

Confidential Reporting Policy

'Whistleblowing'

1 Introduction

- 1.1 The Public Interest Disclosure Act 1998 aims to ensure that irregularities can be identified and addressed quickly and seeks to strengthen employment rights by protecting responsible workers who report wrongdoing or failures in the workplace.
- 1.2 Employees may be the first to realise that something seriously wrong appears to be happening within the Authority. However, they may be reluctant to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the Authority or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report a suspicion of malpractice.
- 1.3 The Authority is committed to the highest possible standards of openness, probity and accountability as is shown in its separate Anti-Fraud and Corruption Policy. In line with that commitment the Authority encourages employees and others with concerns about any aspect of the Authority's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns **within** the Authority rather than ignoring a problem or reporting it to an outside body.
- 1.4 The Authority recognises and endorses that seeking advice from, and being represented by, your Trade Union may be the best course of action to raise any issue under this policy.

2 Aims and Scope of this Policy

- 2.1 This policy aims to:
 - provide avenues for employees, Members and volunteers to raise concerns and receive feedback on any action taken;
 - allow employees, Members and volunteers to take the matter further if dissatisfied with the Authority's response;
 - reassure employees, Members and volunteers that they will be protected from reprisals or victimisation when reporting concerns in good faith.
- 2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as a mechanism to challenge lawful financial or business decisions made by the Authority or its Committees. Nor is it an alternative to disciplinary or grievance procedures. It may however overlap with other corporate policies for dealing with suspected irregularities (fraud or corruption)

complaints, the Member Code of Conduct and protocols for good working relationships within the Authority.

2.3 Concerns raised under this Whistleblowing Policy should be about something believed to be:

- unlawful;
- unauthorised;
- dishonest;
- corrupt;
- contrary to the Authority's Standing Orders, Scheme of Delegation, Financial Regulations or Instructions on Procurement;
- in breach of the Authority's duties regarding the health, safety and welfare of employees;
- improper conduct or unauthorised use of public funds;

3 Safeguards

3.1 Harassment or Victimisation

The Authority 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 suspected malpractice. The Authority will take action to protect any person who raises a concern in good faith. It will not tolerate any harassment or victimisation and will treat this as a serious disciplinary matter to be dealt with under the appropriate procedures.

3.2 The fact that a concern is raised under this Whistleblowing Policy by a person who is subject to any disciplinary, capability or redundancy process, shall not affect that process, unless the concern is directly related to the reasons for or conduct of that disciplinary, capability or redundancy process

3.3 Confidentiality

All concerns will be treated in confidence and the Authority will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. However, your name will not be released as a possible witness until the reasons have been discussed with you.

3.4 Anonymous Allegations

The Authority would strongly encourage you to put your name to your concern. It may not be possible to investigate or act upon concerns expressed anonymously, particularly if important information is not available. In deciding whether to take action in respect of an anonymous report the following criteria will be considered:

- the seriousness of the concern raised;
- the circumstances in which the concern is reported;
- whether there is a realistic prospect of investigating the concern.

3.5 For concerns raised anonymously, it will be more difficult for the matter to be investigated and for feedback to be provided. For this reason, if you wish to

raise your concern anonymously, it may be better to contact your trade union and ask them to raise the concern on your behalf.

3.6 Incorrect and Unsubstantiated 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 the Monitoring Officer or the Deputy Monitoring Officer (details at Appendix 1). If for some reason you feel that this is inappropriate, or if your complaint is that something seriously wrong is occurring at a senior management level within the Authority, you may prefer to approach the Authority's s.151 Officer who is fully independent and based within Devon County Council. (details at Appendix 1). To ensure that allegations are considered consistently you should seek a private meeting to raise your concern. The Monitoring Officer (Deputy) or s.151 Officer will ensure that the concern is properly investigated and that any such investigation is properly monitored.

4.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. You may be asked 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. However, if you do not feel able to do this, the person to whom you voice your concerns will produce a written note of your concern and give you an opportunity to agree and sign this as a correct record.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate that there are sufficient grounds for your concern.

4.5 If you are a member of a Trade Union, you may wish to seek advice from your Trade Union representative on how best to raise your concern. Where you wish to raise your concern anonymously it may be possible to do this through your Trade Union.

5 **How the Authority will Respond**

5.1 The action taken by the Authority will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be:

- investigated internally;
- referred to the police;
- referred to Internal Audit (DCC);
- referred to the Standards Committee;
- the subject of an independent inquiry.

- 5.2 Some concerns may be resolved without the need for investigation and without the person or persons under investigation being aware of the process.
- 5.3 In any event within ten working days of a concern being received, the Authority will write to you at your home address:
- acknowledging that the concern has been received;
 - indicating how it proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a response;
 - telling you whether further investigations will take place, and if not, why not;
 - naming an independent officer to support you during any investigation.
- 5.4 The named support officer will make contact with you, to explain his/her role, agree frequency of contact and keep you informed about the progress of the investigation. You should raise with this support officer any concerns you have about the conduct of the investigation. The support officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.
- 5.5 The Authority 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 outcome of any investigations and/or proceedings.

6 Detriment

The Authority is committed to ensuring that an employee, Member or volunteer who reports a concern in good faith suffers no detriment by reason of doing so.

7 How the Matter can be Taken Further

- 7.1 This policy is intended to provide you with a way to raise concerns within the Authority. The Authority hopes you will be satisfied by its response. If you are not you may wish to raise the matter with the Chief Executive (NPO) or the Chairman of the Authority.
- 7.2 If you feel that it is necessary to take the matter outside the Authority, you may wish to consider:
- the Independent Chairman of the Authority's own Standards Committee;
 - your Trade Union [Unison provides a hotline for whistleblowers on 0800 5979750];
 - the Local Government Ombudsman;
 - relevant professional bodies or regulatory organisations;
 - your solicitor or legal adviser;
 - the Police;
 - the Health and Safety Executive;
 - 'Public Concern at Work' – a Registered Charity.

8 The Responsible Officer

The Monitoring Officer has overall responsibility for the operation of this policy. The Monitoring Officer will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not compromise confidentiality) and report as necessary to the Authority.

APPENDIX 1

(a) Officers to whom concerns should be reported

The Monitoring Officer - Lorna Brown, Director of Corporate Services

The Deputy Monitoring Officer - Christopher Walledge, Head of Legal Services

The Section 151 Officer - John Mills, DCC Director of Finance, IT & Trading

(b) People to contact for advice

The Monitoring Officer - Lorna Brown, Director of Corporate Services

The Deputy Monitoring Officer - Christopher Walledge, Head of Legal Services

The Section 151 Officer - John Mills, DCC Director of Finance, IT & Trading

The Senior Finance Officer - Donna Laws, Head of Finance & Accounting

Your trade union representative

The Chief Executive (National Park Officer) - Kevin Bishop

The Independent Chairman of the Standards Committee - Mike Watson