Confidential Reporting Policy

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Lead Officer	Clare Burrows
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Introduction

1. The Authority is committed to the highest standards of openness, transparency and accountability, and to an open and honest culture where concerns about malpractice or wrongdoing are raised at the earliest opportunity. Confidential Reporting, sometimes known as Whistleblowing**,** is the disclosure of information which relates to suspected wrongdoing or dangers at work, and should be seen as a positive way to help and protect the Authority.

2. Employees, or Members, might be the first to realise that there may be something seriously wrong within the Authority. However, they may feel reluctant to express their concerns because of worries about possible harassment, victimisation or other reprisals, or they may feel that their concerns will be ignored and not acted upon.

3. The purpose of this Policy is:

a) To encourage employees and Members to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
b) To provide guidance as to how to raise those concerns;
c) To reassure employees and Members that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

4. This Policy takes account of the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, which are incorporated into the Employment Rights Act 1996. These Acts protect employees making disclosures about certain matters of concern, where those disclosures are made in accordance with the Acts' provisions. The Policy has been shared with the relevant trade union UNISON.

Application and Scope

5. This Policy applies to all employees (including casual, contract and seasonal staff; Volunteers and temporary staff; and agency workers) and Members of the Authority. Where appropriate it also applies to contractors working for the Authority on Authority premises, and suppliers.

6. This Policy is in addition to, and distinct from, the Authority's Complaints Procedure that provides a facility to those not employed by the Authority (e.g. service users, and members of the public) to raise any concerns.

7. This Policy is not intended to cover concerns that can be progressed under existing Human Resources procedures. Where an employee's concerns relate to their own employment, either in terms of the treatment afforded to them or their terms and conditions of employment, these should normally be raised through the Grievance procedure or appropriate appeals procedures as advised by HR.

8. Examples of issues that might be considered under the Confidential Reporting Policy include:

    - Unauthorised use of public funds;
    - Conduct which is a criminal offence or a breach of the law;
    - Miscarriages of justice;
    - Health and safety risks, including risks to the public as well as other employees;
    - Damage, or the risk of damage, to the environment;
    - Other unethical conduct including maladministration issues (such as having a significant conflict of interest or bias, delay, incompetence, failure to follow procedures, or dishonesty);
    - Misuse of assets, including equipment, vehicles, buildings, computer hardware and software;
    - Actions which are likely to cause physical danger or significant damage to property.

Responsibility for this Policy

9. The Monitoring Officer has overall responsibility for the maintenance and operation of this procedure and will, where necessary, liaise with Internal Audit and/or the Chair of Audit & Review Committee. The Monitoring Officer will maintain a record of concerns raised under this Policy along with the outcome of any investigations and will, if necessary, report to the Authority's Audit & Review Committee (in a form which does not compromise confidentiality).

Safeguards

10. Employees or Members raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise or disclose issues in the public interest.

Harassment or Victimisation

11. The Authority will not tolerate harassment or victimisation, and will take appropriate action to protect anyone who raises a genuine concern from such behaviour.

12. In addition, the law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a confidential reporting disclosure considered to be in the public interest. An investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that might already apply to the employee.

Confidentiality

13. All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern, without their permission.

14. At some stage it is likely that the person or persons implicated in the concerns will be spoken to. Again, every effort will be made to ensure confidentiality, but the particular circumstances of the allegation may unavoidably indicate identities. Wherever practicable, the person raising the concern will be informed that if this is likely to be the case.

Deliberately False and Malicious allegations

15. The Authority will view very seriously any deliberately false, vexatious or malicious allegations and appropriate action will be taken. If the person making the allegations is an employee, this may lead to disciplinary action. Inappropriate disclosures of information instead of using this procedure are not acceptable, and also may lead to disciplinary action.

How to raise a concern

16. Employees should raise concerns about malpractice (i.e. that something is or may be 'wrong') with their **Line Manager or Director** (depending on the seriousness and sensitivity of the issues involved). Where the concern relates to the Chief Executive, the issue should be raised with the Chair of the Authority and the Monitoring Officer.

17. Employees may wish to consider discussing their concern on a confidential basis with a colleague and to raise the matter jointly if there are two (or more) officers who have the same concern.

18. There may be instances where the person raising the concern feels unable to raise the matter in this way – for example, for volunteers, contractors or agency workers, or if the Line Manager/Director's involvement in the wrongdoing is suspected. In this instance, concerns should be reported to either:

    Clare Burrows (Monitoring Officer) Tel 01969 652329, or
    David Butterworth (Chief Executive) Tel 01969 652333

19. Members should raise the issue with the Chair in the first instance (or the Deputy Chair if the issue relates to the Chair) and the Monitoring Officer.

20. The earlier that concerns are raised; the easier it is to take action. Concerns may be raised verbally, but ideally should be in writing setting out the background and history of the concern, giving relevant dates, and the reason for concern.

21. The person raising the concern should not:

    - be afraid of coming forward - this Policy has been developed to prevent any recrimination;
    - approach or accuse individuals directly;
    - try to investigate the matter themselves;
    - convey suspicions to anyone other than those with authority to deal with such concerns in accordance with this policy.

Anonymity

22. The person raising the concern is encouraged to put their name to the allegation whenever possible. Concerns can be expressed anonymously, or through a trade union representative, but they are much more difficult to investigate; in such cases, the Authority will use its discretion to determine if enough relevant information has been provided to decide if an investigation is warranted. 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.

23. Identities may have to be disclosed for the purposes of a criminal investigation or to provide evidence in Court, where this becomes relevant.

How concerns are dealt with

24. Within ten working days of a concern being received, the Authority will respond in writing:

    - acknowledging that the concern has been received;
    - indicating how the matter will be dealt with, including whether any initial enquiries have been made, and whether any further enquiries are planned.

Concerns or allegations which fall within the scope of other specific procedures will normally be referred for consideration under those procedures at this point; in this case the person raising the concern will be notified and told how the appropriate procedure will be followed;
- giving an estimate of how long it will take to provide a final response.

25. The amount of contact between the officer investigating the issue and the person who has raised the concern 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 the person raising the concern.

26. When any meeting is arranged to discuss an allegation, the person making the allegation has the right, if they so wish, to be accompanied (for example by a trade union or professional association representative, or a work colleague who is not involved in the area of work to which the concern relates).

27. The Authority will take steps to minimise any difficulties which the person making the allegation may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Authority will ensure that they are given advice about what to expect in such situations.

28. Where appropriate, the matters may be referred to the police, the external auditor and/or form the subject of an independent inquiry.

29. The Authority accepts that persons who report such concerns need to be assured that the matter has been properly addressed. Subject to legal constraints, information about the outcome of any investigations will be provided in writing. However, details of what action will be taken may need to be withheld where this would infringe a duty of confidence owed to a third party.

30. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before the investigation is concluded.

Taking Advice

31. Anyone who is unsure about whether to use this procedure, or who wants impartial advice at any stage, may wish to contact:

    - the Authority's UNISON representative, if you are a member of that trade union
    - ACAS helpline 0300 123 1100
    - the Employee Assistance Programme delivered by Health Assured (0800 0280199).
    - PROTECT (independent whistleblowing charity) (020 3117 2520)
    - Internal Audit (Veritau Ltd: email max.thomas@veritau.co.uk; Freephone 0800 917 9247)

This Policy may be cross-referenced with other policies and procedures, for example:

Anti Fraud, Bribery & Corruption Policy, Disciplinary Policy, Register of Gifts & Hospitality Standing Orders, Financial Regulations, Health & Safety procedures, Complaints Policy