

NORTHUMBERLAND

Northumberland County Council

Corporate Fraud Team

Whistle-Blowing Policy

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Introduction

- 1 The County Council welcomes suggestions from service users and employees as to ways to ensure continuous development and improvement of services. Again, in the spirit of continuous improvement, there is an expectation that employees and others who deliver services on behalf of the County Council will report any concerns about possible bad practice. This will usually be facilitated through normal management arrangements, however, where that is not possible, this policy provides an avenue for reporting serious malpractice.
- 2 Employees are often the first to realise that there may be something seriously wrong within the County Council. However, in some cases they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the County Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, the County Council is committed to the highest possible standards of openness, probity and accountability.
- 3 In line with that commitment the County Council expects employees, and others who it deals with, who have serious concerns about any aspect of the County Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 4 "Blowing the Whistle" can be done without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the County Council rather than overlooking a problem or 'blowing the whistle" outside.
- 5 The right to "blow the whistle" applies to all employees and those contractors working for the County Council on its premises, for example, agency staff, builders, drivers. It also applies to suppliers and those providing services under a contract with the County Council in their own premises, for example, care homes.
- 6 These procedures are in addition to the County Council's complaints procedures and other statutory reporting procedures applying to some County Council Groups. County Council managers are responsible for making service users aware of the existence of these procedures.
- 7 This policy has been approved by the Audit Committee.

Aims and Scope of this Policy

- 8 This policy aims to:-
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith
 - provide a mechanism by which the County Council's Anti-Fraud and Corruption Strategy can be implemented.
- 9 If you are an employee, there are existing procedures in place to enable you to lodge a grievance relating to your own employment. You should always use the grievance procedure before this Whistleblowing Policy. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:-
- conduct which is an offence or a breach of law
 - disclosures related to miscarriages of justice
 - health and safety risks, including risks to the public, service users, as well as other employees
 - damage to the environment
 - the inappropriate or unauthorised use of public funds or other resources
 - possible fraud and corruption
 - abuse of clients, or
 - other unethical conduct.
- 10 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or Members of the County Council or others acting on its behalf can be reported under the Whistleblowing Policy. This may be about something that:-
- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the County Council subscribes to; or
 - is contrary to the County Council's Constitution or policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.
- 11 This policy does **not** replace the corporate complaints procedure which is concerned with addressing complaints about County Council services.

- 12 If you have any concerns about a service provided by another organisation on behalf of the County Council e.g. Homes for Northumberland, you should contact the service provider in the first instance. In cases where the County Council contracts with a private organisation it may be appropriate to notify the relevant Executive Director of the County Council.

Safeguards against Harassment or Victimisation

- 13 The County Council is committed to good practice and high standards and wants to be supportive of employees and others covered by this policy.
- 14 The County Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 15 The County Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action if necessary, to protect you when you raise a concern in good faith.
- 16 Any investigation into allegations of potential malpractice will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other dismissal procedures that already affect you or may affect you in the future.

Confidentiality

- 17 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Anonymous Allegations

- 18 This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the County Council. It should be remembered that wherever possible confidentiality will be preserved.
- 19 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.

Untrue Allegations

- 20 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

How to Raise a Concern

- 21 As a first step, you should normally raise concerns with your immediate manager or their superior. In some cases it may be more appropriate to raise concerns with someone more senior or directly with one of the **internal** contacts listed at the end of this document. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management is involved, you should approach the Lead Executive Director, the Head of Corporate Services (Deputy Section 151 Officer), the Head of Financial & Customer Services (Monitoring Officer) the Corporate Fraud Team Manager, the Anti Fraud Consultant or the Chief Internal Auditor.

- 22 Concerns may be raised verbally or in writing. If you wish to make a written report, you are invited to use the following format:-

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the situation.

If your concern is raised verbally, a written note will be taken in line with the format above.

- 23 The earlier you express the concern the easier it is to take action.
- 24 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 25 The Corporate Fraud Team encourages the general public and other Council staff members to report concerns about fraud. There is the facility to report fraud through the main Contact Centre on 0856 600 6400 or through a fully confidential 24-hour telephone hotline (01670 624359 or 0800 328 4133) or alternatively reports can be made online via the Council's website.
- 26 Advice or guidance on how to pursue matters of concern may be obtained from your line manager or the people named in the Internal Contact List at the end of this document.
- 27 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or have the same concerns.

- 28 You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

How the County Council Will Respond

- 29 The person to whom you report your concerns under this policy must, in turn, report them to the Monitoring Officer within five working days.
- 30 The County Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 31 Where appropriate, the matters raised may:-
- be investigated by management, the Audit Service, or through the disciplinary process
 - be referred to the police
 - be referred to the external auditor
 - form the subject of an independent inquiry.
- 32 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 County Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, vulnerable adults, discrimination or harassment issues) will normally be referred for consideration under those procedures.
- 32 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.
- 33 Within ten working days of a concern being raised, the Monitoring Officer will write to you:-
- acknowledging that the concern has been received
 - indicating how the County Council proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on support available from the Welfare Officers, and
 - telling you whether further investigations will take place and if not, why not.
- 34 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the County Council will seek further information from you.

- 35 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a work colleague.
- 36 The County Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the County Council will arrange for you to receive advice about the procedure and you may also wish to contact the Welfare Officers.
- 37 The County Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation but you must keep that information confidential.

The Responsible Officer

- 38 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the County Council.

How the Matter can be Taken Further

- 39 This policy is intended to provide you with an avenue within the County Council to raise concerns. The County Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the County Council, further possible contact points are given in the External Contact List at the end of this booklet.
- 40 If you do take the matter outside the County Council, you should ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.
- 41 You also need to be aware that the protection to whistleblowers outlined in the Employment Rights Act 1996 was amended from 25 June 2013 to only apply where the individual has made a disclosure that they believe to be in the public interest.
- 42 Further information can be obtained from <https://www.gov.uk/whistleblowing>

Internal Contact List

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below.

Mr Steven Mason	Lead Executive Director	01670 622929
Mrs Alison Elsdon	Deputy S151 Officer	01670 622168
Mr Colin Logan	Monitoring Officer	01670 622926
Mr Liam Henry	Deputy Monitoring Officer	01670 623324
Ms Allison Mitchell	Chief Internal Auditor	0191 6435720
Mrs Jane Swaddle	Corporate Fraud Team Manager	01670 624279
Mr Alan Le Marinel	Anti Fraud Consultant	01670 623938
Mrs Dorothy Clark	Welfare Officer	01670 623123

Any Head of Service or any local trade union official.

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 County 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.

External Auditor	Deloitte LLP	0191 261 4111
Northumbria Police		03456 043 043
Professional Bodies (examples):	CIPFA	0207 543 5600
Regulatory Organisations (examples):	Royal Town Planning Institute Environment Agency	0207 929 9494 0870 850 6506
	Health & Safety Executive	0191 202 6300
	Ofsted	0845 640 4045
	Commission for Social Care Inspection	01670 707900
Voluntary Organisations (examples):	Barnardos	0191 281 5024
	RoSPA	0121 248 2000
	Citizens Advice Bureau	See Yellow Pages for a local number

If you are unsure whether, or how, to use this procedure or want independent advice, you may contact the independent charity Public Concern at Work on 0207 404 6609. (<http://www.pcaaw.org.uk>)

Their lawyers can give you free confidential advice at any stage on how to raise a concern a concern about serious malpractice at work.