

# TELFORD & WREKIN COUNCIL

## SPEAK UP (WHISTLEBLOWING) POLICY – SEPTEMBER 2019

### 1. INTRODUCTION

- 1.1 Employees, members, volunteers, school governors, partners, contractors, suppliers and members of the public are often the first to realise that something is not right at the Council. However they may not express their concerns because they may feel that speaking up would be disloyal to their colleagues or would affect their relationships with the Council. They may also fear harassment or victimisation. In these circumstances, they may feel it easier to ignore their concerns rather than report what may be only a suspicion of wrongdoing.
- 1.2 The Council prides itself on having an open and honest culture and is committed to the highest possible standards of probity, accountability and transparency. In line with this commitment we encourage people raising concerns about any aspects of the Council's work to come forward and voice those concerns internally. The Council will be fully supportive and minimise/manage any difficulties that may be experienced as a result of raising a concern.
- 1.3 This policy supports the Council's Anti-Fraud and Corruption Policy and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable people with concerns to raise them within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
- 1.4 This policy operates alongside other specific "Whistleblowing" investigation procedures developed for example in Child Protection.

### 2. WHO DOES THIS POLICY APPLY TO?

- 2.1. The Council's Whistleblowing Policy applies equally to all of the following groups:
  - Council employees (including temporary staff, apprentices and casual workers).
  - Agency staff working for the Council.
  - Members
  - School governors
  - Council contractors and suppliers.
  - Organisations working with the Council under partnership arrangements.
  - Volunteers/work experience/work placements
  - Members of the public

### 3. AIMS OF THIS POLICY

- 3.1 This policy is intended to provide you with an avenue to raise concerns **within** the Council safely. The policy aims to:
  - Encourage you to feel confident and supported when raising concerns and to question and act upon concerns about wrongdoing
  - Encourage you to raise these concerns as soon as they arise so that appropriate action can be taken
  - Provide safe avenues for you to raise those concerns within the Council including anonymously and where appropriate to receive feedback on any action taken;
  - Allow you to take the matter further if you are dissatisfied with the Council's response; and
  - Reassure you that if required we will take action to protect you from reprisals or victimisation for speaking up for the benefit of the Council and in the public interest.

- 3.2 There are existing procedures in place to enable employees to lodge a grievance relating to their employment. As employees, each member of staff has a responsibility to report wrongdoing using the procedures designed to manage such matters. It is important that employees recognise the distinction between work-related issues and those external to their employment. If the process is activated employees should not publicise allegations to other officers or elected members as this may restrict investigation or be viewed as a malicious act.
- 3.3 If your concern relates to any internal procedure or act which affects your employment directly, then this should be raised through the Council's grievance procedure.
- 3.4 If your concern relates to Health and Safety then please follow the Council's Health and Safety policy which details how to raise a Health and Safety concern.

#### 4. AREAS COVERED BY THE POLICY

- 4.1 This policy covers any disclosure of information which, in the reasonable belief of the person making the disclosure, tends to show one or more of the following:
- That any act of fraud, bribery or irregularity has been committed, is being committed or likely to be committed against any service within the Council.
  - That a criminal offence has been committed, is being committed or is likely to be committed against the Council.
  - That there has been a breach of the Council's Code of Conduct by any employee of the Council.
  - That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject
  - That there has been an improper or unauthorised use of public funds or other funds.
  - That a miscarriage of justice has occurred, is occurring or is likely to occur.
  - That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- 4.2 The overriding consideration should be that it would be in the Council's and public interest for the issue causing concern to be corrected and, if appropriate, sanctions applied. Therefore, you can report any concerns that you 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 under this policy. This may be about something that:
- Makes you feel uncomfortable in terms of known/established standards or the standards you have experienced and believe the Council subscribes to.
  - Is against the Council's Constitution and policies.
  - Amounts to improper conduct.
- 4.3 The policy is written having taken into account any relevant legislation (including the Public Interest Disclosure Act 1998). The Policy accords with the requirements of the Data Protection Act 2018 and the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000.

#### 5. HOW TO RAISE A CONCERN

- 5.1 A concern can be raised by any of the categories of people listed in 2.1. This should be done by contacting the Investigation Team within Audit and Governance. The team can be contacted in the following ways:

- Using the new online Fraud and Whistleblowing Reporting Form on the intranet/internet. The online form allows employees to make a referral from their computer direct to the Investigation Team. This request can be made anonymously.
- By calling the Fraud and Whistleblowing hotline on 01952 383839. This is a confidential service where you can leave a message anytime and the message will be followed up by the Investigations Team. It is up to you if you wish to leave contact details or not.
- By emailing the Investigation Team [investigations@telford.gov.uk](mailto:investigations@telford.gov.uk).
- By writing to the Investigation Team, part of Audit and Governance, currently situated in Darby House.
- By visiting the Investigation Team in person.

5.2 A concern can also be raised with your manager, Assistant Director, Head Teacher, the Council's Monitoring Officer or Trade Union.

5.3 If the concern being raised relates to Audit and Governance or the Investigation Team, then the matter should be raised with the Assistant Director of Governance, Procurement and Commissioning.

5.4 The earlier you inform us of your concern and the more detail you give us; the easier it will be for us to take action but we will look into all matters reported under this policy.

5.5 In order to maintain your anonymity, you may prefer to invite your trade union representative to raise a matter on your behalf and they should be directed to the Investigations Team (as outlined in 5.1).

## 6. HOW THE COUNCIL WILL RESPOND

6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- Be investigated by an appropriately skilled and experienced officer, knowledgeable in the area concerned. For example, if the matter relates to fraud, theft, bribery or kindred matters then the investigation will be undertaken by the Investigation Team within Audit and Governance. However, if the matter relates to conduct outside these areas then the investigation may be undertaken by an appropriate officer such as a Service Delivery Manager, HR officer or Assistant Director.
- Be referred to the Police – if the offence falls outside the jurisdiction of the authority
- Be referred to the External Auditor or Ombudsman
- Form the subject of an independent inquiry.

6.2 In order to protect all individuals and the Council, an initial assessment will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection, child exploitation or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for further investigation.

6.3 For referrals that have contact details these will be acknowledged within 5 working days and feedback will be provided at an appropriate time, if we are legally able to do so. Generally investigators will not need to contact you during the investigation process but if further information is required from you then contact will be made in an appropriate and discreet manner (this could be by telephone or by a meeting at an agreed neutral location).

6.4 The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern and provide any appropriate support including the Council's confidential

Counselling Service. For instance, if you are required to give evidence in disciplinary or criminal proceedings, the Council will advise you about the procedure. Within internal proceedings you will have the option of asking someone else to represent you such as a Union representative.

- 6.5 The Council accepts that you need to be assured that the issues you have raised have been properly dealt with. We will therefore try, subject to any legal constraints, to inform you of the outcome of any investigation if contact details are provided.
- 6.6 You may withdraw from the process at any stage, although your involvement may still be required in certain circumstances such as ongoing disciplinary or legal proceedings relating to the matter concerned. If you do wish to withdraw, you or your representative must inform the person with whom you raised the initial concern and the investigating officer. You will be requested to provide a reason/(s) for your withdrawal.
- 6.7 If you withdraw from the process, investigations into the issues arising from your concern may continue dependent on the nature of the issues and any investigation findings at that time.
- 6.8 The person against whom the concern has been raised will be informed if and when appropriate (subject to current HR procedures). This person will also be supported in an appropriate manner informed as to the support available to them in respect of any investigation that is undertaken.

## 7. SAFEGUARDS

- 7.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible. The Council will not tolerate harassment or victimisation as outlined in its “Dignity at Work Policy” and will take action to protect you when you raise a concern in the public interest.
- 7.2 This does not mean that if you are already the subject of other procedures such as disciplinary, capability or redundancy procedures, that those procedures will be halted as a result of speaking up. Equally any investigation into allegations of potential wrongdoing or malpractice will not influence or be influenced by any existing procedures that already affect you such as disciplinary or redundancy procedures. There will be no come back if a disclosure has been made in the public interest and the individual reasonably believes that the information disclosed is substantially true. Individuals will be listened to and, if needed, given support.
- 7.3 If you request to remain anonymous the Council will endeavour to maintain confidentiality. However, the Council cannot stop individuals making assumptions about the source of the information, although this would never be confirmed by the investigating officer.
- 7.4 In addition, depending on the nature of the concern the police or a regulator may need to be involved. Any statement made by you may be required as part of the evidence in internal or external proceedings.
- 7.5 If you make an allegation which you reasonably believe to be in the public interest, but it is not confirmed by the investigation, no action will be taken against you.
- 7.6 If, however, as an employee or volunteer you make malicious or vexatious allegations, action (including disciplinary action<sup>1</sup>) may be taken against you.

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<sup>1</sup> If disciplinary action is taken then dependent upon the circumstances of the malicious/vexatious allegation a finding of gross misconduct may be deemed appropriate.

- 7.7 Malicious or vexatious allegations made by contractors and suppliers will be dealt with by the appropriate member of the Senior Management Team and Procurement, in conjunction with the Council's Legal Advisors.
- 7.8 Malicious or vexatious allegations made by an elected member will be considered by the Monitoring Officer and will be dealt with under the appropriate procedures.

## 8. HOW THE MATTER CAN BE TAKEN FURTHER

- 8.1 This policy is intended to provide you with a mechanism by which you can raise your concerns **within** the Council. Where you have provided contact details the Council hopes you will be satisfied with the response you receive. If you are not satisfied with the response you receive you should contact Chief Executive with the reasons why.
- 8.2 If you feel it is right to take the matter outside the Council you should ensure that you do not disclose confidential information. The following are possible contact points:
- Your local Council member (if you are an employee or volunteer and live in the area of the Council) – if you are not sure who it is, you can contact Member Services on 380110 or use the Council's internet site.([www.telford.gov.uk](http://www.telford.gov.uk))
  - The External Auditor (Grant Thornton) on 0121 212 4000
  - Relevant professional bodies or regulatory organisations
  - The Ombudsman – 0300 061 0614 ([www.lgo.org.uk](http://www.lgo.org.uk))
  - The Health & Safety Executive
  - Your solicitor
  - The Police
  - Protect\* 020 3117 2520 ([www.protect-advice.org.uk](http://www.protect-advice.org.uk))
  - Trade Union/Professional Association – details are available from Human Resources

\* - Protect is an independent charity which provides free advice for persons who wish to express concern about fraud and other serious wrongdoing.

## 9. THE RESPONSIBLE OFFICER

- 9.1 Audit and Governance has overall responsibility for reviewing and updating this policy and will report statistics relating to Whistleblowing and any updates, as necessary, through the Audit Committee, to the Council.
- 9.2 This Policy will be reviewed at least every two years.
- 9.3 Other useful contacts with respect to this policy are the Governance & Legal Service Delivery Manager, Monitoring Officer, your Human Resources officer and your Trade Union or other representative.