

Confidential Reporting Policy

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Policy Agreed

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Contents

Section		Page Number
1.0	Introduction	3
2.0	Aim and the scope of the policy	4
3.0	Safeguards against harassment or victimisation	5
4.0	Confidentiality	5
5.0	Anonymous Allegations	5
6.0	Untrue Allegations	5
7.0	How to Raise a Concern	6
8.0	How the Council will respond	7
9.0	The Responsible Officer	8
10.0	How the matter can be taken further	8
11.0	Monitoring and Reporting	8

1.0 Introduction

- 1.1 This policy is designed for employees so that they may raise concerns in the knowledge that they will be protected under its safeguards. The policy complies with the Public Interest Disclosure Act 1998 which gives statutory protection to any employee who raises concerns in good faith about a possible wrong-doing.
- 1.2 Local government employees have an individual and collective responsibility regarding their conduct and practices which are always subject to public scrutiny. As individuals employees are required to work within Woking Borough Council's Code of Conduct for Employees which is made available to all employees. The Council's regulatory framework also includes standing orders, financial regulations and the standards of the relevant professional organisations to which employees belong.
- 1.3 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, if the Council has a chance to deal with a potentially serious problem at the earliest opportunity this can reduce the damage that may be caused to persons, property or the Council's reputation.
- 1.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment all employees have a duty to bring to the attention of management any deficiency in the provision of service and any impropriety or breach of procedure in accordance with paragraph 5.1 of the Anti Fraud and Corruption Policy which reflects Financial Regulations. It is recognised that most cases will have to proceed on a confidential basis.
- 1.5 Employees who are aware of another employee committing any acts of wrong-doing who decide to ignore these actions and do not report their concerns may themselves also be subject to disciplinary action for knowingly allowing this wrong-doing to continue.
- 1.6 This policy document makes it clear that employee can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.7 The policy applies to all employees and those contractors engaged by the Council on public service work. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, temporary accommodation for the homeless. Partners and subsidiaries are also expected to meet the expectations set out in the policy.
- 1.8 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. Employees are responsible for making service users aware of the existence of these procedures.
- 1.9 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2.0 Aims and Scope of this Policy

2.1 This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for employees to raise those concerns and receive feedback on any action taken;
- Ensure that employees receive a response to their concerns and are aware of how to pursue those concerns if they are not satisfied;
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

2.2 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment (reference: Grievance Policy and Anti-Bullying and Harassment Policy). The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. 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;
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud and corruption;
- Sexual or physical abuse of clients; or
- Other unethical conduct.

2.3 Thus, any serious concerns that employees 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 Confidential Reporting Policy. This may be about something that:

- Makes employees feel uncomfortable in terms of their own standards or experience or the standards that they believe the Council subscribes to; or
- Is against the Council's Standing Orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This policy does not replace the corporate complaints procedure.

3.0 Safeguards against harassment or victimisation

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
- 3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.
- 3.4 Where an employee is being considered under the Council's disciplinary or redundancy procedures this will not affect their right to raise a concern under this policy.

4.0 Confidentiality

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal employees identity if they so wish. At the appropriate time, however, employees may need to come forward as a witness or provide a statement as part of the evidence.
- 4.2 The Council will do all that it reasonably can to support the employee once they take the decision to voice their concerns.

5.0 Anonymous Allegations

- 5.1 This policy encourages employees to put their name to an allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 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.

6.0 Untrue Allegations

- 6.1 If employees make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, employees make an allegation frivolously, maliciously or for personal gain, action may be taken against them.

7.0 How to Raise a Concern

- 7.1** Financial Regulations require that the Finance Director shall be informed of any possible irregularity affecting the resources of the Council, in order that an independent investigation may be undertaken. However, as a first step, employees may raise their concerns with their immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if employees believe that management is involved, they may approach the Chief Executive, ~~Deputy Chief Executive~~, the Finance Director, the Monitoring Officer, or the Head of Internal Audit. Alternatively employees may wish to raise the matter with their Union representative or a member of Human Resources employees who will be required to report the allegation to the Finance Director. Employees can also raise the matter with the independent charity "Public Concern at Work" by telephoning 020 3117 2520 or e-mailing whistle@protect-advice.org.uk If the matter concerns allegations of fraud or corruption, the Finance Director will be informed in accordance with Financial Regulations.
- 7.2** The Council has produced a separate Code of Conduct for Employees and Anti-Fraud and Corruption Policy that should be read in conjunction with this policy.
- 7.3** Complaints may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format: the background and history of the concern (giving relevant dates); the reason why they are particularly concerned about the situation.
- 7.4** The earlier employees express the concern; the easier it is to take action.
- 7.5** Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.
- 7.6** Advice/guidance on how matters of concern may be pursued can be obtained from:
- Chief Executive, ~~Julie Fisher -Ray Morgan~~ (x3333)
 - Finance Director, Leigh Clarke (x3277)
 - Monitoring Officer, ~~Joanne McIntosh -Peter Bryant~~ (x3030)
 - Head of Internal Audit, Graeme Clarke (020 7063 4968/07794 031307)
 - Head of Human Resources, Amanda Jeffrey (x3904)
 - The charity "Protect" (020 3117 2520).
- 7.7** Employees may wish to consider discussing a concern with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.
- 7.8** Employees may invite a trade union or professional association representative, or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Individuals who raise a concern who are not in direct employment of the Council may elect to bring a friend with them to any meeting or interviews.

8.0 How the Council will respond

- 8.1** The Council will respond to employees concerns. Testing out employees concerns is not the same as either accepting them or rejecting them.
- 8.2** Where appropriate, the matters raised may:
- be investigated 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.
- 8.3** 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.
- 8.4** 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.
- 8.5** Within ten working days of a concern being received, the Monitoring Officer will write to the employees who made the allegation in confidence:
- 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 them whether any initial enquiries have been made;
 - Supplying employee with information on employee support mechanisms, and
 - Telling employees whether any further investigations will take place and if not, why not.
- 8.6** The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the person who made the allegation.
- 8.7** Where any meeting is arranged, off-site if employees so wish, they can be accompanied by a union or professional association representative or a friend.
- 8.8** The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure.
- 8.9** The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed of the outcome of any investigation.

9.0 The Responsible Officer

- 9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger employee confidentiality) and will report as necessary to the Council.

10.0 How the matter can be taken further

- 10.1 This policy is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes that employees will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Council, the following are possible contact points:

- The charity "Protect" - (020 3117 2520), (whistle@protect-advice.org.uk)
- External Audit, BDO LLP ([Steve Bladen 020 3860 6563](tel:02038606563)~~Leigh Lloyd-Thomas; 020 7893-2616~~)
- The National Audit Office (enquiries@nao.org.uk, whistleblowing hotline 020 7798 7999);
- Trade union (see Woking Unison pages on Ewok for contact details);
- ~~Local~~ Citizens Advice ~~Woking Bureau~~ (03444 111 444);
- Relevant professional bodies or regulatory organisations,
- A relevant voluntary organisation;
- The police

- 10.2 If employees do take the matter outside the Council, they should ensure that they do not disclose confidential information unless required to do so by law. Employees must not communicate any matters relating to the allegation and investigation with the media.

11.0 Monitoring and Reporting

- 11.1 All concerns raised through this procedure will be brought to the attention of the Responsible Officer i.e. the Monitoring Officer, who will monitor how they are dealt with and report on outcomes as necessary.

12. Data protection

- 12.1 When responding to a concern raised under this policy, we will ensure your personal data is handled in accordance with all relevant data protection legislation.
- 12.2 We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation, for example in order to prevent or detect a crime.
- 12.3 Any disclosures of personal data are always made on case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons.