



WHISTLEBLOWING POLICY AND PROCEDURE

Hart District Council believes that the interests of staff and the Authority are best served by the formulation and implementation of clear and consistent employment policies and procedures. This policy statement details the Authority's policy on whistleblowing. It includes legal obligations.

1.0 INTRODUCTION AND PURPOSE

1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. Failure to raise concerns often arises from feelings of loyalty to colleagues or the Council; fear of harassment or victimisation. It is the policy of Hart District Council to encourage and enable employees to raise serious concerns about malpractice within the Council, rather than overlooking a problem or "blowing the whistle" outside.

1.2 Hart District Council is committed to:

- the highest possible standards of openness, integrity and accountability and in line with these values to deter and detect wrongdoing in the workplace
- encouraging all employees to raise such matters as soon as possible
- acting speedily and effectively to investigate and take appropriate action
- providing a separate and additional channel of communication for doing so
- reassuring employees that they will be protected from reprisals or victimisation for whistleblowing in good faith
- ensuring that employees are aware that they should exhaust this procedure before considering external action.

The internal procedure to follow is set out in this document.

1.3 In addition, the Public Interest Disclosure Act 1998 provides legal protection against dismissal or victimisation of those who make an allegation in good faith and make the disclosure under this internal procedure or externally in the appropriate way. It is unlikely that disclosure to the media will be routinely covered by the Act.

2.0 SCOPE OF POLICY

2.1 This policy is designed to enable employees of Hart District Council to raise concerns internally, at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but which might then lead to the use of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
 - Failure to comply with a legal obligation or statutes
 - Dangers to Health & Safety or the environment
 - Criminal activity
 - Improper conduct or unethical behaviour (i.e. falls below the standards generally held to be those the Council subscribes to)
 - Attempts to conceal any of above.
- 2.2 Without limiting the protection offered by the Public Interest Disclosure Act 1998, employees are reminded of their duties of trust, confidentiality and loyalty to their employer. This includes maintaining the confidentiality of the information they may have access to during their employment, for example, personal information relating to service users, present, past and potential Members or employees.
- 2.3 The Council will not tolerate harassment or victimisation and will do what it lawfully can to protect those who raise a concern in good faith. Raising a concern through this policy will be dealt with separately; it does not halt disciplinary or redundancy or other procedures for those people already the subject of these procedures.
- 2.5 This policy applies to all employees, Members (where other policies as set out in 3.1 do not apply), contractors working for the Council on Council premises including agency employees, suppliers and those providing services under a contract with the Council in their own premises.

3.0 PROCEDURE FOR RAISING CONCERNS

- 3.1 This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures (i.e. the Council's complaints procedures, other statutory reporting procedures applying to some departments, employment-related procedures). There are procedures relating to Member/Officer Relations set out in the Constitution: Members are required to operate within Council Standing Orders, National Code of Local Government Conduct, Sections of the Local Government Act and Local Authorities Members' Interest Regulations.
- 3.2 Wherever possible any concern should be raised with the appropriate line manager in the first instance. Where the concern involves that line manager, or the whistleblower feels, with justifiable reason, that the line manager is not the appropriate person, the concern should be raised with one of the following:
- Chief Executive
 - Human Resources
 - Head of Finance
 - Monitoring Officer
 - Audit Manager
 - Union Representative
- 3.3 Concerns are better raised in writing. The written report should clearly set the background and history of the matter, giving names, dates and places where possible, and the reasons for the concern. Anyone who feels unable to put this concern in writing may telephone or meet the appropriate officer.
- 3.4 Concerns should be expressed at the earliest opportunity so that it is easier for the Council to take appropriate action.

3.5 The investigation of the concern will commence as soon as practically possible on its receipt. Owing to the varied nature of issues raised, it is not possible to lay down precise timescales for investigations. However, these will be undertaken as quickly as possible without affecting their quality and depth.

3.6 The investigation procedure is as follows:

- Written confirmation that a matter has been raised by them under this policy will be provided to the whistleblower within 3 working days of receipt. (Email is an acceptable form of “writing” in terms of the written confirmation).
- The action taken by the Council will depend on the nature of the concern as determined by the Monitoring Officer. Where the Monitoring Officer is the subject of the complaint or is not available, the action will be initiated by the HR Manager. In the case of financial matters, the Head of Finance may be required to determine the appropriate action to be taken. The Council could decide that the matters raised may:
 - a. be investigated internally
 - b. be referred to the Police
 - c. be referred to the external Auditor
 - d. form the subject of an independent inquiry

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. 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, discrimination issues), will normally be referred for consideration under those procedures.

- The investigating officer will inform the person against whom the complaint is made as soon as is practically possible. This person will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The whistleblower will be contacted within 10 working days of raising the concern with an explanation of the action being taken.
- The investigation will be carried out with the assistance where appropriate of other individuals/bodies.
- If necessary, the Council will seek further information from the person expressing the concern. Where any meeting is arranged, off-site if they so wish (and if this is reasonable and practical), the person may be accompanied by a trade union representative or work colleague.
- Following investigation, if the decision is taken not to act, an explanation will be given to the whistleblower.
- The matter raised, the findings of the investigation and the action taken will be recorded and placed on a register held by the Chief Executive. The whistleblower may ask to see that his or her concern has been so recorded.

- The Cabinet Member for Human Resources and the Chairman and Vice-Chairman of the Audit Committee will be kept informed of activities in relation to this Policy at appropriate times (not less than twice a year).
 - Subject to Data Protection and other legal constraints, the whistleblower will be informed of the outcome of any investigation.
- 3.7 All concerns will be treated in confidence and every effort will be made not to reveal the whistleblower's identity if that is their wish. At the appropriate time, however, the identity may need to be revealed as they may be required as a witness. Hart District Council will not knowingly reveal the identity without that individual's prior knowledge and consent, except where required by law.
- 3.8 If the whistleblower still has concerns following the outcome of the investigation and they have not previously done so, they should discuss the matter with the Chief Executive or the Council's Monitoring Officer.
- 3.9 This internal procedure exists to provide an effective and protected means of disclosure: the whistleblower may also consider disclosure to prescribed bodies (e.g. Health & Safety Executive, Inland Revenue, Financial Services Authority).
- 4.0 UNTRUE ALLEGATIONS**
- 4.1 If an allegation is made in good faith, but it is not confirmed by the investigation, no detrimental action will be taken against the person making that allegation. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken.
- 5.0 MONITORING AND REVIEW**
- 5.1 Audit will review the Register not less than twice a year. Management Team and Unison Secretary will receive a report on the use of the procedure at least annually.
- 5.2 District Council Audit Committee will monitor the application of this procedure [but not consider individual cases]. The procedure may be reviewed and amended in line with the Committee's constitution and will be subject to a formal review on an annual basis or earlier.

Date adopted _____

Signed _____ **on behalf of HDC**

_____ **on behalf of UNISON**

Reviewed September 2009 (Internal Audit Manager)