



Aylesbury Vale District Council

Whistleblowing Policy

Formerly known as Confidential Reporting



Version 1.0 / 2013/14

Author: Business Assurance Services

CONTENTS		
Section	Subject	Page
1	Policy Objectives	3
2	Who is covered by this Policy?	3
3	What is Whistleblowing?	4
4	Raising a Whistleblowing Concern	5
5	Confidentiality and the Protection for Whistle Blowers	6
6	External Disclosures	7
7	Investigation and Outcome	7-8
9	Responsibility for this Policy	8
Appendix	Contacts to Raise a Concern	9

DOCUMENT CONTROL HISTORY		
Purpose of Update / Sections	Updated by / Reviewed by	Date Revision took effect
Review the existing Confidential Reporting Policy and update as necessary to bring it in line with legislation / Whole Document	Updated by: Business Assurance Services Reviewed by: People & Payroll, Director for Finance, Legal Services, Unison, Unite and Staff Representatives. Councillor Pam Pearce (Chair of the Staff Consultative Committee)	March 14

1. POLICY OBJECTIVES

- 1.1 Aylesbury Vale District Council (the Council) is committed to conducting its business with honesty and integrity, and we expect all staff to maintain these high standards and to work in an ethical manner.
- 1.2 However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal and unethical conduct. People who work for us are our eyes and ears and are an early warning system for recognising problems and subsequently helping to stop it. Therefore it is essential that there is a culture of openness and accountability. This policy helps to achieve this.
- 1.3 The aims of this policy are:
- To encourage staff to report suspected serious wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
 - To provide staff with guidance as to how to raise those concerns (*known as making a Disclosure*).
 - To reassure staff that they should be able to raise genuine concerns without fear of reprisals or disadvantaged in their employment, even if they turn out to be mistaken.

2. WHO IS COVERED BY THIS POLICY?

- 2.1 This policy applies to all individuals working for the Council but excluding Councillors. So collectively these are referred to in this policy as 'staff'. Staff therefore includes; employees, consultants, contractors, trainees, homeworkers, part-time, full-time, fixed-term, casual, agency and volunteers.

3. WHAT IS WHISTLEBLOWING?

- 3.1 The term 'Whistleblowing' is commonly used across all types of organisations and means the disclosure of information which relates to 'suspected' **serious wrongdoing** related to the employer. This wrongdoing could either be something committed from within the organisation itself or it could be committed against us from an external source. 'Serious wrongdoing' usually refers to one or a combination of the following:
- Any criminal activity
 - Miscarriage of justice
 - Danger to Health and Safety
 - Damage to the environment
 - Failure to comply with any legal obligation or regulatory responsibility
 - Bribery
 - Financial fraud or mismanagement
 - Acting inappropriately or causing harm to a child or vulnerable adult
 - Negligence
 - Breach of internal policies and procedures
 - Unauthorised disclosure of Council information
 - Knowingly concealing information relating to the above
- 3.2 A 'Whistleblower' is someone that raises a genuine concern relating to the above and does so in conjunction with this policy. This is called making a whistleblowing disclosure.
- 3.3 Any staff member that makes a disclosure, which is in the interest of the Council, its staff and the general public, has protection by law under the provisions of the 'Public Interest Disclosure Act'. This means that you shouldn't feel that raising your concerns will in anyway affect your work status. The Act subsequently creates a statutory obligation on the Council to ensure that it has the proper channels to allow you to do this.
- 3.4 This policy **should not** be used for complaints relating to your own personal circumstances and treatment at work. In these cases you should refer to the range of internal policies and procedures which are in place to enforce standards of behaviour at work, discipline, bullying & harassment and grievance. Staff are encouraged to discuss their personal matters with their Line Manager, Director and the People and Payroll Service.
- 3.5 **If you are uncertain whether something is within the scope of this policy you should seek advice in confidence from Business Assurance Service Manager (formerly known as the Internal Audit Manager) who can be contacted on extension 5549.**

4. RAISING A WHISTLEBLOWING CONCERN INTERNALLY

- 4.1 The Appendix at the back of this report includes the people within AVDC that it is acceptable to report your concerns to.
- 4.2 We would hope that you would be able to discuss your concerns with your direct line manager or a Director. This could be in writing via an email or verbally in a meeting. This should usually be sufficient to resolve most issues quickly and effectively. Depending on the nature of your concerns and who might be implicated your line manager or Director may refer the matter to an HR Manager from the People & Payroll Service and Business Assurance Service Manager.
- 4.3 If having previously reported your concerns to your Manager / Director and you still feel that the issue hasn't been addressed **or** you feel that reporting it to them is not appropriate, because, for example, your concerns are about them, you should raise your concern as a Whistleblowing Disclosure using the report form that accompanies this Policy.
- 4.4 The form should be sent to the dedicated 'Whistleblowing' email address which can only be accessed by the Business Assurance Manager.
- 4.5 We expect that all disclosures, whether verbal or written, can be substantiated in some way and more than a guess or a hunch. There should be some event or record that has triggered your suspicions. However, you are not required to provide us with information in support of your allegation if it means that searching and retrieving it is likely to raise suspicion of you. The evidence in support of your disclosure doesn't have to prove your allegation beyond doubt.
- 4.6 However, you shouldn't make a disclosure frivolously, maliciously or for personal gain. You could be subject to disciplinary action in these instances.

5. CONFIDENTIALITY & PROTECTION FOR WHISTLEBLOWERS

- 5.1 This Policy is in place to ensure that staff feel confident in raising their concerns and that these will be treated seriously and investigated thoroughly. We appreciate that sometimes staff are reluctant to raise a concern because they are worried about their job security. Therefore it is important to point out that the 'Public Interest Disclosure Act 1998' gives you employment protection even in the event that the disclosure you make is subsequently found to be incorrect.
- 5.2 In making a Disclosure Report to us we urge that you provide your name. This will allow us to ask you for additional information or to clarify something that you have reported to us. This could be the difference between a successful and an unsuccessful outcome.
- 5.3 All information provided to us as part of the 'Whistleblowing Disclosure' will be treated with sensitivity and confidentially. 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. AVDC will support you throughout this process.
- 5.4 Therefore you should not suffer any detrimental treatment that you believe is as a result of raising a concern. Detrimental treatment could include:
- Dismissal
 - Disciplinary action
 - Threats
 - Any other unfavourable and unfair treatment from colleagues
- 5.5 To ensure you are protected by the 'Act', you need to be able to demonstrate 3 main things:
- you personally made the disclosure.
 - you followed this policy.
 - you have suffered some detriment as a result of making the disclosure.
- 5.6 If you believe you are being treated detrimentally then you should discuss this with the People and Payroll Service immediately.
- 5.7 Anyone found to have been involved with threatening, bullying, harassment and retaliation directed at a Whistle blower will subject to disciplinary action.

6. EXTERNAL DISCLOSURES

- 6.1 This policy provides; an internal mechanism for staff to report their concerns, investigate and remedy the matter within the confines of the Council. If there has been a serious breach of a statutory obligation or a criminal offence then it may be necessary for the Council to report the matter to the relevant authority.
- 6.2 The law allows you in certain circumstances to report your concerns directly to an external regulatory body, but this wouldn't necessarily resolve the matter anymore effectively than raising it internally through this policy. Before you decide who to report things to we would strongly advise you to discuss it with the Business Assurance Service Manager.
- 6.3 The Appendix at the back of this report lists some of the authorities that you could report your concerns to.
- 6.4 It is not permissible in any circumstances for you to discuss the matter with the media or express your concerns using social media, such as Facebook or Twitter. In doing so it could affect your employment protection rights under the Public Interest Disclosure Act and could lead to disciplinary proceedings.

7. INVESTIGATION & OUTCOME

- 7.1 Every disclosure made in accordance with this policy will be taken seriously and investigated in some form depending on the nature and potential seriousness of it. The Business Assurance Service Manager will initially determine the nature of the allegation and consider the weight of evidence that you have provided to us. They will decide which internal departments and senior officers will need to be informed of the matter and those that need to be part of the investigation panel. Investigations may be carried out covertly or overtly depending on the nature of the allegation.
- 7.2 If the nature of the allegation suggests that there might be an immediate danger to health, safety and wellbeing of individuals, then immediate intervention will be taken. This could, for example, include notifying the Police, a regulatory body or involving other agencies such as social care. We will always co-operate where multi-agency procedures require us to share information obtained from a whistleblowing disclosure.

- 7.3 The officers that form the investigation panel will usually comprise of officers from Business Assurance Services, People and Payroll Service and also Legal Services. These officers have experience of investigations but in addition we may call in the expertise of officers that are specialists in aspects of investigations or on the subject matter connected to the allegation. So for example if the matter has connections to the use of IT systems, we would seek advice from the Information Technology Service.
- 7.4 When you have made a disclosure we will endeavour to arrange a face to face meeting with you as soon as possible. This could be off council premises and out of work time, if that is what you prefer. You are entitled to bring a Union or Employee Representative to any meetings. We would expect that your representative respects the confidentiality of your disclosure and any subsequent investigation.
- 7.5 During the meeting we will take notes to gather more information.
- 7.6 Whilst the matter is being investigated we will keep you informed of progress when it is appropriate but not if it could jeopardise the process. We may require you to attend further meetings with us to clarify or provide further information that will assist the investigation process. Sometimes the need for confidentiality may prevent us from giving you specific details of how the investigation is progressing or any disciplinary action taken as a result of your disclosure.
- 7.7 The aim is to conclude the investigation as quickly as possible. However, this policy cannot define specific timescale for this because much depends on who and what is involved, peoples availability and how long it takes to gather evidence. These are sometimes not able to be controlled.

8. RESPONSIBILITY FOR THIS POLICY

- 8.1 The Business Assurance Service Manager has day-to-day operational responsibility for this policy, its application and overall effectiveness.
- 8.2 The Business Assurance Services Manager will review this policy at least annually or more frequently if for example, there are changes to roles and responsibilities or the applicable legislation. Trade Unions and Employee Representatives will be consulted if the policy is materially updated.

APPENDIX 1

Within AVDC, it is acceptable to report any concerns to the following officers either verbally or in writing.

Your Line Manager
HR Managers from the People and Payroll Services
Head of Legal & Estate Services
Director of your service or another Director in their absence
Chief Executive or the Deputy
As a Whistleblowing Disclosure that will be received by the Business Assurance Manager - Evelyn Kaluza

Depending on the nature of your concern, you may report your concerns to the following organisations.

The Council's External Auditors	Ernst&Young
Police	
Any regulatory body, for example the Health & Safety Executive , FCA, ICO	