

Whistle Blowing Policy

Reviewed

May 2007

Policy Approval

Audit and Corporate Governance Committee

September 2007

Policy Statement

Members of staff may be the first to spot anything that is seriously wrong within the Council.

However, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised.

Members of the public may also have concerns. That is why we have produced this Whistle Blowing Policy to help staff and the public to contact us with their concerns.

We are committed to being open, honest and accountable and conduct our business with the highest standards of integrity, we expect our employees to maintain the same standards in everything they do.

This policy aims to make sure that if you want to raise any serious concern, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

What types of action are covered by this policy?

This policy is intended to deal with serious or sensitive concerns about wrongdoing such as the following.

- A criminal offence
- Fraud or corruption
- Unauthorised use of Council money
- An unlawful act
- Health and safety infringements
- Damage to the environment (for example, by pollution)
- A person abusing their position for any unauthorised use or for personal gain
- A person deliberately not keeping to a Council policy, an official code of practice or any law or regulation
- A person failing to meet appropriate professional standards
- A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality or class.

Your concern may be about members of staff, people who work directly for the Council, suppliers, or people who provide services to the public on our behalf.

What is not covered?

You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures.

Such procedures include the following:

- Staff's complaints about their employment. These complaints are dealt with through our Grievance Procedure
- Customers' complaints about our services. These complaints are dealt with through our Complaints Procedure
- Allegations against councillors. You can pass these directly to our Monitoring Officer who will refer them to the Standards Board for England if necessary.

Also, you cannot use this policy to raise issues that have already been settled through other procedures.

Protecting you

If your allegation is true, you have nothing to fear. We understand that deciding to blow the whistle is not easy and we will protect you from any harassment, victimisation or bullying..

We will keep your concerns confidential if this is what you want. In this case we will not reveal your name or position without your permission or unless we have to do so by law.

We would explain this at the time you raise a concern so you can decide whether or not to proceed.

If you work for the Council, you should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you or any redundancy procedures that may affect you.

Anonymous allegations

Because we will protect you we encourage you to give your name when you make an allegation.

Concerns raised anonymously tend to be far less effective and if, for example, we do not have enough information, we may not be able to investigate the matter at all.

If you feel that you cannot give your name, we will decide whether or not to consider the matter. This will depend on:

- The seriousness of the matter
- Whether your concern is believable; and
- Whether we can carry out an investigation based on the information you have provided

Untrue allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you.

However, if you make an allegation which you know is untrue, we will take appropriate disciplinary or legal action against you

How to raise a concern

If appropriate, discuss the matter with your Head of Service or the Council's Monitoring Officer or, if you prefer the Internal Audit and Risk Manager. Alternatively, you may contact the Confidential Phonenumber - 01395 517494. An informal approach to the designated officer will usually be treated confidentially.

If you prefer, or if you do not work for the Council, you can contact our Internal Audit & Risk Manager direct in any of the following ways.

- By writing to the Internal Audit & Risk Manager at East Devon District Council, Knowle, Sidmouth EX10 8HL. Write 'Private and confidential' on your envelope
- By telephoning the **confidential phonenumber** on **01395 517 494**. You can leave a voicemail message 24 hours a day. Only the Internal Audit & Risk Manager (or the Principal Auditor if the Whistle Blowing Officer is off work) can pick up the messages left
- By sending an e-mail to tclark@eastdevon.gov.uk (Do not send an e-mail if the matter is confidential)

It is best to put your concerns in writing and give the Internal Auditor as much information as possible - including any relevant names, dates, places and so on.

The earlier you raise a concern, the easier it is to take effective action.

How we respond to your concerns

The way we deal with the concern will depend on what it involves.

We will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it.

Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first.

Your concern may be investigated by our internal auditors, or through the disciplinary process, or we may refer it to:

- The police
- Our external auditor; or
- An independent investigator

If your concern or allegation can be handled under any other procedure or policy, we will pass it on to the relevant person and let you know.

If we need to take urgent action, we will do this before carrying out any investigation.

The amount of contact you have with the Internal Audit & Risk Manager will depend on the nature of your concern, the potential difficulties involved, and how clear the information you have given is.

If you need to have a meeting, you can be accompanied by a friend or a representative from a trade union or professional association.

Meetings with the Internal Audit & Risk Manager will normally take place in her office but can be arranged elsewhere, but not in your home unless there are exceptional circumstances.

We will take steps to reduce any difficulties you may experience as a result of raising a concern. For instance, if you need to give evidence in criminal or disciplinary proceedings, we will arrange for you to get advice on the procedure.

The officer responsible for this whistle blowing policy

The Internal Audit & Risk is our Whistle Blowing Officer and a senior officer in the Council who can take an independent view of any concerns raised.

That officer keeps a confidential record of all concerns raised and the outcomes and gives the Audit & Governance Committee a summary of all cases without revealing any specific details.

What if a concern involves the officer involved in the whistle blowing procedure?

If a concern involves the Internal Audit & Risk Manager, or if you think this officer may be biased, the matter should be referred directly to the Council's Monitoring Officer.

If a concern involves the Corporate Director of Central Services, it should be referred directly to the Chief Executive.

If a concern involves the Chief Executive, the matter should be referred to the Leader of the Council (or the Deputy Leader if the Leader is not available)

How you can take a matter further

We hope you will be satisfied with any action we take. If you're not, and you want to take the matter outside the Council, you could contact:

- Our external auditor
- The Audit Commission
- The police

If you take the matter outside the Council, take care not to reveal any confidential information

Independent advice

You can get independent advice or support from an organisation called **Public Concern at Work**, their address is:

Suite 301
16 Baldwin Gardens
London
EC1N 7RJ

Tel: 020 7404 6609

Policy Consultation

Executive Board, Strategic Management Team, Organisational Development and the Staff Joint Forum.

Policy Review

The Internal Audit & Risk Manager will review this policy in the light of any legislative changes and in May 2009 to consider any changes.

Related Policies and Strategies

- Anti-Fraud, Theft and Corruption Policy
- Financial Regulations, Financial Operating Procedures and Contract Standing Orders
- Grievance Policy and Procedure