

DONCASTER METROPOLITAN BOROUGH COUNCIL

“WHISTLEBLOWING” POLICY

1. Introduction

- 1.1 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.
- 1.2 Doncaster Metropolitan Borough Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees with serious concerns about any aspect of the Council’s work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. It is intended to encourage and enable staff to raise serious concerns **within** the Council rather than overlooking a problem or blowing the whistle outside.

2. Aims And Scope Of This Policy

- 2.1 This policy aims to:
- provide avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the Council’s response
 - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

That concern may be about something that:

- *is unlawful, e.g. theft, fraud, corruption, false claims etc.*
- *is against the Council's Standing Orders or policies e.g. the Equal Opportunities Policy*
- *falls below established standards or practice*
- *amounts to improper conduct*
- *is a health and safety risk, including risks to the public as well as other employees*
- *damages the environment.*

- 2.3 Employees of subcontractors to the Council may also have access to this procedure.

3. Safeguards

3.1 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice or from those suspected of malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern; you should refer to the Council's Harassment Policy and Procedure. (Also refer to Section 5.9 of this document.)

- 3.2 This does not mean, that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

3.3 Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

3.4 Anonymous Allegations

Concerns expressed anonymously are much less powerful and therefore, this policy encourages you to put your name to your allegation. Anonymous allegations will be considered and any action taken at the discretion of the Council.

3.5 In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

3.6 *Untrue Allegations*

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 malicious or vexatious allegations, disciplinary action may be taken against you.

4. How To Raise A Concern

- 4.1 As a first step, you should normally raise concerns with your immediate manager or Executive Director/Director/Head of Service. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that senior management is involved, you should approach the Managing Director, the Monitoring Officer, the Director of Financial Services, the Head of Audit Services or the Head of Human Resources.
- 4.2 This policy encourages you to raise concerns in writing. You are advised to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer who will agree a written statement with you.
- 4.3 The earlier you express your concern; the easier it may be to take action.
- 4.4 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.
- 4.5 In all circumstances it should be made clear that you are raising these concerns under the “Whistleblowing” Policy.

- 4.6 Advice and guidance on how matters of concern may be pursued can be obtained from your immediate manager or Executive Director/Director/Head of Service, or the:
- Managing Director
 - Monitoring Officer
 - Director of Financial Services
 - Head of Audit Services
 - Head of Human Resources
- 4.7 You may invite your recognised trade union representative to raise a matter on your behalf.

5. How The Council Will Respond
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- 5.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally
 - be referred to the Police
 - be referred to the External Auditor
 - form the subject of an independent inquiry.
- 5.2 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 existing Council procedures, will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 The Council will write to you, normally within ten working days of a concern being received to:
- acknowledge that the concern has been received
 - indicate how it proposes to deal with the matter
 - give an estimate of how long it will take to provide a final response
 - tell you whether any initial enquiries have been made
 - inform you whether further investigations will take place, and if not, why not.
- 5.5 The amount of contact between you and the officers considering the issues, 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.

- 5.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a recognised trade union representative or work colleague who is not involved in the area of work to which the concern relates.
- 5.7 The Council will take steps to minimise any difficulties that 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.
- 5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.
- 5.9 The person to whom you report your whistleblowing concern will contact you 6 months after the conclusion of the investigation to establish, in a confidential and non threatening environment, whether or not you consider that there has been any impact on you following your disclosure.

6. How The Matter Can Be Taken Further

- 6.1 This policy is intended to provide you with an avenue to raise concerns within the Council and will be appropriate for the majority of cases. The Council hopes you will be satisfied. However, in exceptional circumstances, you may feel the only course of action open to you is to take the matter outside the Council. In such circumstances appropriate contact points include:

- your local Council Member (if you live in the area of the Council)
- Ombudsman
- the External Auditor
- relevant professional bodies or regulatory organisations
- your solicitor
- the Police

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential or privileged information. Where confidential or privileged information is inappropriately disclosed you may be subject to disciplinary action. Employees considering such action should make themselves aware of the contents of Part IVA of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998.

7. The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will maintain a record of concerns raised and action taken in a form, which does not endanger your confidentiality, and will report, as necessary to the Council.

8. Review and Monitoring

Directors and Heads of Service are responsible for ensuring that their managers complete a Whistleblowing Statistics Report form in respect of each whistleblowing concern brought to their attention. This form should then be forwarded to the Monitoring Officer. The key details of each concern will be monitored and reported to the Council on an annual basis.

This information will be used to monitor the effects and application of the procedure, including meeting the legislative requirement to analyse impact in terms of equal opportunities, by disability, gender and ethnic origin in accordance with the Corporate Equality Plan and Race Equality Scheme.

Signed

Date