

Counter Fraud & Investigation



See it.



Report it.



Stop it.

Whistleblowing Policy (Speak up, Stamp it Out)



Version control sheet

Title:	Whistleblowing policy and procedure
Purpose:	The policy and procedure have been developed so that council workers will know how to raise concerns in the right way at an early stage, and to enable managers to understand their responsibilities in relation to allegations of misconduct and impropriety.
Owner:	Mike Dineen
Approved by:	Audit & Governance Committee
Date:	
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Status:	Draft
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	This policy was sent out for consultation to the following: <ul style="list-style-type: none"> • SLT • Audit & Governance Committee

Change history

Date	Change details	Approved by

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1. About this policy

We are committed to conducting our business and delivering our services with ensuring we adhere to the 'Nolan Principles', namely Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty & Leadership, as well as expecting all staff to maintain high standards in accordance with our Code of Conduct for Employees. However, all organisations face the risk that things go wrong from time to time, we have a suite of policies in place that seek to prevent and tackle fraud, bribery and corruption. This policy promotes a culture of openness and accountability in order to prevent such situations occurring and to address them promptly and effectively when they do occur.

1.1 The policy's purpose is:

- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- (b) To provide staff with guidance on how to raise those concerns.
- (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

1.2 This policy does not form part of any contract of employment or other contract to provide services.

2. Who does this policy apply to?

2.1 This policy applies to everyone who works for or provides services to the council including all employees, officers, consultants, self-employed contractors, external service providers, casual workers, agency workers, volunteers, and interns.

3. Who is responsible for this policy?

3.1 Everyone is responsible to ensure this whistleblowing policy is adhered to. The Monitoring Officer has overall responsibility for the effective operation of this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The Monitoring Officer will report to Audit Committee on an annual basis or when the need arises.

3.2 The Assistant Director Counter Fraud, Enforcement and Community Protection has day-to-day responsibility for this policy and must ensure that regular and appropriate training is

provided to all managers and other staff who may deal with concerns or investigations under this policy.

3.3 This policy is reviewed annually by the Monitoring Officer and if the policy was to be amended this would be reported to the Audit Committee for approval.

3.4 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

4. What is whistleblowing?

4.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include but is not limited to:

- (a) criminal activity;
- (b) failure to comply with any legal [or professional] obligation [or regulatory requirements];
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) bribery [under our Counter-Fraud, Bribery and Corruption Policy];
- (g) financial fraud or mismanagement including breaches of our Anti Money Laundering Policy;
- (h) breach of our internal policies and procedures including our Employees' Code of Conduct;
- (i) conduct likely to damage our reputation or financial wellbeing;
- (j) unauthorised disclosure of confidential information (although in the case of personal data this should be reported to the Council's Data Protection Officer without delay);
- (k) negligence
- (l) the deliberate concealment of any of the above matters.

This list is not exhaustive and workers are encouraged to raise any matter of concern relating to misconduct and impropriety.

- 4.2 A **whistleblower** is a person who raises a concern relating to any of the above. If you have any concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.
- 4.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, if received through
- 4.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at paragraph 4.1 above (for example, a breach of our internal policies), you should contact the Assistant Director Counter Fraud, Enforcement and Community Protection which route is the most appropriate.
- 4.5 If you are uncertain whether something is within the scope of this policy you should seek advice from the Assistant Director Counter Fraud, Enforcement and Community Protection, whose contact details are at the end of this policy.

5. Raising a whistleblowing concern

- 5.1 We hope that you will be able to raise any concerns with your line manager by either telling them in person or by put the matter in writing. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Assistant Director Counter Fraud, Enforcement and Community Protection.
- 5.2 Where the matter is more serious or they are the person you have a concern about, or you feel that your line has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- (a) Assistant Director Counter Fraud, Enforcement and Community Protection, or
 - (b) Assistant Director, Legal & Democratic Services and Monitoring Officer

Contact details

Role	Contact Details
Michael Dineen - Assistant Director CF, Enforcement and Community Protection	mdineen@thurrock.gov.uk
Angela Law - Assistant Director, Legal & Democratic Services and Monitoring Officer	alaw@castlepoint.gov.uk

There is also the Protect charity, which works with employees who wish to bring forward whistleblowing allegations. Their website can be found at Protect-Advice.org.uk.

- 5.3 Concerns are better raised in writing so that there is a record of the exact concern. It would be helpful for this to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you have a particular concern. If you do not feel able to put the concern in writing, you can telephone or meet the appropriate officer. The earlier they express the concern, the easier it is to take action.
- 5.4 Although a worker would not be expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for concern so a meeting will be arranged with you as soon as possible to discuss the concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 5.6 A written summary of your concern will be taken, and we will provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter and how evidence can be provided to us.

5.3 Safeguarding of a child (under 18)

Although Castle Point Council does not deliver services within social care, there is a moral responsibility on all to safeguard children and vulnerable adults and therefore if any information raises concerns about harm or potential harm to any child (Safeguarding), you must make a child protection referral immediately (see the Contact List at the end of this policy, including emergency out of out of hours numbers) where an experienced social worker will ensure Child in Need or Child Protection Procedures are instigated if needed and will provide you with any required advice and guidance.

5.4 Concerns over a Vulnerable Adult

If you have concerns about harm or potential harm to a vulnerable adult, you should report these concerns immediately to the Adult Social Care team at Essex County Council (see the Internal Contact List at the end of this policy, including emergency out of hours numbers).

5.5. Immediate concern for danger of Child or Vulnerable adult

If you have concerns about immediate danger and need an emergency response or you think a crime is being committed, the police should be contacted on 101 or 999. You should never delay taking emergency action to safeguard a child or vulnerable adult.

6. Confidentiality

- 6.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 6.2 We do not encourage staff to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Assistant Director Counter Fraud, Enforcement and Community Protection or one of the other contact points listed in paragraph 5.2 and appropriate measures can then be taken to preserve confidentiality.

7. Investigation and outcome

- 7.1 We will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be asked to attend additional meetings in order to provide further information if required by the officer investigating the concern.
- 7.2 In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 7.3 We will keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality or legislative restrictions may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

8. External disclosures

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer or client, supplier or service provider or another external public body. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this policy. You should contact your line manager or one of the other individuals set out in paragraph 5 for guidance.

9. Protection and support for whistleblowers

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or HR business partner immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- 9.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue you personally for compensation in an employment tribunal.
- 9.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

9.5 If we conclude that a whistleblower has made false allegations **maliciously** (lied about something to get others into trouble) the whistleblower will be subject to disciplinary action.

10. If you are not satisfied

10.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 5.2. Alternatively, you may contact the Chief Executive, our external auditors or the Protect charity.

11. Contacts

Assistant Director, Legal & Democratic Services and Monitoring Officer	Angela Law	alaw@castlepoint.gov.uk
Chief Executive	Angela Hutchings	ahutchings@castlepoint.gov.uk
Section 151 Officer	Lance Wosko	lwosko@castlepoint.gov.uk
Assistant Director, People & Engagement	Mykela Smith	msmith@castlepoint.gov.uk
Assistant Director for CF, Enforcement and Community Protection	Michael Dineen	mdineen@thurrock.gov.uk
Essex County Council Adult Social Care		socialcaredirect@essex.gov.uk
Essex County Council Children's Social Care		0345 603 7627

External contact list

If you have used the appropriate internal procedures and are not satisfied with any action taken in relation to your concerns and if you feel it is right to take the matter outside the council, further possible contact points are given below. It is stressed that the list below is not exhaustive, and you are free to contact any organisation which you feel will be able to deal properly with your concerns.

A full list is available from the independent charity, Protect (formerly known as Public Concern at work) (contact details below) and includes the following:

Local Government Ombudsman	020 7217 4620
Environment Agency (24-hour line)	0370 850 6506
Health and Safety Executive (fatal and major incidents only)	0345 300 9923 www.hse.gov.uk
Food Standards Agency	020 7276 8000
Information Commissioner's Office	0303 123 1113
Protect	www.protect-advice.org.uk

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity, Protect (formerly known as Public Concern at Work) on 020 3117 2520. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.