

WHISTLEBLOWING POLICY

& PROCEDURE

**FOR
STAFF (EMPLOYEES),
CONTRACTORS, PARTNERS
AND COUNCILLORS**

Part A: The Policy

Part B: Procedures for dealing with a report

Part C: Contact details

Owned By:	Internal Audit Client Manager/ Strategic HR
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Policy Statement

THIS POLICY IS INTENDED TO ENCOURAGE AND ENABLE ANYONE TO RAISE ISSUES OF CONCERN ABOUT SUSPECTED IMPROPER CONDUCT IN THE WAY WAVERLEY CARRIES OUT IT'S BUSINESS.

If the matter being raised relates directly to a Councillors conduct, you should contact the Monitoring Officer, please see Part C of this policy for contact details.

Scope of the Policy

Part A:

1. Introduction

- 1.1 Waverley Borough Council is committed to conducting its business properly through the application of a range of procedures including its Contract Procedural Rules, Financial Regulations, and Codes of Conduct. These reinforce the Council's commitment to effective governance, the highest possible standards of openness, honesty and accountability and to encourage an anti-fraud, anti-corruption and anti-bribery culture reinforcing Waverley's zero tolerance to fraud, corruption and bribery.
- 1.2 This policy supports that commitment by encouraging employees and others who may have serious concerns about any aspect of the Council's work to be able to raise those concerns in good faith, in confidence and without fear of recrimination.
- 1.3 Waverley is committed to dealing responsibly and professionally with any genuine concern raised about malpractice, be it danger to staff or the public, financial malpractice, breach of legal obligations or damage to the environment. However, if any Waverley employee makes deliberately false or malicious allegations this will be regarded as a serious disciplinary offence.
- 1.4 This policy is in addition to the Council's complaints procedures and ethical standards framework for Councillors and other statutory reporting procedures. The Council acknowledges the legal protection, under the Public Interest Disclosure Act 1998, provided for employees who make disclosures about improper practice.

2.0 Aim of the Policy

- 2.1 This Policy is intended to encourage anyone who may have concerns about improper conduct of the Council, elected Members or external organisations to disclose any allegation of malpractice within the Council, without fear of recrimination. This Policy is founded on the principle that service users and the public interest come first.

3.0 The Council's rules and procedures

3.1 The council has adopted a number of rules and procedures to ensure the Council's business is properly monitored and controlled. They form part of the Council's internal control process and system of governance and it is important that all members and staff are aware of, and abide by, them.

The most important of these are:

- Codes of Conduct for Employees and Councillors
- Financial Regulations
- Contract Procedure Rules
- Scheme of Delegation
- Employees' Conditions of Service and Staff Code of Conduct

3.2 The Financial Regulations require all cases of actual or suspected fraud, corruption, bribery and theft to be reported immediately to the Section 151 Officer (Director for Finance and Resources) who will inform the Internal Audit Client Manager. The Executive Director, Director of Operations, [Director of Finance and Resources](#) and Heads of Service must ensure that all staff are aware of the reporting requirements.

4.0 Types of Concerns that can be raised as part of this policy involving Fraud, Corruption and Bribery

4.1 Concerns can be raised if there is a reasonable belief that one or more of the following [has occurred](#):

- [any unlawful act \(e.g. theft\);](#)
- [the unauthorised use of public funds \(e.g. expenditure for improper purpose\);](#)
- [a breach of the Code of Conduct for Employee/Councillors;](#)
- [maladministration \(e.g. not adhering to procedures, negligence\);](#)
- [failing to safeguard personal and/or sensitive information \(data protection\);](#)
- [damage to the environment \(e.g. pollution\);](#)
- [fraud and corruption \(e.g. to give or receive any gift/reward as a bribe\);](#)
- [abuse of power;](#)
- [other unethical conduct; and](#)
- [any deliberate concealment of information tending to show any of the above.](#)
- [health and safety risks, either to the public or other employees;](#)
- [the abuse of children and /or vulnerable adults \(physical or psychological\);](#)
- [Similar behaviour not otherwise described](#)

~~Gross mismanagement.~~
~~Actions contrary to the Codes of Conduct relating to staff and Members of the council.~~
~~Actions that is illegal, fraudulent and/or corrupt.~~
~~Actions that compromise health and safety~~
~~The concealment of any previous matters~~
~~Similar behaviour not otherwise described~~
~~Actions that compromise health and safety.~~

5.0 Safeguards

5.1 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the misconduct. The Council will not tolerate harassment or victimisation and will take all reasonable measures to protect those who raise a concern in good faith. This does not mean that, if you are an officer of the Council making the disclosure and are already the subject of disciplinary or redundancy procedures, these will be halted as a result of the disclosure.

5.2 Confidentiality

The Council will protect the identity of the person making the disclosure (wherever possible) where that Officer has requested that his or her name be kept confidential. During the course of an investigation, the Council will keep to a minimum the number of people aware of who raised the matter. However, it must be appreciated that the investigation process may reveal the name of the source of the information, and a statement by the officer making the disclosure may be needed as part of the evidence.

5.3 Anonymous Allegations

This policy encourages those making a disclosure to put their name to the allegations. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Council. In exercising that discretion, the factors to be taken into account would include:-

- I. the seriousness of the issue raised;
- II. the credibility of the concern; and
- III. the likelihood of confirming the allegation from attributable sources.

5.4 Untrue Allegations

If an allegation is made in good faith but is not confirmed by the investigation, no action will be taken against the officer making the disclosure. If, however, a member of staff makes malicious or vexatious allegations, the allegations

will not be taken further and disciplinary action may result. The judgement of whether an allegation is malicious or vexatious rests with the Internal Audit Client Manager, after consultation with other senior officers as necessary.

6. Whistleblowing Procedure Part B: Procedures for dealing with a report

6.1 How to report any concerns

You are advised in the first instance to report your suspicions to the Internal Audit Client Manager who manages the Council's Whistle-blowing arrangements, dealing with concerns that relate to members of staff, and other contractors/partners. Concerns can be reported by calling 01483 523333 and asking for one of the Council officers listed in Part C of this policy or alternatively by e-mailing them. Calls will be answered between 09.00 and 17.00 Monday to Thursday (09.00 to 16.45 on Fridays). If the person you call is not able to take your call, it will be possible to leave a message either on "Voicemail" or with the person answering your call. Reports can also be submitted using the web reporting facility on the Waverley web site www.waverley.gov.uk in "Report it" in fraud and corruption. The more detailed the information provided will provide more assistance in resolving any issues raised.

Letters can also be addressed to:

Internal Audit Client Manager
The Burys
Council Offices
Godalming
Surrey GU7 1HR

Alternatively your suspicions can be reported directly to the Executive Director, Section 151 Officer (Director of Finance and Resources) or Director of Operations. The Internal Audit Client Manager may where necessary suggest that the matter be referred to third parties that may deal with issues of Member conduct, or the Police. If the matter relates to a Councillor, you should contact the Monitoring Officer.

Anyone with concerns may, in confidence and without fear of recrimination, disclose worries of suspected improper conduct at the levels set out below. Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving as much information as possible including names, dates, vehicle details and places where possible, including contact details of the whistle blower to enable the investigating officer to clarify and verify the circumstances and the reason for raising this particular concern. If you feel unable to put a concern in writing, you can telephone or arrange to meet the appropriate officer. It may in some circumstances be necessary if the need arises for the complainant to be called as a witness at a later date, should the need arise.

If you do not wish to go through this reporting mechanism, or you are unhappy with the outcome of any investigation undertaken, please feel free to contact any of the other external organisations listed in this policy.

Employees are advised that they may raise their concerns with other external organisations such as the Citizens' Advice Bureau, addresses and telephone numbers can be found in the telephone directory. Alternatively 'Public Concern at Work' is a registered charity which is able to provide, free of charge, confidential and independent advice to people in these circumstances. Contact details for this organisation are included at the end of this policy.

7.0 How the Complaint will be dealt with

7.1 The Internal Audit Client Manager logs all reports and carries out a preliminary review in each case to determine the most appropriate course of action. The action will depend on the nature and seriousness of the concern. Any matters which fall within the scope of other existing procedures (e.g. complaints or discrimination issues) will be dealt with under these procedures. Some concerns may be resolved by agreed action without the need for investigation. Matters to be investigated may be:

- dealt with internally by the Internal Audit Service or other specialists such as the ~~Benefit Investigations Team~~, Strategic HR Human Resources Advisors or
- referred to the Police or other external agency.

The decision as to who shall complete the investigation will be made by the Internal Audit Client Manager in consultation with the Section 151 Officer and the Monitoring Officer.

Where an allegation is made against Senior Officers of the Council, including members of the Corporate Management Team, Section 151 Officer, Monitoring Officer, Head of Finance or the Internal Audit Client Manager, an appropriate body will be requested to complete the investigation, such as the Council's External Auditors.

7.2 Within **three working days** of a concern being received, the Council will contact the complainant, (if contact details are supplied):

- acknowledging that the concern has been received,
- indicating how it proposes to deal with the matter,

The Council may also ask for more information where this would assist in the investigation.

7.3 Investigations may result in recommendations for changes to procedures and systems which will be incorporated into action plans. Follow-up reviews will be carried out to ensure that recommendations are implemented.

- 7.4 Investigations may lead to disciplinary action against employees conducted in accordance with the Council's Disciplinary Procedures. In this situation, the employee would be informed that the issue has been raised under the Whistleblowing Policy. This may be in addition to any legal proceedings instigated by the police.
- 7.5 Where appropriate the Internal Audit Client Manager will refer findings to the Police for investigation or review, after discussion with the Executive Director, Section 151 Officer or the Monitoring Officer.
- 7.6 If you raise a matter and then later decide to withdraw your concern, the Council will respect your wishes wherever possible. However, if the matter is assessed as serious, then the Council will, where it deems appropriate, continue to investigate, which may result in further evidence being required from you.

8. Whistleblowing Part C: Contact Details

8.1 Internal Contact Details

Internal Audit Client Manager – Gail Beaton

Telephone: 01483 523260 e-mail: gail.beaton@waverley.gov.uk

Executive Director– Paul Wenham

Telephone: 01483-523238 e-mail: paul.wenham@waverley.gov.uk

Director of Finance and Resources (Section 151 Officer) – Graeme Clark

Telephone: 01483-523099 e-mail: graeme.clark@waverley.gov.uk

-Director of Operations – Damian Roberts

Telephone: 01483-523418 e-mail: damian.roberts@waverley.gov.uk

Monitoring Officer – Robin Taylor

Telephone: 01483 523108 e-mail: robin.taylor@waverley.gov.uk

8.2 External Organisation Contact Details

Grant Thornton is the Council's external auditor, an independent body, which may be contacted if you feel that your suspicions of fraud or malpractice have not been satisfactorily dealt with through the internal route.

Grant Thornton

Iain G Murray
Associate Director
Grant Thornton House
Melton Street
Euston Square
LONDON NW1 2EP

Telephone: 020777283328
e-mail: iain.g.murray@uk.gt.com

Public Concern at Work

3rd Floor, Bank Chambers
6-10 Borough High Street
London
SE1 9QQ

Whistleblowing Advice Line

Telephone: 0207 404 6609
General Enquiries 020 3117 2520
Fax 0207 403 8823
Website: www.pcaw.org.uk

E-mail

UK enquiries: whistle@pcaw.org.uk
UK Services: services@pcaw.org.uk

UK Helpline: helpline@pcaw.org.uk

Any concerns relating to Housing Benefits can be reported confidentially on the Department Work and Pensions Fraud hotline: 0800-854-440.

The council welcomes comments and feedback on its policies and procedures. Please contact Gail Beaton, Internal Audit Client Manager of the Internal Audit and Investigation Team if you have any comments on this policy and related procedure.