

Whistleblowing Policy

1 INTRODUCTION

- 1.1 People who work for or with the Council are often the first to realise that there may be something wrong within the Council. However, they may feel unable to express their concerns because they feel that speaking up would be disloyal to their colleagues, managers or to the Council. They may also fear harassment or victimisation. They may be worried about raising such issues or they may want to keep the concerns to themselves, perhaps feeling it's none of their business or that it's only a suspicion. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.2 The Council has introduced this policy to enable you to raise your concerns at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.
- 1.3 This policy makes it clear that you can raise your concerns without fear of harassment, victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable people working for or with the Council to raise concerns within the Council rather than overlooking a problem or "blowing the whistle" outside. If something is troubling you which you think we should know about or look into, please use this policy.
- 1.4 This policy applies to all:
 - employees of Denbighshire County Council
 - employees of contractors working for the Council on Council premises, for example, agency staff, builders, drivers
 - Those providing services under a contract or other agreement with the Council in their own premises, for example care homes
 - Voluntary workers working with the Council
 - Consultants engaged by the Council

2 AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
 - encourage you to feel confident in raising concerns and to question and act upon concerns about malpractice
 - provide avenues for you to raise 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 reprisals or other action if you have a reasonable belief that you have made any disclosure in good faith

2.2 The Whistleblowing Policy is intended to cover concerns other than your employment, where the interests of others or of the Council itself are at risk. 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
- unlawful discrimination
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients,
- the neglect, emotional, physical or sexual abuse of children or other inappropriate behaviour towards them
- other unethical conduct

This is not intended to be an exhaustive list.

2.3 Any 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 Whistleblowing 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 and policies;
or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 The Officers Code of Conduct provides that if an employee becomes aware of activities which he or she believes to be illegal, improper or unethical, the employee should report the matter in accordance with this procedure.

2.5 This policy does not apply in the following circumstances:

2.5.1 **Employment Issues**

If you are an employee, there are existing procedures in place to enable you to raise concerns relating to your own employment. You should always use the relevant Human Resources Policy before this Whistleblowing Policy.

2.5.2 Elected Members Conduct

Concerns relating to the conduct of elected Members should be raised in accordance with the Member's Code of Conduct.

2.5.3 Complaints

This policy does not replace the corporate Complaints Procedure which is concerned with addressing complaints about Council services.

2.5.4 Other Services

If you have any concerns about another organisation that provides services on behalf of the Council you should contact the service provider in the first instance. In cases where the Council contracts with a private organisation it may be appropriate to notify the relevant Service Area of the Council. In some cases it may also be necessary to inform the appropriate regulatory organisation.

3 SAFEGUARDS – OUR ASSURANCES TO YOU

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees and others using this policy.

Your legal rights

- 3.2 The Public Interest Disclosure Act 1998 provides legal protection for workers (including contractors and agency staff) who raise genuine concerns and make disclosures in good faith about malpractice. The Act makes it unlawful for the Council to dismiss anyone or allow them to be penalised or victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Support to you

- 3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service. You will not be at risk of losing your job or suffering any form of punishment as a result.
- 3.4 The Council will not tolerate discrimination, harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action to protect you when you raise a concern in good faith.
- 3.5 Any investigations into allegations of potential malpractice raised by you will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future.
- 3.6 At all times during the raising and investigation of your concerns:
- 3.6.1 you will be given full support from Senior Management

3.6.2 your concerns will be taken seriously

3.6.3 the Council will do all it can to help you throughout the investigation, e.g. provide advocacy services, interpreters etc.

3.7 If appropriate, after full consultation, the Council will consider temporarily redeploying you or others for the period of the investigation.

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. If the situation arises where we are not able to resolve the concern without revealing your identity you will be informed of this and the reasons why.

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 Monitoring Officer.

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.

5.4 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. Accordingly, this policy is better suited to concerns not raised anonymously.

5.5 If the Monitoring Officer decides not to pursue an anonymous allegation he/she will record the reasons for this decision in writing. These decisions will be included in the Monitoring Officer's annual report to Corporate Governance Committee referred to in 10.7 below.

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.

6.2 The question of whether or not an allegation has been made frivolously, maliciously or for personal gain will be determined by the outcome of the investigation into your concern.

7 HOW TO RAISE A CONCERN

- 7.1 The Council wishes to ensure that people who have concerns that should be raised under this Policy do so. Paragraphs 7.2 to 7.7 give examples of how to raise a concern, but are not compulsory. You should raise your concern with whomever you feel most comfortable raising it.
- 7.2 As a first step, we hope you will feel able to raise concerns with your immediate manager.
- 7.3 In some cases it may be more appropriate to raise concerns with someone more senior or directly with one of the internal contacts listed at the end of this document.
- 7.4 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 Monitoring Officer, the Chief Finance and Performance Officer or the Head of Internal Audit.
- 7.5 If any information raises concern about harm or potential harm to either children or vulnerable adults, then these concerns should be reported immediately to the Child Protection Co-ordinator or the Protection of Vulnerable Adults Co-ordinator or the out of hours Emergency Duty Team.
- 7.6 If you have serious concerns which you feel unable for whatever reason to raise within the Council, you should raise the matter with one of the external contact points referred to at the end of this document.
- 7.7 Concerns may be expressed verbally or in writing. If you wish to make a written report you 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
- If you prefer you may use the report form contained in Appendix 2 and give this to the person with whom you raise your concern.
- 7.8 The earlier you express your concern the easier it is to take action.
- 7.9 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 7.10 Advice and guidance on how matters of concern may be pursued can be obtained either from your Head of Service, or the Head of Legal and Democratic Services (Monitoring Officer).
- 7.11 You may invite your trade union professional association representative, a friend, or someone from an advocacy or translation service 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 The person to whom you report your concerns under this policy must in turn, report them to the Monitoring Officer within three working days.
- 8.3 The Monitoring Officer will liaise with the Head of Internal Audit to consider the most appropriate method of investigating the matters of concern raised by you. Please do not attempt to investigate these matters yourself once they have been raised as this could compromise any subsequent investigation into your concern.
- 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 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.
- 8.5 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 Where appropriate, the matters raised may:
- be investigated internally 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
- 8.7 Within ten working days of a concern being raised, you will receive a letter (or information in your preferred format):
- 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.
- 8.8 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, further information will be sought from you.

- 8.9 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
- 8.10 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 advise you about the procedure and provide you with the necessary support.
- 8.11 The Council accepts that you need to be assured that the matter has been properly addressed. You will, subject to legal constraints, receive information about the outcome of any investigations.
- 8.12 Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly, properly and without undue delay. By using this policy, you will help us to achieve this.

9 INDEPENDENT ADVICE

- 9.1 If you are still unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at www.pcaw.co.uk

Their Lawyers can give you free confidential advice on how to raise a concern about serious malpractice at work.

- 9.2 You may prefer to speak to your Trade Union to seek advice about how to raise a concern under this policy. The contact details for the trade unions recognised by the Council for collective bargaining purposes are contained in Appendix 1.

10 THE RESPONSIBLE OFFICER

- 10.1 The Monitoring Officer (Head of Legal and Democratic Services) has overall responsibility for the maintenance and operation of this policy.
- 10.2 The Monitoring Officer maintains a record of concerns raised and the outcomes of investigations in a form which does not endanger your confidentiality.
- 10.3 The person who receives your concerns must report them to the Monitoring Officer in accordance with 8.2 above.
- 10.4 The person who receives the report into the investigation of your concerns must report the outcomes to the Monitoring Officer.
- 10.5 The Monitoring Officer will pursue the outcomes of the investigation if they are not reported promptly in accordance with 10.4 above.
- 10.6 The Monitoring Officer will review all concerns and outcomes on a periodic basis to ensure that they have all been investigated in accordance with this Policy.

10.7 The Monitoring Officer will report, in a format that does not compromise confidentiality, at least once a year to the Corporate Governance Committee on the operation of this Policy, the outcome of the reviews conducted under 10.6 above and any changes in practice introduced as a result of a concern raised under this Policy.

11 HOW THE MATTER CAN BE TAKEN FURTHER

11.1 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, further possible contact points are given in the External Contact List at the end of this booklet.

11.2 If you do take the matter outside the Council, you should ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.

INTERNAL CONTACT LIST

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below:

Chief Executive

Corporate Director (Modernisation and Wellbeing)

Corporate Director (Economic and Community Ambition)

Corporate Director (Customers)

Monitoring Officer, Head of Legal and Democratic Services

Deputy Monitoring Officer

Head of Finance and Assets

Head of Internal Audit

Chair of Corporate Governance Committee

Any Head of Service or any local trade union official

Concerns about harm or potential harm to either children or vulnerable adults should be reported immediately to:

Child Protection Co-ordinator - Tel. No. 01824 712286

Protection of Vulnerable Adults Co-ordinator - Tel. No. 01824 706675

Or

Emergency Duty Team (out of hours) - Tel. No. 0845 0533116

EXTERNAL CONTACT LIST

If you have used the appropriate internal procedures and are not satisfied with any action taken in relation to your concerns and if you feel it is right to take the matter outside the Council, further possible contact points are given below. It is stressed that the list below is not exhaustive and you are free to contact any organisation which you feel will be able to deal properly with your concerns.

Public Services Ombudsman for Wales - Tel. No. 01656 641150

Wales Audit Office – Tel. No. 02920 320500

North Wales Police – Tel. No. 101 or 0300 330 0101

Professional bodies (examples):

The Chartered Institute of Public Finance and Accountancy – Tel. No. 020 7543 5600

Regulatory Organisations (examples):

Environment Agency – Tel. No. 0800 807060

Health and Safety Executive – Tel. No. 0845 3009923

Care and Social Services Inspectorate for Wales – Tel. No. 01443 848450

Equality and Human Rights Commission – Tel. No. 0845 6048810

Citizens Advice Bureau – Tel. No 08444 77 20 20

Recognised Trade Unions:

UNITE Tel. No. 01352 733611

UNISON Tel. No. 01824 708043

GMB Tel. No. 01492 535313

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity Public Concern at Work on 020 7404 6609 or at www.pcaw.co.uk. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.

