

DOWN DISTRICT COUNCIL

Confidential Reporting (Whistle-blowing) at Work - POLICY & PROCEDURES

Introduction

Down District Council's mission is to "improve the quality of life for all our people".

One of our core values is "to provide the highest quality of service possible, within resources and to continuously strive to improve the provision of services we provide...."

The Council is committed to Excellence in Customer services through continuous improvement. Staff have a key role in identifying means where the Council can be more effective, where greater efficiencies can be achieved, where customers needs can be met in new or innovative ways, or indeed where the Council, or individuals (staff or members) do not act appropriately, or with integrity and respect for others.

Policy Statement

1. The aim of the Policy is to promote a culture of openness and dialogue, and to provide a framework where staff can raise concerns and make constructive suggestions, comments or complaints confidentially about the Councils activities, without fear of recrimination.

The term Confidential Reporting / Whistle-blowing refers to the disclosure by employees, or ex-employees of malpractice, including illegal acts or omissions at work.

This Policy has been developed in recognition of the fact that members of staff in Down District Council have a right and a duty to raise with the Council any matter of concern which they may have, and wishes to encourage staff to do so.

This is an important process to enable the Council to identify failures to help ensure that we operate with integrity, respect for people and excellence.

Staff are strongly encouraged to initially utilise internal mechanisms, (where that is appropriate) for reporting any such concerns/suggestions. Where the member of staff does not feel comfortable raising it through the normal departmental line management structures, Section 5 of this policy details the confidential internal protocols which have been put in place to facilitate whistle-blowing.

If the member of staff is not satisfied with the outcome of the internal procedure they can pursue the matter externally – details of how this may be done are contained at Section 6 & 7. However, where such an action, is entered into unjustifiably disciplinary action may ensue.

Staff should not raise such matters with the media; to do so may prejudice subsequent or ongoing investigations or future actions.

Scope of Policy

2. The Council recognises that existing Policies and Procedures, which deal with conduct and behaviour at work – Disciplinary, Grievance, Harassment and Bullying – may not always be appropriate to extremely sensitive issues which may need to be handled in a different way. Examples may be:
 - A criminal offence has been committed, is being committed or is likely to be committed;
 - Suspected fraud;
 - Disregard for legislation, including Health and Safety at work;
 - The environment has been, or is likely to be, damaged;
 - A miscarriage of justice has occurred, is occurring, or is likely to occur;
 - Breach of standing financial instructions;
 - Maladministration;
 - Showing undue favour over a contractual matter or to a job applicant.This list is not exhaustive.
3. The policy applies to all staff and contractors (and their staff) working for the Council.

Responsibilities

4. The Council
 - To ensure that this Policy enables issues that are raised to be dealt with effectively;
 - To promote a culture of openness and ensure that issues are dealt with responsibly and taken seriously;
 - To ensure that employees who raise any issues are not penalised for doing so, unless other circumstances come to light which require this, eg where a member of staff knowingly raises an issue regarding another member of staff which they know to be untrue.

Managers

- To take any concerns reported to them seriously and consider them fully, fairly and sympathetically;
- To recognise that raising concern can be a difficult experience for some staff;
- To seek advice from the Business Improvement Manager within the Council where appropriate;
- To invoke the formal procedure and ensure the Business Improvement Manager where appropriate.

All Members of Staff

- To recognise that it is their duty to draw to their manager's attention any matter of concern;
- To adhere to the procedures set out in this Policy;
- To maintain their duty of confidentiality to clients and the Council. Where any disclosure may breach this duty of confidentiality the employee should first, where appropriate, seek specialist advice.

How do I raise a concern and what will happen?

5. In the event that the matter raised cannot be dealt with informally or under any of the Council's other procedures for dealing with conduct and behaviour at work, as specified at paragraph 2, the following Procedure should be invoked.

(a) You should normally raise concerns with your line manager or his/her superior. This depends however on the seriousness and sensitivity of the concern, and who is suspected of the malpractice. You can also approach anyone listed below:

- The Chief Executive
- The Director of Corporate Services
- The Business Improvement Manager

(b) In order to protect all individuals concerned with any issue, initial enquiries will be made to help decide what action is appropriate. The Council has appointed the Business Improvement Manager to make initial enquiries for concerns/complaints made under this procedure.

(c) The Business Improvement Manager may arrange an initial interview with you which will be strictly confidential to outline the area of concern. You may be accompanied by an appropriate person. The Business Improvement Manager will write a summary report of the interview which will be agreed by both parties and will ask you to make a written statement.

In some situations a member of staff may have initially discussed the matter with their Line Manager. It is important that the matter is immediately brought to the attention of the Business Improvement Manager by the Line Manager.

(d) The Business Improvement Manager will, following initial enquiries, report to the Clerk and Chief Executive. However, if the complaint is about the Clerk and Chief Executive, the Business Improvement Manager should report to the Chair of the Audit Committee. In the event that the complaint is about the Chair of the Council, it should be referred to the Chair of the Policy and Resources Committee. If the complaint concerns the improper use of public funds, then the Business Improvement Manager will have direct access to the Chair of the Council's Audit Committee. The Business Improvement Manager has direct access to the Chair of the Audit Committee / Clerk and Chief Executive.

(e) The Clerk and Chief Executive, Chair as appropriate, will be responsible for taking appropriate action - this will include:

- Commission an investigation - by management, internal audit
- Referral to external agencies - police, external audit
- Resolution by agreed action without need for investigation
- Refer matter to Fraud Response Group (see Anti Fraud and Corruption Policy)

(f) Where an investigation is appropriate this will be carried out by an independent individual (Investigating Officer). This Investigating Officer will conduct a full investigation which will be carried out under the terms of strict confidentiality. In certain cases, for example allegations of mistreatment of clients or fraud, consideration will have to be given by the Clerk and Chief Executive or the Chair to immediate suspension from work. This suspension and the subsequent investigation will be conducted under the Council's

Disciplinary Procedure. In other cases the investigation will be carried out in accordance with the principles, time periods and rights to representation as set out in the Council's Disciplinary Procedure.

- (g) Following the investigation, the Investigating Officer will produce an investigation report and will report back to the responsible officer(s) or Chair who will implement the recommendations of that report. In the event that there is a recommendation that the disciplinary procedures should be initiated, the Clerk and Chief Executive/Chair or any other Director, if materially involved, will not participate in any Disciplinary Hearing. The Presenting Officer for any Disciplinary Hearings that may be convened will normally be the Investigating Officer.
- (h) If there is no case to answer the Chair/Clerk and Chief Executive will take into account that protection should be afforded to an employee who is not in a reasonable position to form a belief on reasonable grounds about the truth of information, but believed on reasonable grounds that the information may have been true and was of sufficient importance to justify its disclosure so that the matter could be investigated.
- (i) The Business Improvement Manager/Investigating Officer will also take into account that where there are circumstances where malicious allegations have been made, it may be appropriate to recommend invoking the Disciplinary Procedure against the person or persons who made these. The Chair/Clerk and Chief Executive or any other Director previously involved will not participate in any Disciplinary Hearing.

Making an external disclosure

- 6. It is hoped that the policy and procedure above give you the reassurance to raise matters within the Council but, as a last resort; you may wish to raise matters with outside bodies. If the procedure set out in 5 above is not acceptable or suitable you should contact the Business Improvement Manager (or exceptionally the Chair of the Audit Committee) to discuss in confidence the implications of relevant legislation and possible internal and external avenues of complaint open to them:
 - Local Government Auditor / Northern Ireland Audit Office
 - Police Service Northern Ireland
 - NI Ombudsman
 - Health and Safety Executive
- 7. Additional advice may be obtained to provide you with support on a confidential basis from Public Concern at Work: 020 7404 6609.

Role of Trade Unions and Other Organisations

8. All staff have the right to consult and seek guidance and support from their Professional Organisations, Trade Union and their own solicitor. Such organisations or individuals retain their own rights to campaign on or make public such issues as they may see fit.

Equality Impact Assessment

9. This Policy has been assessed under Down District Council's Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998.

If at any stage there are any issues within the policy which are perceived by any party as conflicting with their rights, that party should bring these to the attention of the Director of Corporate Services or raise a grievance through the Grievance Procedure.