Confidential Reporting

Policy
Guiding Principles &
Procedures

Prepared by: Human Resources
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Policy Statement on Confidential Reporting

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimization. In these circumstances it may be easier to ignore the concern rather than to report what may be a suspicion of malpractice.

Chesterfield Borough Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council’s work to come forward and voice those concerns. It is recognized that most cases will have to proceed on a confidential basis.

This policy makes it clear that all can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or “blowing the whistle” outside.

The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.
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Section 1: GENERAL GUIDING PRINCIPLES

1.0 introduction

1.1 This policy makes it clear that all can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or “blowing the whistle” outside.

1.2 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

1.3 These procedures are in addition to the Council’s complaints procedures and other statutory reporting procedures (e.g. The Grievance Procedure; the Anti-Fraud and Corruption Strategy; the Anti- Harassment / Bullying Policy and Procedure).

1.4 This policy has been discussed with the relevant trade unions and has their support.

2.0 aims and scope of this policy

2.1 The policy aims to:

- Encourage individuals to feel confident in raising serious concerns about activities, procedures or practices related to the Council.

- Provide avenues for individuals to raise those concerns and receive feedback on any action taken.

- Ensure that individuals receive a response to concerns raised and that they are aware of how to pursue them if they are not satisfied.

- Reassure individuals who raise a concern that they will be protected from possible reprisals or victimization if they have a reasonable belief that they have made any disclosure in good faith.

2.2 There are existing procedures in place to enable employees to lodge a grievance relating to employment and to report harassment and bullying. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of such procedures. These include:

- conduct that is an offence or a breach of law;
• disclosures related to miscarriages of justice;
• health and safety risks, including risks to the public as well as other employees;
• damage to the environment;
• the unauthorised use of public funds;
• possible fraud and corruption;
• sexual, racial or physical abuse of clients, or
• other unethical conduct.

2.3 Thus, any serious concerns that an individual may have about any aspect of service provision or the conduct of employees or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be something that:
• makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Council subscribes to; or
• is against Council Standing Orders, Financial Regulations and Policies; or
• falls below established standards of practice; or
• amounts to improper conduct.

2.4 The earlier the concern is raised the easier it is to take action.

2.5 This policy does not replace, but rather complements the Corporate Complaints Procedure, the Anti-Fraud and Corruption Strategy and the Anti-Harassment / Bullying Policy and Procedure.

3.0 safeguards

3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what the informant is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those to whom they are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect individuals when a concern is raised in good faith.
3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures.

4.0 confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of an informant if they so wish. At the appropriate time, however, they may need to come forward as a witness.

5.0 anonymous allegations

5.1 This policy encourages an informant to put their name to an allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

5.3 In exercising this discretion the factors to be taken into account would include:
   • The seriousness of the issues raised
   • The credibility of the concern; and
   • The likelihood of confirming the allegation from attributable sources.

6.0 untrue allegations

6.1 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the informant. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action will be taken against an employee.
Section 2: PROCEDURE

7.0 raising a concern

7.1 As a first step an employee should normally raise concerns with his/her immediate manager. This depends, however, on the seriousness of the issues involved and who is suspected of the malpractice. For example, if it is believed that management is involved, the employee should inform either his/her Head of Service, the Chief Executive or Corporate Director, the Head of Human Resources, the Head of Internal Audit, the Equal Opportunities Officer or the Council’s External Auditor (The Audit Commission).

7.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates) and
- the reason why he/she is particularly concerned about the situation.

7.3 To enable monitoring of this policy to take place, the employee should make it clear to the manager to whom the report is being made that the issue is being raised under the Confidential Reporting Policy. The manager receiving the concern will submit a confidential summary to the Head of Human Resources to enable a central record of all issues raised to be maintained (see section 9.1).

7.4 Although an informant is not expected to prove beyond doubt the truth of an allegation, he/she will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

7.5 To obtain further advice / guidance on how to pursue matters of concern the following internal or external sources can be contacted:

**Internal**
- The line manager
- The Head of Service / Corporate Director
- The Chief Executive (345305)
- The Director of Corporate Resources (345450)
- The Head of Human Resources (345280)
- The Head of Internal Audit (345468)
- The Equal Opportunities Officer (345247)
- The Health and Safety Advisor (345296)
- An employee’s local Trade Union Representative

**External**

- The Council’s External Auditor – The Audit Commission, Littlemoor House, Littlemoor, Eckington, Sheffield S21 4EF
  - Telephone: 01246 504300
- Public Concern at Work – the independent charity Public Concern at Work on 020 7404 6609 or at [www.pca.co.uk](http://www.pca.co.uk). Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

7.6 An employee may wish to consider discussing a concern with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

7.7 The employee is entitled to be accompanied by a representative during any meetings or interviews in connection with the concerns they have raised.

**8.0 how the council will respond**

8.1 The Council will respond to all concerns raised. It should be noted that investigating concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:
- be investigated by management, internal audit or through the disciplinary process;
- be referred to the Police;
- be referred to the Audit Commission; or
- form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, 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, harassment, bullying or discrimination issues) will normally be referred for consideration under those procedures.
8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the manager to whom information has been provided will write to the informant:

- acknowledging that the concern has been received;
- indicating how the Council proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether initial enquiries have been made;
- supplying information on staff support mechanisms (where the complainant is an employee), and
- if it is possible at this stage, advising whether further investigations will take place and if not, why not.

8.6 The amount of contact between the manager(s) considering the issues and the informant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the informant.

8.7 Where any meeting is arranged this can be off-site and/or out of normal working hours, if appropriate and the complainant so wishes, and the complainant may be accompanied by a representative if they are an employee.

8.8 The Council will take steps to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if he/she is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for them to receive advice about the procedure.

8.9 The Council accepts that an employee needs to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, we will inform them of the outcome of any investigation.

9.0 the responsible officer

9.1 Whilst the Chief Executive has overall responsibility for the maintenance and operation of this Policy, the Head of Human Resources (or a nominated representative) will act as ‘the responsible officer’ and will undertake the following activities in relation to this policy:

- Receive a written confidential report from any manager who receives a report of a concern raised under this policy.
• Monitor that the relevant manager sends an interim response within ten days of the issue being raised.

• Monitor that the relevant manager sends a final report to the employee detailing the outcome of any investigation.

• Maintain a record of all concerns raised and the outcome (in a form that does not endanger confidentiality) and report this at six monthly intervals to the Chief Executive/Head of Legal and to the Leader/Deputy and to the Council as necessary.

10.0 how the matter can be taken further

10.1 This policy is intended to provide individuals with an avenue within the Council to raise concerns. The Council hopes any individual raising a concern will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Council, the following are possible contact points:

• The Audit Commission
• An employee’s Trade Union
• The local Citizens Advice Bureau
• Relevant Professional Bodies or Regulatory Organisations
• A relevant Voluntary Organisation
• The Police.

10.2 If the matter is taken up outside the Council, an employee should ensure that they do not disclose confidential information.