

Causeway Coast & Glens Borough Council

WHISTLEBLOWING POLICY

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Author	Sharon Bradley

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1. INTRODUCTION

- 1.1 This policy is designed for employees, however, the Council's partners or members of the public can also raise concerns in the knowledge that they are protected under the safeguards of this policy.
- 1.2 Local Government employees have an individual and collective responsibility regarding their conduct and practices, which are always subject to scrutiny. As individuals, employees are required to work within the Code of Conduct for Causeway Coast and Glens Borough Council, which is made available to all employees. The Council's regulatory framework also includes financial regulations and procurement standards (for buying any item) that must be met along with ensuring that the relevant codes of conduct including the standards appropriate to professional organisations or associations are met.
- 1.3 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they may feel that speaking up would be disloyal to their colleagues or to the Council. They may fear harassment or victimisation. In these circumstances it may seem easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, if the Council has the chance to deal with a potentially serious problem at the earliest opportunity this can minimise the risks before serious damage can be caused to persons, property or reputation.
- 1.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council expects employees, and others that the Council deals with to raise any serious concerns about any aspect of the Council's work. It is recognised that wherever practical, and subject to any legal constraints, many cases will proceed on a confidential basis.
- 1.5 It is important to note that employees who are aware of another employee committing any acts of wrong-doing but they decide to ignore these actions and not report their concerns then this employee may also be subject to disciplinary action being taken against them for knowingly allowing this wrong-doing to continue.
- 1.6 This policy makes it clear that employees, partners and members of the public can raise such matters without fear of subsequent victimisation, discrimination or disadvantage as a result of their complaint.
- 1.7 This Policy and Procedure is intended to encourage and enable individuals to raise serious concerns within the Council rather than overlooking the problem or "blowing the whistle", outside of the Council.

- 1.8 These procedures are in addition to the Council’s complaints procedures and other statutory reporting procedures applying to Council. Employees of the Council are responsible for making partners and members of the public aware of the existence of these procedures. Partners and members of the public can access this Policy and Procedure directly from the Causeway Coast and Glens Borough Council website.
- 1.9 This policy complies with the Public Interest Disclosure Act 1998, which gives statutory protection to any person who raises any concerns in good faith about a possible wrong-doing.

2. POLICY STATEMENT

This policy aims to:

- encourage employees and others to feel confident in raising serious concerns and to question and act upon concerns about malpractice
- provide avenues for employees and others to raise their concerns and receive a response to their concerns
- reassure them that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

Signed: _____ Date: _____
Councillor Knight McQuillan
Mayor
Causeway Coast and Glens Borough Council

Signed: _____ Date: _____
Chief Executive
Causeway Coast and Glens Borough Council

3. AIMS AND SCOPE OF THIS POLICY

- 3.1 This policy applies to all employees, partners and those contractors working for the Council on Council premises, this includes agency staff as well as members of the public. It also covers suppliers and those providing services under a contract with the Council within their own premises.
- 3.2 There are existing procedures in place to enable the employee to raise matters relating to their own employment. This policy is not to be used as an avenue to re-run issues that have already gone through grievance procedures. This policy is intended to cover concerns that fall outside the scope of such employment procedures.
- 3.3 Any concerns that an individual has 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 Whistleblowing Policy.
- 3.4 This concern may be about something that makes the individual feel uncomfortable in terms of known standards, their experience or the standards they believe the Council subscribe to; or is against the Council's Policies and Procedures; or falls below established standards of practice; or amounts to improper conduct, and can include:
- conduct which is an offence or a breach of law (e.g. theft, fraud, corruption, false claims);
 - disclosures related to miscarriages of justice;
 - health and safety risks, including risks to the public as well as other employees;
 - dangerous issues or working practices;
 - conduct which has led or could lead to damage to the environment (for example inappropriate disposal of waste);
 - the unauthorised use of public funds;
 - possible fraud and corruption;
 - sexual, physical or verbal abuse of clients, employees, members of Public or others;
 - improper or other unethical conduct;
 - serious failure to comply with appropriate professional standards;
 - abuse of power, or use of Councils powers and authority for any unauthorized use or personal gain;
 - breach of Council or statutory codes of practice;
 - deliberate breach of Council policy.

Please note that this list is not exhaustive.

4. SAFEGUARDS UNDER THIS POLICY

- 4.1 The Council is committed to good practice and high standards and wants to be supportive of the individual.
- 4.2 The Council recognises that the decision to report a concern can be a very difficult one to make. If what the individual is saying is true, they have nothing to fear because they will be doing their duty to their employer, the Council, and those for whom they are providing a service.
- 4.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.
- 4.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff.

5. CONFIDENTIALITY

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. At the appropriate time, however, they may need to come forward as a witness or provide a statement as part of the evidence.
- 5.2. The Responsible Officers will do all that they reasonably can to support the individual once they have taken the decision to voice their concerns.

6. ANONYMOUS ALLEGATIONS

- 6.1 This policy encourages individuals to put their name to their allegation whenever possible.
- 6.2 Concerns expressed anonymously are less powerful but will be considered at the discretion of the Council.
- 6.3 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

7. UNTRUE ALLEGATIONS

- 7.1 If the individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the individual. However, if an

employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

8. THE PROCEDURE - HOW TO RAISE A CONCERN

- 8.1 As a first step, the employee should normally raise their concerns with their immediate Manager. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved, they must approach the Human Resources Manager, Director of Performance, any Corporate Director or the Chief Executive. Employees with a disability or learning difficulties can contact Human Resources for further assistance in raising their concern(s).
- 8.2 Concerns may be raised verbally or in writing. Individual's who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates);
 - the reason why they are particularly concerned about the situation;
 - the extent to which you have personally witnessed or experienced the problem (provide documented evidence where possible).
- 8.3 The earlier the individual expresses their concern the easier it is to take action.
- 8.4 Although individuals are not expected to prove beyond doubt, the truth of an allegation, the individual will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Employees may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 8.5 Advice and guidance on how matters of concern may be pursued can be obtained from:
- **Sandra Kelly, Head of Human Resources 028 7034 7151**
sandra.kelly@causewaycoastandglens.gov.uk
 - **Moira Quinn, Director of Performance 028 7034 7310**
moira.quinn@causewaycoastandglens.gov.uk
 - **Sharon Bradley, Internal Auditor -028 7034 7109**
sharon.bradley@causewaycoastandglens.gov.uk
- 8.6 Employees may invite their Trade Union representative or a Causeway Coast and Glens Borough Council work colleague to be present during any meetings or interviews in connection with the concerns they have raised.
- 8.7 Individuals who raise a concern outside the direct employment of the Council may elect to bring a friend with them to attend any meetings.

9. THE RESPONSIBLE OFFICER

9.1 The Director of Performance has overall responsibility for the maintenance and operation of this policy. The Director of Performance will then delegate the concern to the appropriate person either within Human Resources or Internal Audit, who will then be the Responsible Officer for the case. The Human Resources Manager maintains a record of concerns raised and the outcomes, but in a form which does not endanger the individual's confidentiality and will report as necessary to the Council.

10. HOW THE COUNCIL WILL RESPOND

10.1 The Responsible Officer may test an individual's concerns. However, this is not the same as either accepting or rejecting an individual's claims.

10.2 Where appropriate, the matters raised may:

- be investigated by Management, Internal Audit, or through the Disciplinary process;
- be referred to the Police by either the Council or the complainant;
- be referred to Social Services
- be referred to the External Auditor
- form the subject of an independent inquiry
- be referred to the appropriate Committee of the Council

10.3 In order to protect individuals or employees 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 must take. The overriding principle, which the Council will bear in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures, for example, harassment or discrimination issues, will normally be referred for consideration under those procedures.

10.4 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.

10.5 Within 10 working days of a concern being raised, the responsible officer will contact the individual in confidence:

- 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
- telling the individual whether any initial enquiries have been made
- supplying employees with information on staff support mechanisms,
- telling individuals whether further investigation will take place and if not, why not, where appropriate.

- advising the individual of the name of the Investigating Officer, where appropriate.

Discussions will also be held on how communication will be conducted.

- 10.6 The amount of contact between the Responsible Officer considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Responsible Officer will seek further information from the individual.
- 10.7 Where a meeting is arranged this can be off-site if the individual wishes.
- 10.8 The Responsible Officer will attempt to minimise any difficulties that the individual may experience as a result of raising a concern. For instance, if the individual is required to give evidence in criminal or disciplinary proceedings, the Responsible Officer will arrange for the individual to receive advice about the procedure.
- 10.9 The Council accepts that the individual may need to be assured that the matter has been properly addressed. The Responsible Officer will feedback any relevant, or appropriate, information after the investigation has been concluded, subject to legal constraints.

11. HOW THE MATTER CAN BE TAKEN FURTHER

- 11.1 This policy is intended to provide the individual with an avenue within the Council to raise their concerns. The Council hopes that individuals 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:
- An External Auditor or Audit Commission
 - Trade Union
 - Local Citizens Advice Bureau
 - Relevant professional bodies or regulatory organisations
 - A relevant voluntary organisation
 - The Police
 - Social Services
 - Ombudsman
- 11.2 Please note that in line with the Council's Disciplinary Procedure and Code of Conduct employees are not to communicate any Council related issues with the media.

12. MONITORING AND REPORTING

- 12.1 All concerns raised through this procedure must be brought to the attention of the Director of Performance who will monitor how they are dealt with.
- 12.2 The Council's Governance Group will monitor the effectiveness of this policy.

13. EVALUATION AND REVIEW OF THE POLICY

This policy will be reviewed on a regular basis by the Audit function of Council and by the Council's Audit Committee.

14. SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

15. CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

Sharon Bradley
Audit and Risk Management
Civic Headquarters
Causeway Coast and Glens Borough Council
66 Portstewart Road
Coleraine