

Part 5.5 “Whistleblowing” Policy & Procedure

1. Introduction

- 1.1 Slough Borough Council is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to the people who live and work within the Borough. Whilst the Authority has put in place a wide range of rules, regulations, procedures and codes of practice to deliver this commitment, malpractice and/or wrongdoing unfortunately may occur.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, you may be worried about raising such issues or want to keep the concerns to yourself because you consider that it is none of your business or that it is only a suspicion. You may also feel that raising the matter would be disloyal to your colleagues, managers or to the Council itself. In addition you may decide to say something but find that you have not spoken to the right person, or you have raised the issue in the wrong way and are not sure what to do next.
- 1.3 The Council is not prepared to tolerate any such malpractice, and/or wrongdoing and it expects employees, and others that we deal with, who have concerns about what is happening at work to come forward and voice those concerns. This policy has been introduced by the Council to enable you to raise your concerns about such malpractice or wrongdoing at an early stage and in the right way, without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable you to raise concerns within the Council (see Paras. 8 & 9) or externally (see Para. 10) rather than overlooking a problem.
- 1.4 The Council has particular responsibility for protecting the welfare of children and vulnerable adults and employees are under an obligation to raise concerns about the abuse of such clients.
- 1.5 This Policy and Procedure is intended to be in line with the Public Interest Disclosure Act 1998 (PIDA). PIDA provides protection for good faith whistleblowing on malpractice/wrongdoing. It encourages you to raise concerns with us in the first instance.
- 1.6 This policy has been discussed with the relevant Trade Unions and professional organisations and has their full support.

2. Independent Advice

- 2.1 If you are unsure whether to use this procedure or you want independent advice at any stage you may contact the independent charity – Public Concern at Work (www.pcaw.co.uk) on 0207 404 6609, or email helpline@pcaw.co.uk.

2.2 Public Concern at Work is a registered charity which promotes accountability and good governance in organisations and responsibility amongst individuals. It has been at the forefront of recent developments in self-regulation and public interest whistleblowing. Its lawyers can give you free, confidential advice at any stage about how to raise a concern about serious malpractice/wrongdoing at work.

3. Who Does This Policy Apply To?

3.1 This policy applies to:-

Employees, trainees, agency staff, home workers, independent consultants, volunteers, contractors, suppliers, Councillors and members of the public.

3.2 It is worth remembering that your Trade Union, professional organisation or regulatory body can play a valuable role in assisting you to raise your concerns under this policy.

4. What is covered by this Policy?

4.1 Disclosing a concern which you honestly believe, suggests that malpractice/wrongdoing has been committed, is in the process of being committed or is likely to be committed, would qualify for protection under PIDA. Malpractice/wrongdoing includes (but is not limited to):

- Failure to comply with a legal duty
- Miscarriages of justice;
- Criminal offences;
- Endangering the health and safety of any person;
- Damage to the environment; and
- Deliberate concealment of any of the above.

4.2 The policy additionally covers any conduct not included above which appears likely to harm the reputation of the Council. In these circumstances the Council undertakes to provide the same protection as set out in Paragraph 6 below. However, you would not necessarily be protected by PIDA and you may want to take separate advice on that for example by contacting Public Concern at Work (see Paragraph 2 above).

4.3 It does not cover private grievances, including complaints about individual employment matters that may be referred to an Employment Tribunal.

5. Which procedure should I use?

5.1 There are existing employee policies and procedures designed to resolve many concerns you may have. The procedures to be followed in raising

issues under these policies can be found on SBNet by clicking on Human Resources. They include

- Incident Reporting and Investigation Guidelines
- Grievance Policy & Procedure
- Equal Opportunities Policy
- Disciplinary Policy & Procedure
- Capability Procedure
- Drug & Alcohol Policy
- Probationary Policy & Procedure

5.2 If one of these procedures is relevant that process should be used unless you have genuine concerns, at either the outset or the end of the procedure, about following the relevant process only in that event should this Policy & Procedure be used. The procedure is not an appeal mechanism for other procedures, unless, exceptionally, you think when you have been through another procedure, that process was compromised. If you are unsure which procedure you should use then please seek advice from your trade union representative or an HR Adviser or your line manager.

5.3 The Whistleblowing Policy & Procedure is for all other cases involving conduct which appears likely to harm the reputation of the Council.

5.4 Appendix 1 shows some examples of situations in which employees might blow the whistle and the procedure to use.

6. The Council's Assurances to You

6.1 If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. If you are acting in good faith it does not matter if you are mistaken. However, the Council will view very seriously any false or malicious allegations which are made under this policy and will regard such allegations by an employee of the Council as a serious disciplinary offence.

6.2 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

6.3 If you ask us to protect your identity by keeping your confidence we will not disclose it without your consent. However, it is possible that we will be unable to resolve the concern raised without revealing your identify (e.g. because your evidence is needed in Court) but if this occurs we will discuss with you how we can proceed.

7. **Anonymous Allegations**

- 7.1 This policy encourages you to put your name to your allegation whenever possible.
- 7.2 If you don't tell us who you are, it will be much more difficult for us to look into the matter, protect your position and give you feedback.
- 7.3 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account will include:-
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources.

8. **How to Raise a Concern - Internally**

- 8.1 Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier you express your concern the easier it will be to take action. **REMEMBER – IF IN DOUBT RAISE IT.**
- 8.2 The Council will not expect you to prove that your concern is true but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.
- 8.3 It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 8.4 If you have a concern about any malpractice/wrongdoing we hope you will feel able to raise it first with your Line Manager or their superior. If you feel unable to raise the matter with your Line Manager or their superior then please raise the matter with your Chief Officer.
- 8.5 If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Line Manager, their superior or your Director or you consider that it is not appropriate (e.g. you are a contractor, supplier, Councillor or member of the public), then you can contact the Council's Monitoring Officer (01753) 875004.
- 8.6 Where your complaint relates to the Monitoring Officer and/or the Section 151 Officer you should contact the Chief Executive on (01753) 875000 or e-mail: ruth.bagley@slough.gov.uk. If you are unhappy about raising your concern internally then you are at liberty to whistleblow externally under Paragraph 10 below.

Where your complaint relates to the Chief Executive you should contact the Monitoring Officer on (01753) 875844.

9. How the Council Will Handle the Matter

- 9.1 Once you have told us of your concern we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed.
- 9.2 It may be necessary to arrange a meeting with you and if you so wish you can be accompanied by a Trade Union representative or a Work Colleague.
- 9.3 Where it is considered appropriate, the matters raised may be referred to external agencies to investigate, e.g. the Police, External Auditor or through some other form of independent inquiry. We will of course, tell you if this is going to happen.
- 9.4 Within 10 working days of a concern being raised by you, the person handling the matter will write to you:-
- (a) acknowledging that the concern has been received.
 - (b) indicating how we propose to deal with the matter.
 - (c) giving an estimate of how long it will take to provide a final response.
 - (d) telling you whether any initial enquiries are being made.
 - (e) supplying you with information on staff support mechanisms.
 - (f) telling you whether further investigations will take place, and if not, why not.
- 9.5 Whilst the purpose of this policy is to enable us to investigate your concerns of malpractice/wrongdoing and take appropriate steps to deal with it, we will give you as much feedback as we properly can. Please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.
- 9.6 The Council will take steps to minimise any difficulties which you may experience as a result of raising the concern. Thus, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

10. How to Raise a Concern – Externally

- 10.1 This policy is intended to provide you with an avenue within the Authority to raise concerns. Whilst we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter

externally than not at all, provided you are acting in good faith and you have evidence to back up your concern.

10.2 Thus, you are completely at liberty to raise any concern externally at any time with any of the external agencies set out in Appendix "2". The telephone numbers are general contact numbers so you will need to explain the nature of your concern and ask to be put through to the appropriate Department and/or person.

10.3 These external agencies are aware of and have endorsed this policy.

11. Responsibilities

11.1 Staff and others working at the Council

- to be aware of this policy and procedure
- in making any disclosure to tell us if you have a direct personal interest in the matter.

11.2 Managers

- to make their staff aware of this policy and procedures
- to encourage a positive open working culture for staff and others working at the Council to express easily their concerns.
- to take concerns seriously
- to guide staff to the most appropriate route.

12. Review of this Policy

12.1 This policy will be reviewed annually by the Council. The Responsible Officer for the maintenance and operation of the policy is the Monitoring Officer.

SITUATIONS IN WHICH EMPLOYEES MIGHT BLOW THE WHISTLE

Example one

You are working in an area which regularly engages outside contractors. You have noticed how the one which has been named Council's preferred supplier doesn't deliver on time or to budget. Your Chief Officer who is very friendly with one of the staff in the contracting firm, doesn't appear to share your concerns, but is quick to make excuses for them. Senior management seem to have accepted these explanations and don't seem to be concerned. You suspect your Director may be receiving inducements. What should you do?

Report the suspicion to the Monitoring Officer.

Example two

You are in the gym within a Council leisure facility and you notice that everyone using a piece of equipment is now complaining of back trouble. You see that one part of it is loose, but, despite reporting it to the manager of the leisure facility, nothing had happened. What should you do?

Report the matter immediately to the Head of Health & Safety under the Health & Safety policy. Allow a reasonable time for the problem to be resolved and ask about progress. If you have genuine concerns that nothing is being done, contact the Monitoring Officer.

Example three

You work for a contractor in the staff restaurant, and over the past few weeks you notice a member of staff who doesn't seem to be paying for their food. You put this down to your error or their genuine mistake. However recently you notice the same person doing this on a daily basis. You are not sure what to do and you are worried because you did not report it the first time. What should you do?

Report the incident immediately to your Line Manager or their superior. If the concern involves your Line Manager or their Superior or your Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

Example four

You start work at the Council in an administrative role. It isn't long before you become aware that false claims for expenses are being made by certain people in your department. What should you do?

Report the incident immediately to your Line Manager. If the concern involves your immediate Line Manager or their Superior or Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Monitoring Officer.

APPENDIX 2

LIST OF EXTERNAL BODIES

<u>NAME & ADDRESS</u>	<u>AREA OF CONCERN</u>
Public Concern at Work Suite 306, 16 Baldwins Gardens LONDON, EC1N 7RJ (Tel. No. 020 7404 6609)	All matters of malpractice and/or wrongdoing.
Local Government Ombudsman The Commission for Local Administration in England 10 th Floor Millbank Tower Millbank London SW1P 4QP (Tel. No. 020 7217 4620)	Maladministration – causing injustice to a member of the public.
Thames Valley Police Windsor Road SLOUGH, Berkshire (Tel. No. 08458 505 505) or CRIMESTOPPERS Tel. (0800) – 555111	Breach of the Criminal Law
Headquarters: Fraud Squad Thames Valley Police c/o Loddon Valley Police Station Rushey Way Lower Earley, READING Berkshire, RG6 4PS (Tel. No. 01189 – 181818)	Fraud and Public Sector Corruption
The Health & Safety Executive Priestley House Priestley Road BASINGSTOKE, Hants (Tel. No. 0845 300 9923)	Health & Safety dangers
National Customer Contact Centre P O Box 544 Rotherham S60 1BY	Environmental dangers.
Inspection Unit Unit 6, Commerce Park Brunel Road THEALE. (Tel. No. 0118 – 930 – 6000)	Poor care practice/abuse in registered establishments, including care homes.