

Waverley Borough Council

Report to: Audit and Risk Committee
Date: 17 June 2024
Ward(s) affected: All
Report of Director: Susan Sale, Strategic Director of Legal & Democratic Services
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Report Status: Open
Key Decision: No

Waverley Borough Council Whistleblowing Policy

1. Executive Summary

- 1.1 Waverley Borough Council encourages staff and others to report any cases of suspected wrongdoing or misconduct, illegal acts, or failure to act within the Council, as part of its commitment to act with integrity and openness in the best interest of its residents and communities. To govern any such disclosures, the Council has a Whistleblowing Policy.
- 1.2 The Whistleblowing Policy has been reviewed and updated.

2. Recommendation to the Audit and Risk Committee

The Audit and Risk Committee is recommended:

- 2.1. To adopt the proposed revised Whistleblowing Policy, as set out in Appendix 1 to this report.

3. Reasons for Recommendation:

- 3.1. It is right and proper to uphold the principles of transparency to encourage individuals to make any disclosures and raise any concerns where they suspect wrongdoing.
- 3.2. It is important that the Council has a Policy in place to govern such disclosures and that such Policy is kept under regular review.

4. Exemption from publication

- 4.1. This report does not contain exempt information under schedule 12A to the Local Government Act 1972 and there are no restrictions on its publication.

5. Purpose of Report

- 5.1. The purpose of the report is for the Audit and Risk Committee to consider the proposed revisions to the Council's Whistleblowing Policy.

6. Strategic Priorities

- 6.1. One of the Council's values is to ensure that its councillors and staff uphold the highest standards of conduct.
- 6.2. The Council's mission is to be a trusted, efficient, innovative and transparent Council that listens and responds quickly to the needs of our community.

7. Background

- 7.1. The aim of the Whistleblowing Policy is to encourage employees and others who have serious concerns about any aspects of the Council's work to come forwards and voice those concerns.
- 7.2. The Council's Whistleblowing Policy intends 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 as far as possible;
 - Encourage and enable staff to raise concerns within the Council rather than ignoring a problem or blowing the whistle externally without exhausting internal procedures;
 - Provide staff with guidance as to how to raise those concerns;
 - Reassure staff that they should be able to raise genuine concerns without fear of reprisals, victimisation, subsequent discrimination, disadvantage or dismissal, even if they turn out to be mistaken, provided the disclosure is made in the public interest.
- 7.3. The Council is committed to conducting business with honesty and integrity and expects all staff to maintain high standards of conduct. However, all organisations face the risk of things going wrong from time to

time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

- 7.4 Staff are often the first to realise that there may be something seriously wrong within an organisation. Whistleblowing is viewed by the Council as a positive act that can make a valuable contribution to the Council's efficiency and long-term success. It is not disloyal to colleagues or the Council to speak up. The Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all aspects of its practices. To help achieve these standards it encourages freedom of speech.
- 7.5 The Whistleblowing Policy should be regularly reviewed and at least every two years, or more frequently where there is change to legislation or statutory guidance, or learning from its operation that should be taken into account.
- 7.6 The existing Waverley Borough Council Whistleblowing Policy was adopted in 2019 and so it is overdue for a review. It is due to be considered by the Audit and Risk at this meeting and then due for a further review in June 2026.
- 7.7 It is proposed that Waverley Borough Council and Guildford Borough Council attempt to align their Whistleblowing Policies as far as it is appropriate to do so, whilst accepting there may be local differences. This is with a view to supporting the collaboration and transformation programme.

8. Consultations

- 8.1. Cllr Kiehl, Portfolio Holder with responsibility for Organisational Development and Governance and Cllr Follows, the Leader of the Council have been consulted.

9. Key Risks

- 9.1. There is a risk of not having a Whistleblowing Policy in place, in that disclosures are not made, or not made in a transparent way, or dealt with in accordance with process, or that disclosures are made externally without exhausting any internal process. Without a Whistleblowing Policy there is a greater risk of wrongdoing going unchecked within the Council.

10. Financial Implications

- 10.1. There are no financial implications arising from this report.

11. Legal Implications

- 11.1. The Audit and Risk Committee's terms of reference provide for that Committee to consider an annual report of the operation of the whistleblowing policy, including incidents reported.
- 11.2. The Constitution provides that the Audit and Risk Committee is responsible for making decisions on all matters within the policy framework which are not the responsibility of any other part of the Council.

12. Human Resource Implications

- 12.1 There are no Human Resource implications arising from this report.

13. Equality and Diversity Implications

- 13.1 There are no Equality & Diversity implications arising from this report.

14. Climate Change/Sustainability Implications

- 14.1. There are no Climate Change/Sustainability implications arising from this report.

15. Background Papers

None.

16. Appendices

Appendix 1: Revised Whistleblowing Policy 2024

Appendix 2: Existing Whistleblowing Policy 2019

Appendix 1:

Whistleblowing Policy

Waverley Borough Council

Document Information

Version Control: Version 3.0

Policy Service Owner: Monitoring Officer

This document replaces: Whistleblowing Policy 2019

Document Creation Date: June 2024

Next review date: June 2026

Governance: To be considered by the Audit & Risk Committee on the 17 June 2024.

Harmonisation

Please be aware that this Whistleblowing Policy is aligned with Guildford Borough Council's Whistleblowing Policy. This means that the Policy is structured and formatted with similar language. Whilst many of the substantive provisions are similar there may be some local differences in Policy as adopted by each Council's member approval process.

Table of Contents

Document Information	5
Harmonisation	Error! Bookmark not defined.
Table of Contents.....	7
Purpose.....	8
Aims.....	8
Policy Scope	8
Policy Definitions	9
Links to other strategies, policies, and procedures	9
Confidentiality	10
False allegations.....	11
Safeguarding.....	11
Data protection.....	12
How to report any concerns.....	12
How the complaint will be dealt with	13
Taking the matter further	Error! Bookmark not defined.
Employee cooperation.....	15
Review of the Procedure.....	15
Appendix 1: Relevant Waverley Borough Council Strategies, Policies and Procedures	14

1.0 Purpose

Waverley Borough Council is committed to delivering high quality and value for money services to the highest standards of openness, honesty and accountability. The Council has rules, policies and procedures to ensure that it maintains the highest standards of conduct wherever possible. Where malpractice does occur, it will not be tolerated.

The Council believes that knowing that any malpractice will be reported and thoroughly investigated, and that prompt and appropriate action will be taken against those responsible, acts as a deterrent to such conduct.

We acknowledge the legal protection under the Public Interest Disclosure Act 1998 provided for employees who make disclosures about malpractice.

2.0 Aims

The Whistleblowing Policy aims to encourage and enable anyone to raise issues of concern about suspected improper conduct in the way Waverley Borough Council carries out its business. It aims to give staff, councillors and others, the confidence to raise concerns by assuring them that they can do so without fear of harassment, victimisation or reprisals. It also confirms our commitment to investigate and rectify any malpractice reported to us swiftly and thoroughly.

3.0 Policy Scope

This policy applies to

- all Council employees (temporary, permanent, part time and full time);
- all Councillors
- all Council trainees;
- agency staff, casual staff or consultants undertaking council work;
- contractors working for the Council;
- suppliers and those providing services under contract with the Council;
- volunteers.

Our staff, councillors or others working with us are often the first to realise that there may be something wrong. We encourage them to raise concerns, that are in the public interest as soon as there is a reasonable suspicion of wrongdoing.

Complaints of a personal nature, such as, about the terms of an individual's employment, should be raised via the grievance procedure rather than through this policy.

4.0 Policy Definitions

Whistleblowing is the reporting of information which relates to suspected wrongdoing at work, including possible unlawful conduct, fraud, risks to the public or malpractice.

Such concerns can be raised if there is a reasonable belief that one or more of the following has occurred:

- any unlawful act, whether criminal or a breach of civil law;
- maladministration;
- breach of any statutory code of practice;
- serious breach of or failure to implement or comply with a Council policy;
- serious breach or failure to safeguard children and vulnerable people in accordance with our policies and procedures;
- failure to comply with appropriate professional standards;
- corruption or fraud;
- breach of the Council's officer code of conduct;
- breach of the Council's Member code of conduct;
- actions which are likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- an act that creates risk to health and safety;
- an act causing damage to the environment;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost or loss of income to the Council or would otherwise seriously prejudice the Council or its residents;
- abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose;
- a miscarriage of justice;
- concealment of any of the above.

This is not an exhaustive list, but an illustration of the sorts of concerns that may be raised under this policy.

6.0 Other Strategies, Policies, and Procedures

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 councillors and officers are aware of, and abide by, them.

7.0 Confidentiality

An individual is encouraged to raise concerns openly wherever possible. This will enable them to exercise their right of protection under the law and help with subsequent investigations.

The Council will do its best to protect the identity of an individual when a concern is raised and the individual wishes to remain anonymous. In such circumstances, the Council will keep the number of people aware of who raised the matter to a minimum, although it must be accepted that sometimes an individual may be identifiable by the nature of the information they provide. If disciplinary or other proceedings follow any whistleblowing investigation, it may not be possible for the Council to take action as a result of the disclosure without the individual coming forwards as a witness. Any such witness would be offered appropriate advice and support.

8.0 Harassment and Victimisation

We recognise 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 still applies even if, after investigation, the disclosure is found to be incorrect or unfounded.

The Council will not tolerate any attempt on the part of any officer, councillor, contractor, supplier or anyone under their control, to apply any sanction or detriment (including informal pressure) to any person who has reported any serious and genuine concern of malpractice and will take all reasonable measures to protect the whistleblower.

Anyone who victimises a whistleblower could be exposed to liability for a criminal offence and also to personal liability as the whistleblower may choose to issue a direct civil claim against them.

If an individual feels victimised or harassed as a result of raising a concern, they should notify the Council's Monitoring Officer, or one of the Deputy Monitoring Officers, as soon as possible.

The Council may be vicariously liable for an officer or councillor's conduct in victimising a whistleblower. The Council will treat any recriminations, victimisation or harassment by an employee as a serious disciplinary matter. Where a councillor carries out any such recrimination, victimisation or harassment, the Council will regard this as a potential breach of the Councillors' Code of Conduct and appropriate action will be taken against the councillor in accordance with the Council's standards arrangements. Where a contractor or supplier carries out any such recrimination, victimisation or harassment, the Council will regard this as a potential breach of contract and instigate necessary action.

If an individual is unsure as whether to raise a concern formally under the Whistleblowing Policy, they should discuss the issue with their line manager, Assistant Director, Strategic Director or with Human Resources.

9.0 Anonymous Allegations

The Council encourages whistleblowers to put their name to their allegation whenever possible. If they do not, it may be more difficult for action to be taken and more difficult for the Council to protect the position of the whistleblower or provide them with information relating to the outcome of the process.

The Council will take all concerns raised seriously. Concerns expressed anonymously may be less powerful but will be considered at the discretion of the Monitoring Officer.

In exercising this discretion, the Monitoring Officer would take into account:

- the seriousness of the concern raised;
- the credibility of the concern; and
- the likelihood of being able to investigate and verify the allegation from reliable alternative sources.

10. False allegations

There is no requirement for disclosures to be true in order for whistleblowers to receive statutory protection. For example, if an individual suspects wrongdoing and reports it, they will be protected under this policy even if the concern is found not to be substantiated following an investigation.

However, any allegation that the whistleblower knows to be false and/or is brought maliciously would not be afforded the statutory protection as such a disclosure would not be deemed to be in the public interest. To ensure the protection of all of the Council's officers, those who make an allegation they do not reasonably believe to be true and/or made in the public interest may be liable to disciplinary action.

11. Safeguarding

Safeguarding concerns about children and vulnerable people should be raised through our safeguarding policies and procedures.

However, the Whistleblowing Policy may be used in circumstances where an individual may have a concern about the conduct of an individual who may be in a position of trust within the organisation, which could be detrimental to the safety or wellbeing of children and vulnerable adults where, for whatever reason, the individual feels unable to raise such concern under the Council's Safeguarding Policy.

The designated Lead Safeguarding Specialist must be contacted to provide appropriate advice with regards to disciplinary and grievance procedures and contacting the Local Authority Designated Officer (LADO).

12. Data Protection

All records relating to disclosures, subsequent investigation and action taken, will be managed in compliance with the Data Protection Act 2018, GDPR and the Council's Retention and Disposal Policy.

13. Learning and Improvement

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

14. Review of the Policy

The Council's Audit and Risk Committee will be responsible for the adoption and review of this Policy and will be responsible for monitoring the operation of the Policy and will receive confidential reports from the Monitoring Officer on an annual basis of any disclosures made under the Policy and their outcome.

When a whistleblowing matter is received by the MO, they will inform the Leader of the Council and the Chair of the Audit and Risk Committee.

The Monitoring Officer is authorised to make minor and consequential amendments to this Policy in consultation with the Chair of the Audit and Risk Committee, to ensure it remains fit for purpose. Minor amends include, but are not limited to, updating weblinks, changes in job titles, accessibility requirements, names of officers, contact details, and/or organisation names referenced in the document.

15. How to Report a Concern

An individual should submit their disclosure to the Monitoring Officer by one of the following methods:

- e-mailing monitoringofficer@waverley.gov.uk; or
- writing to the Monitoring Officer in a sealed envelope marked "Private and Confidential: To be opened by Address only" and addressing the envelope to the Monitoring Officer, Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, or delivering by hand and leaving at reception.

In the absence of the Monitoring Officer, or in cases where it would not be appropriate to submit a disclosure to the Monitoring Officer, the individual should make their disclosure directly to one of the Deputy Monitoring Officers, who have full authority to act in accordance with this Policy.

Any disclosure should include:

- name(s) of the person, body or organisation that the concern is about;
- nature and details of the disclosure;
- names and contact details (if known) of any witnesses;
- dates of any incidents;
- whether the whistleblower wishes for their name to remain confidential and if so why.

If any whistleblower considers that they would benefit from additional support in the workplace, then they should make such request to the Monitoring Officer. The Monitoring Officer will consider allocating a Human Resources Officer, or a senior manager not involved in the disclosure or investigation, to provide such support.

The earlier any concern is raised, the easier it will be for the Council to take appropriate action.

16. How the Disclosure will be Dealt with

The Monitoring Officer is responsible for the operation of this Policy and will ensure that adequate resources are allocated for the investigation of any complaints.

The Monitoring Officer will:

- receive and record any disclosures under the Policy;
- take steps to protect the whistleblower's identity when a disclosure is made, and the whistleblower has indicated that they do not want their name to be disclosed and such request is deemed to be reasonable by the Monitoring Officer;
- will inform the Leader of the Council and the Chair of the Audit and Risk Committee,
- investigate promptly the disclosure using appropriate staff as required, or an external investigator;
- report the outcome of the investigation to the Corporate Management Board and recommend the action to be taken;
- report the outcome of the investigation to the Audit and Risk Committee
- where the disclosure relates to the conduct of a member of the Corporate Management Board, report to the Chief Executive;
- where the disclosure relates to the Chief Executive, report to the Leader of the Council;

- report, as appropriate, either jointly with the Chief Executive or in their own right, to the Audit and Risk Committee as part of the annual report on the operation of this policy, or separately in cases of urgency;
- recommend appropriate action to resolve a concern raised.

The Monitoring Officer will acknowledge receipt of any whistleblowing disclosure within five working days of receipt. Within a further five working days the Monitoring Officer will confirm whether the matter will be investigated further and the nature and arrangements of any such investigation, unless the Monitoring Officer requests further information to inform this decision. A whistleblower shall have the opportunity to be accompanied by a workplace colleague or trade union representative at any subsequent meetings or interviews.

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

The action the Council shall take will depend on the nature of the concern. The matter may:

- be investigated internally by staff or externally by an external investigator
- be referred to the Police
- be referred to the internal or external auditor
- form the subject of an independent inquiry

The outcome of an investigation 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.

For the purposes of the investigation, the Monitoring Officer has a right of access to all councillors and officers and to all documents and records of the Council as they determine to be necessary and appropriate.

If a whistleblowing disclosure is made and later withdrawn by the whistleblower, the Council will take account of the whistleblower's wishes. However, there may be circumstances where the Monitoring Officer will deem it appropriate to continue to investigate, which may result in further evidence being required from the whistleblower.

17. External Disclosures

This Policy provides individuals with the opportunity to raise concerns as to wrongdoing with the Council and provides assurance that the Council will investigate all reasonable claims promptly and thoroughly.

The Council encourages individuals to use this Policy, rather than blowing the whistle outside of the organisation, as premature or unnecessary publicity may

damage the Council's reputation, impede or prejudice proper investigation and due process or cause needless hurt to individuals.

However, if an individual considers it is right to take the matter outside the Council, or has exhausted the procedure under the Policy and remains dissatisfied, the following are possible contact points:

- the relevant councillor;
- the Council's External Auditor;
- any relevant professional bodies or regulatory organisations;
- an independent external solicitor
- the Police
- the charity "Protect" (020 7404 6609)

18. Employee Co-operation

The Council expects the full co-operation of all of its officers, councillors, contractors, suppliers and partners in securing the highest standards of service delivery and conduct.

Where employees are aware of, or suspect, malpractice, we expect them to report it. We will regard the failure by an employee to report such malpractice, or the suspicion of malpractice, as a serious matter which may be investigated under the disciplinary policy.

19. Review of the Procedure

Authority be delegated to the Monitoring Officer to make such minor amendments to the Whistleblowing Policy as they deem appropriate for the purpose of keeping it up to date.

The Council will review this Policy at least every two years or when there are changes to legislation or statutory codes of practice.

Appendix 1: Relevant Waverley Borough Council Strategies, Policies and Procedures

Bullying and Harassment Procedure: clear guidance on the informal and formal steps that can be taken if bullying or harassment is taking place in the workplace.

Code of Conduct for Staff sets out the rules and requirements that staff must follow to maintain the high standards expected by the public.

Complaints Policy and Procedure: this policy sets out our approach to dealing with customer complaints and ensuring that complaints are investigated in an evidence-based, fair, and efficient way.

Councillors' Code of Conduct sets out the rules and requirements that councillors must follow to maintain the high standards expected by the public

Disciplinary Policy and Procedure: this policy covers our disciplinary rules and procedures that must be followed by managers so that individuals are treated fairly and consistently.

Financial Procedure Rules: financial procedure rules for managing the Council's financial affairs which must be followed by everyone acting on behalf of the Council

Grievance Policy and Procedure: this policy outlines the issues that may cause grievances and what steps can be taken to resolve them

Induction checklist for managers: process for managers to follow when inducting new employees including safeguarding training requirements

IT, Information Management, and Information Security Policies: a framework of different policies for users and managers that address the need to protect confidential and sensitive information from disclosure, unauthorised access, loss, corruption, and interference.

Investigations - Guidance on conducting workplace investigations: this guidance is intended for use by managers and employees involved in internal, workplace investigations arising out of allegations of misconduct, gross misconduct or poor performance.

Privacy & Data Protection Policy: guidance on the safe handling of personal information.

Procurement Procedure Rules: applies to all purchases of works, goods and services that must be followed so that the Council is fair, open, transparent, non-discriminatory, and lawful.

Record and Retention and Disposal Schedule: This document aims to set out the legislation, guidance, and policy about record retention.

Bullying and Harassment Procedure: clear guidance on the informal and formal steps that can be taken if bullying or harassment is taking place in the workplace.

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Record and Retention and Disposal Schedule: This document aims to set out the legislation, guidance, and policy about record retention.

Appendix 2: Existing Whistleblowing Policy 2019



WHISTLEBLOWING POLICY & PROCEDURE

FOR
STAFF (EMPLOYEES), CONTRACTORS & PARTNERS

Part A: The Policy

Part B: Procedures for dealing with a report Part C:

Contact details

Owned By:	Human Resources
Created Date:	2010
Review Date:	March 2019
JCC Consultation Date:	November 2016
Council Approved	March 2019
Date for Review:	2020 or change in legislation

Content	
1	INTRODUCTION
2	AIM OF THE POLICY
3	COUNCIL'S RULES OF PROCEDURES
4	TYPES OF CONCERNS
5	SAFEGUARDS
6	PROCEDURES FOR DEALING WITH A CONCERN
7	HOW THE COMPLAINT WILL BE DEALT WITH
8	CONTACT DETAILS
8.1	INTERNAL CONTACT DETAILS
8.2	EXTERNAL CONTACT DETAILS

POLICY STATEMENT

THIS POLICY AIMS TO ENCOURAGE AND ENABLE EMPLOYEES 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.
- 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 aims to:-
 - 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.

- Provide avenues for employees to raise those concerns and receive feedback on any action taken

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 who will inform the Internal Audit Manager. The Chief Executive, Strategic Directors 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

- 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.

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 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 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 Manager The Burys
Council Offices
Godalming Surrey GU7
1HR

Alternatively, your suspicions can be reported directly to the Chief Executive, Section 151 Officer, Strategic Directors. The Internal Audit 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 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, 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 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 Management Board, Section 151 Officer, Monitoring Officer, Head of Finance or the Internal Audit 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 Manager will refer findings to the Police for investigation or review, after discussion with the Chief Executive, 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 Manager – Gail Beaton
Telephone: 01483 523260

e-mail: gail.beaton@waverley.gov.uk

Chief Executive – Tom Horwood
Telephone: 01483-523238

e-mail: tom.horwood@waverley.gov.uk

Section 151 Officer –
Graeme Clark
Telephone: 01483-523099

e-mail: graeme.clark@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

Jon Roberts
2 Glass Wharf
jon.roberts@uk.gt.com Temple Quay,
Bristol, BS2 0EL Telephone:
0117 305 7699

Telephone: 0117 305 7699
e-mail:

Protect

The Greenhouse
244-254 Cambridge Heath Road
2520 London
E2 9DA
Website: www.protect-advice.org.uk

Whistleblowing Advice Line

Telephone: 0207 404 6609
General Enquiries 020 3117
E-mail UK enquiries:
whistle@protect-advice.org.uk

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