns?

10.1 The Council hopes that you will be satisfied with the way that your concerns are dealt with but in the event that you are not so satisfied then you are welcome to contact (assuming that he has not previously been involved in dealing with your concern) the Monitoring Officer. Alternatively, the following possible contact points are suggested:

- Public Concern at Work
- relevant professional bodies or regulatory organisations;
- trade union;
- South Wales Police,
- Public Services Ombudsman for Wales

All full list of prescribed people and bodies you can report malpractice to other than your employer can be found via the gov.uk website.

10.2 If you do take your concerns outside of the Council, you will need to ensure that you do not breach a duty of confidentiality.

11. Who is responsible for maintaining this policy?

11.1 The Monitoring Officer, in liaison with the Chief Executive, has overall responsibility for the maintenance and operation of this policy, and any concerns relating to the policy or its operation should in the first instance be addressed to him.

11.2 The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality).

11.3 The Monitoring Officer will monitor the application of this policy and has discretion to review it at any time. Additionally, the Standards Committee will periodically monitor the operation of this policy.

11.4 Each Directorate will provide quarterly reports to the Monitoring Officer in relation to any concerns raised and dealt with in accordance with this policy, in order to facilitate the roles of both the Monitoring Officer and the Standards Committee as set out above.

12. When does this policy not apply?

12.1 Grievances – if you are an employee there are existing procedures in place to enable you to lodge a grievance relating to your own employment. You should always refer to the Council's Grievance Policy before this Whistleblowing Policy.

12.2 Elected Members Code of Conduct – Concerns relating to the conduct of Elected Members should be raised with the Public Services Ombudsman for Wales.

12.3 Complaints – complaints from members of the public about Council services should be addressed via the Corporate Complaints Policy.

12.4 Other organisations – in cases where the Council contracts with a private organisation, it may be appropriate to notify the relevant Corporate Director for that service area. Consideration should also be given to notifying the appropriate regulatory organisation.

Appendix 1

Guidance for Managers

- As a Manager, you should be familiar with the Council's Grievance Policy and Whistleblowing Policy so that you are well equipped to deal with allegations if they arise.
- The Whistleblowing Policy provides a confidential reporting procedure to enable employees and others to raise issues of concern in confidence and to ensure that the matter will be taken seriously and fully investigated. A whistleblower should be viewed as a witness putting the Council on notice rather than as a complainant.

- Managers should listen carefully and be responsive to employees' concerns whether raised formally under the policy or not and should treat the information confidentially and sensitively. The employee should be assured that they will not suffer because of concerns raised in the public interest and that the matter will be properly addressed.
- The employee is entitled to bring along a recognised Trade Union representative or work colleague for support.
- The first issue for Managers to consider is whether the concern should be treated under the Whistleblowing Policy or some other procedure. Managers can seek further advice from the Monitoring Officer on how to handle individual cases.
- Managers should then assess how serious and urgent the risk is and establish:
 - The background details and nature of the concern;
 - Whether the information is first hand or hearsay;
 - Details of the job and responsibilities of individuals involved;
 - Reasons why the employee is raising the concern now;
 - Action (if any) taken to date before the concern was raised;
- If the issue is sensitive, the number of people involved in addressing the whistleblowing concern should be kept to a minimum.
- All allegations of a serious nature must be reported immediately to the Monitoring Officer.
- Cases of known or suspected fraud can be reported to Human Resources and the Chief Internal Auditor.
- If any information raises concerns about harm or potential harm to either children or vulnerable adults, these concerns should be reported immediately to Children's Services or the Protection of Vulnerable Adults (POVA) Team as the case may be, or out of hours to the Emergency Duty Team. You should not assume that the whistleblower or someone else will report it.
- Managers should always deal with the concern in a timely manner bearing in mind the 10 day deadline set in the policy to respond to the whistleblower. Delays may result in evidence being destroyed and can also suggest a lack of concern about the matter and can increase the stress and anxiety of everyone involved.
- It is important to the integrity of the Council that concerns should be investigated thoroughly and efficiently in order to remedy the

situation. In doing this the Council will ensure that such wrongdoing is prevented in future.

- Managers must notify the Monitoring Officer within a timely manner of all concerns raised under this policy and the outcomes. If you decide that no further action is necessary you should still record your decision and inform the Monitoring Officer of the concern raised and the reasons why you consider no further action is required.