

Meeting:	GLT	Date:	11th June 2013
	Audit & Governance Committee		24th June 2013
Subject:	Review of Whistleblowing Policy		
Report Of:	Group Manager Audit & Assurance		
Wards Affected:	Not Applicable		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Terry Rodway, Group Manager Audit & Assurance		
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Appendices:	1. Revised Whistleblowing Policy		

1.0 Purpose of Report

1.1 To seek approval for revisions to the Council's Whistleblowing Policy.

2.0 Recommendations

2.1 Audit and Governance Committee is asked to **RESOLVE** that

- (1) the Whistleblowing Policy, as detailed in Appendix A to this report, be approved.

3.0 Background and Key Issues

3.1 At the Audit & Governance Committee meeting held on 28th February 2013, Members considered the governance issues arising out of a series of anonymous allegations against Members and Officers of the Council.

3.2 As a result, the Committee resolved that:-

“the Council's Whistleblowing policy be reviewed, in consultation with staff and trade unions, to make it clear that the Council has the right not to investigate anonymous allegations which appear frivolous or malicious and are unsupported by credible evidence”.

3.3 The policy has been reviewed to take account of the above recommendation, and the opportunity has also been taken to ensure the policy remains up to date. A copy of the revised policy is included at Appendix A.

4.0 Alternative Options Considered

4.1 No other options considered as recommendation relates to review of existing policy.

5.0 Reasons for Recommendations

- 5.1 Audit and Governance Committee at its meeting on 28th February 2013, resolved that the Council's Whistleblowing policy be reviewed.

6.0 Future Work and Conclusions

- 6.1 The revised Whistleblowing Policy needs to be considered by the Trade Union Consultation Forum and the Employee Forum.

7.0 Financial Implications

- 7.1 There are no direct financial implications arising out of this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 The Council is required to have in place a number of policies and procedures to deal with matters such as fraud, bribery and corruption, and, money laundering. One of these policies is the Whistleblowing Policy, which includes the protection provided to whistleblowers by the Public Interest Disclosure Act 1998. The Policy provides staff with information about what the law is and how it works in practice, as well as the protection provided for them.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The council must have up to date policies in place and ensure all members and staff are aware of their responsibilities under these policies. Failure to do so, potentially places the Council's reputation and finances at risk and renders the Council unable to properly deal with situations that require management action.

10.0 People Impact Assessment (PIA):

- 10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, there a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 There are no specific Community Safety implications relating to the recommendation made in this report.

Sustainability

- 11.2 There are no specific Sustainability implications relating to the recommendation made in this report.

Staffing & Trade Union

- 11.3 Although there are no specific staffing or trade union implications arising out of this report, the Whistleblowing Policy is of general application to staff and provides them with statutory protection in cases where they do raise legitimate concerns about workplace fraud or malpractice.

Background Documents: Whistleblowing Policy – January 2012.

GLOUCESTER CITY COUNCIL WHISTLEBLOWING POLICY

1.0 Raising Concerns at Gloucester City Council

1.1 All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about:-

- possible fraud and corruption
- financial irregularities
- discrimination
- unethical conduct or a breach of the law
- health and safety risks/dangerous working conditions
- damage to the environment
- deliberate concealment of any of the above

it can be difficult to know what to do.

1.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.3 Gloucester City Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Council has introduced this policy to encourage and enable you to raise your concerns about such malpractice 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. This is sometimes known as 'Whistleblowing'.

What the Law says:

The Public Interest Disclosure Act 1998 (PIDA), popularly known as the 'Whistleblowers' protection act, protects employees who make disclosures about a range of subjects from recriminations. Whistleblowers can claim PIDA protection by disclosing their concerns either to their employer or, if they prefer, to another organisation authorised to receive disclosures).

1.4 The policy applies to all employees and those contractors working for the Council on council premises. It also covers suppliers and those providing services under a contract with the Council in their own premises. The City Council will ensure that as part of its procurement processes this Policy is brought to the attention of such external contractors, suppliers and service providers.

If in doubt - raise it!

- 1.5 If you have concerns over malpractice, we want you to raise the matter so that the Council can investigate and put things right.
- 1.6 This procedure should not be confused with the Council's Grievance Policy, which should be used when an employee is aggrieved about their own employment situation. Details of the Council's Grievance Policy can be obtained from Human Resources.

2.0 How to Proceed

- 2.1 If you have a concern we hope you will feel able to raise it first with your appropriate line manager or Director. This may be done verbally or in writing.
- 2.2 If you feel unable to raise the matter with your manager for whatever reason, or you believe that management is involved, then please raise the matter with one of the following:
 - Group Manager Audit & Assurance
 - Monitoring Officer
 - Corporate Director of Resources
 - Chief Executive
- 2.3 Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

3.0 What Happens Next?

- 3.1 Having alerted us to the concern, it is our responsibility to investigate the matter. The initial stage will be to interview you and then assess what further action should be taken.
- 3.2 We would need to know:-
 - the details of your concerns, including the nature, dates and location of any relevant incidents
 - the reasons why you feel concerned about the situation and the grounds for your concern.
- 3.3 When you raise the concern you may be asked how you think the matter might best be resolved, and whether you would want to be told about how we will conduct the investigation.
- 3.4 If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Policy we will tell you.
- 3.5 If the Officer you have approached feels that the concern can be resolved quickly, or in a straightforward manner, it will be brought to the attention of the appropriate manager. This procedure may lead to other processes being implemented such as the disciplinary procedure or to more formal investigations by the Audit & Assurance team.

- 3.6 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. The Council has the right not to investigate anonymous allegations which appear frivolous or malicious and are unsupported by credible evidence.
- 3.7 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

4.0 Untrue Disclosures

- 4.1 Council Members, the Gloucester Leadership Team, and the Trade Unions are all committed to this policy. If you make a disclosure in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action.

5.0 How we will Handle the Matter – Our Assurances

- 5.1 The Council is committed to dealing accurately, professionally and confidentially with all issues of concern raised within the organisation.
- 5.2 Concerns raised under this Policy will be treated seriously and sensitively. Where practicable, immediate steps will be taken to remedy the situation. However the final outcome may take longer depending on the issue that is raised.
- 5.3 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 5.4 Within 10 working days of a concern being raised, you will receive a response acknowledging that the concern has been received. The response will address the following:-
- Whether initial enquiries have been made
 - Give an estimate of how long it will take to provide a final response
 - If there is to be no investigation, giving you reasons why this is so
 - Supply you with information on employee support mechanisms
- 5.5 The Council will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the council will arrange for you to receive advice about the procedure.
- 5.6 While the purpose of this policy is to enable us to investigate concerns raised, and take appropriate steps to deal with it, you will need to be assured that the matter has been properly addressed. We will give you as much feedback as we properly can.

Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

- 5.7 Employees who wish to raise concerns under this Policy may bring a friend or Trade Union representative along with them to any interviews that are arranged, providing that person is not involved in the area of work to which the concern relates. It should be noted that this person should attend to provide support only, and will not be allowed to become involved in the proceedings.

6.0 How to Raise a Concern Internally – What we Ask of You

- 6.1 The purpose of this Policy is to enable you to raise your concerns within the Council in confidence, without any fear of reprisal or detriment to you. We therefore ask that you do not take your concerns outside the Council other than as stated in this policy or in the Public Interest Disclosure Act.
- 6.2 Concerns should be raised in writing if at all possible. When raising your concern you must declare any personal interest, which you have in the matter. If you disclose your concerns in any other manner, publicise your concerns, or abuse the process by maliciously raising unfounded allegations, or seek to make the disclosure for the purposes of personal gain, you are at risk of disciplinary action, subject to the provisions of the PIDA

7.0 Procedure for Contractors

- 7.1 As a first step, you should normally raise your concerns with your manager, who will then inform the lead council client officer who is dealing with the particular contract. If you feel unable to raise the matter with your manager for whatever reason, or you believe that management is involved, then please raise the matter direct with the Group Manager Audit & Assurance or the Monitoring Officer, at the City Council.
- 7.2 Concerns may be raised verbally or in writing. Please say if you want to raise the matter in confidence so that appropriate arrangements can be made.
- 7.3 The matter will be treated, and investigated, in accordance with the procedures in this Policy.

8.0 At the end of the Process

- 8.1 All concerns raised under this policy, together with the outcome of the investigation, will be recorded in a register held by the Group Manager Audit & Assurance. The purpose of this register is to ensure a central record is kept which can be cross referenced with other complaints in order to monitor any patterns of concern across the Authority, and to assist us in monitoring the procedure. You will be informed of the action that has been taken to resolve your concern. Sometimes, however, it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party.
- 8.2 Where action is not taken we will explain the reasons for that decision.

9.0 External Contacts

9.1 The Council would prefer that a serious concern be raised responsibly rather than not at all. Therefore, if you still feel unable to raise your concern under this Policy, then you may seek advice from:-

- the Council's External Auditor (KPMG) – <http://www.kpmg.com>
- your trade union
- your local Councillor (if you live in the area of the Council)
- your local MP
- relevant professional bodies or regulatory organisations
- the Citizen Advice Bureau
- your solicitor
- the police
- a relevant voluntary organisation
- the charity - Public Concern at Work* - <http://www.pcaw.co.uk>

*Public Concern at Work is an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice.

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