

WHISTLEBLOWER POLICY AND PROCEDURE

1. SCOPE

This policy applies to all employees and officers of the Council. Other individuals acting as 'workers' within the Council such as casual workers and agency workers, are also able to use this policy. It is acknowledged that members of the public may also contact the Council with their concerns and they will be investigated using this procedure.

This policy and procedure is not intended to form part of the contract of the employment of any individual employee.

2. AIMS

The official term for whistleblowing is 'making a disclosure in the public interest'; however it is much more commonly called 'blowing the whistle' or 'whistleblowing'. It means that if you believe there is wrongdoing in your workplace or within the public services provided by the Council, (e.g. corruption or wrongdoing such as improper, illegal or negligent behaviour) you can report this by following the correct processes, and your employment rights are protected.

The policy aims to:

- Encourage individuals to feel confident in raising concerns and to question, and act upon concerns.
- Provide various avenues for individuals to raise those concerns and receive a response to those concerns together with feedback on any action taken.
- Reassure employees and others making a whistleblowing report that they will be protected from possible reprisals or victimisation including dismissal if they have a reasonable suspicion that wrongdoing is occurring, has occurred or is likely to occur and make a disclosure about it in good faith using this procedure.
- Enable the Council to identify poor or inadequate practice and take corrective action.

3. ROLES AND RESPONSIBILITIES

Within this policy the following roles and responsibilities are adopted:

3.1 The Monitoring Officer

Is responsible for:

- the whistle blowing process,
- receipt and progression of any issues raised,
- notifying relevant people within the procedure,
- ensuring that issues are dealt with appropriately,
- keeping the whistleblower updated and notified of the outcome of investigations,
- keeping the Independent Member of the Standards Committee and Chief Executive aware of whistleblowing complaints,
- Liaising with the investigating officer(s).

3.2 Internal audit

- are responsible for conducting investigations and reporting on findings.

3.3 The Chief Executive

- takes responsibility for ensuring that if a systemic failure or serious operational issue is identified as a result of investigation findings, the recommended service change occurs.

3.4 An Independent Member of the Standards Committee with special responsibility for the whistleblower policy

- acts in an advisory capacity,
- protects and supports whistleblowers throughout the investigation and afterwards, should this be required.

3.5 Employees

It is the duty of employees to:

- report any incidents of malpractice, suspected theft, fraud or anything that may bring the Council into disrepute in accordance with this procedure to the Monitoring Officer,
- act in good faith, genuinely and honestly when making a disclosure,
- keep their disclosure confidential until such a time that the internal process has been exhausted.

4. PROCEDURE

4.1 Introduction

Hull City Council takes whistle blowing seriously. The Council is committed to maintaining an honest, fair and open culture with the highest standards of honesty and accountability. In line with that commitment we expect employees, members, and others with whom we deal, who have concerns about any aspect of the Council's work to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage. Any matter raised will be dealt with promptly and thoroughly investigated by an appropriate person in the Council. The whistle blowing procedure is described later in this document.

The whistle blowing procedure process flow can be found at Appendix 1.

4.2 Raising a concern

Whistleblowing reports can be made in a verbal, written or anonymous form. Anyone wishing to raise a concern can do so by contacting the Monitoring Officer, at the Guildhall, any customer service centre, 300300, elected members or the independent member of the Standards Committee.

A Whistleblowers Report form is available on the intranet and Council's website on which the details in connection with the concern should be recorded (Appendix 2).

To progress an investigation the following information is needed:

- Details of the activity being reported and why it is of concern.

- Details about where the activity is taking place.
- Details about who is involved.
- Details about when the activity took place.
- Details of any evidence e.g. receipts or other documents you might hold which evidence your concerns.

Once this information is captured, the form should be submitted to the Monitoring Officer or emailed to the Council's Whistleblower email box.

4.3 Initiating action

The Monitoring Officer will undertake the following:

- Record the data from the Whistleblowing Report form and acknowledge receipt in writing to the whistle blower within 5 working days.
- Make initial enquiries into the activity under investigation.
- Contact Internal Audit to discuss the investigation and the likely timeframe.
- Notify the Chief Executive, the Independent Member of the Standards Committee, and the relevant Head of Service that a case has been received, dependant on whom the allegation is against.

4.4 The investigation

Internal Audit will undertake the following:

- Appoint an investigator(s) to investigate the concern.
- Agree the timeframe for the investigation which will depend on the complexity of the case.
- Undertake the investigation.
- Involve others as required in the investigation e.g. other service areas in the Council, or other agencies such as the Police.
- Produce an investigation report.
- Identify lessons learnt for discussion with the Monitoring Officer and the Chief Executive.

4.5 Feedback

The Monitoring Officer is responsible for updating the whistleblower and the Independent Member of the Standards Committee with the outcome of the whistleblowing investigation. Routine feedback to members/officers will occur through normal reporting channels such as CST and Overview and Scrutiny Committee.

4.6 Involvement of the Whistleblower

The information provided on the Whistleblowing Report form, if sufficient, will allow a full investigation to take place. The amount of contact needed between those investigating the concerns and the whistleblower will depend on the nature of the issues raised and whether or not there is sufficient information with which to undertake the investigation. The whistleblower's identity will, so far as it is possible, be kept confidential.

Should further information be required in connection with the concern raised, you have the right, if you are a Council employee, to be accompanied at meetings/interviews by a trade union representative or work colleague, or the Independent Member of the Standards Committee if you so wish.

Whistleblowers are able to obtain support, advice or guidance from the Independent Member of the Standards Committee, whether they are employees or members of the public.

4.7 Taking the matter further

This procedure is intended to satisfy the concerns of whistleblowers and the Council hopes that the whistleblower will be satisfied with any action taken. If you are not, or you feel it is right to take the matter outside the Council, further independent advice is available from Public Concern at Work, Citizens Advice Bureau, Community Legal Advice Centre (CLAC) or Trade Unions.

4.8 Review of Findings

The Chief Executive will liaise with Corporate Director(s) as appropriate to discuss and agree any required service actions together with timescales. Corporate Directors will ensure that Heads of Service and their teams learn from feedback, implementing action plans to correct and improve service practice.

5. PROTECTION FOR WHISTLE BLOWING

5.1 Who is protected

The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns so long as they:

- Are employees or 'workers'.
- Believe that wrongdoing in the workplace is happening, has happened in the past or will happen in the future.
- Are revealing information of the right type (a 'qualifying disclosure').
- Reveal it to the right person, and in the right way (making it a 'protected disclosure').

5.2 When are people not protected

The law does not cover

- a person who acts improperly, for example in the way information is collected to support the allegation;
- any employee who knowingly makes false allegations against a colleague will be subject to the Council's disciplinary procedure.

5.3 What sorts of wrongdoing qualify for protection

When making a 'qualifying disclosure' about wrongdoing, this usually relates to:

- Criminal offences.
- Failure to comply with a legal obligation.
- Miscarriages of justice.
- Threats to an individual's health and safety.
- Damage to the environment, or
- A deliberate attempt to cover up any of the above.

5.4 Rules about how a disclosure must be made to make it a protected disclosure

For a disclosure to be protected it must be made to the right person and in the right way. A person must:

- Make the disclosure in good faith (with honest intent and without malice).
- Have reasonable belief that the information is substantially true.
- Reasonably believe that the disclosure is being made to the right person following the correct procedure.

5.5 What are the protections

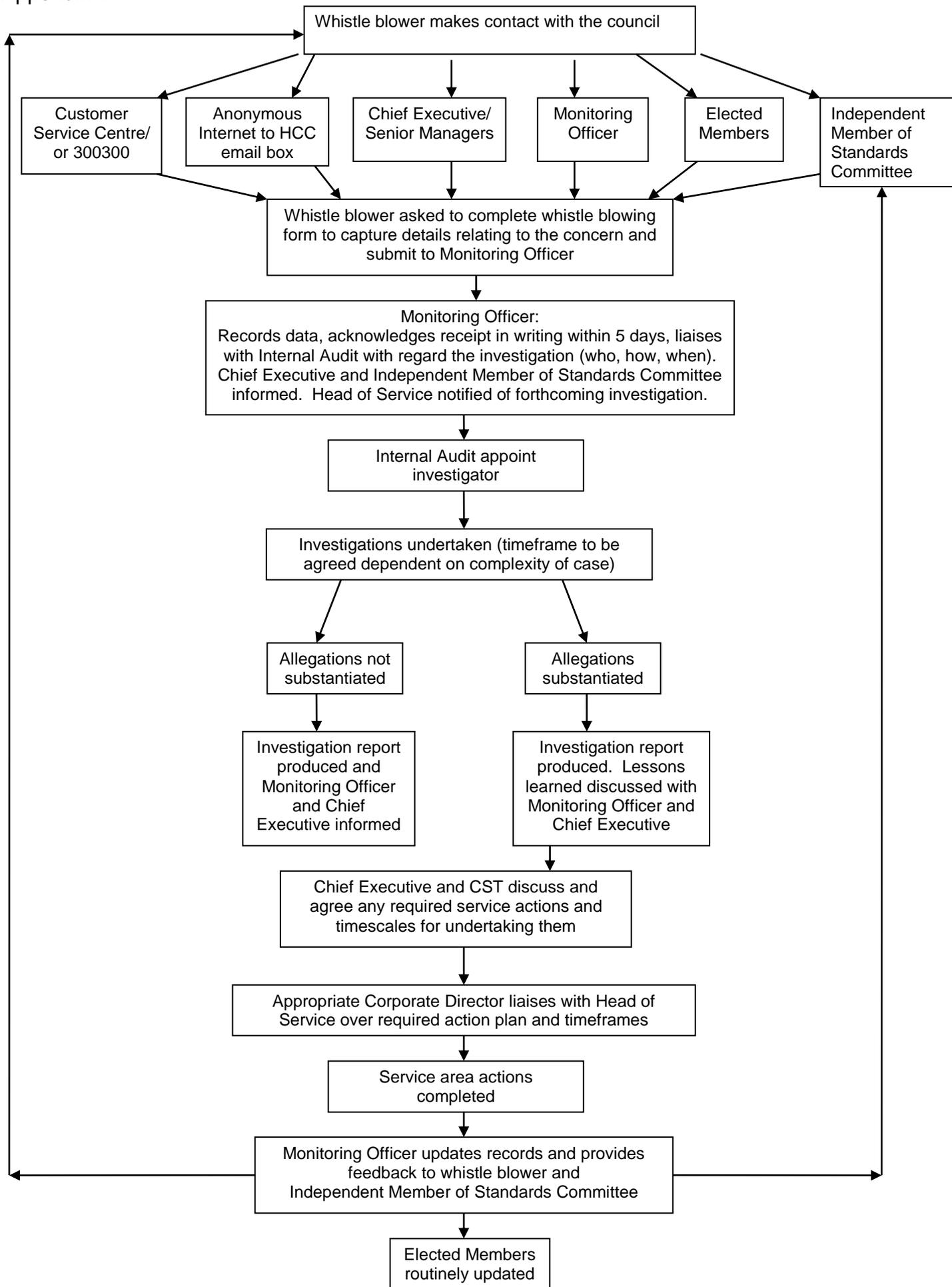
Provided the procedure is followed the person will be protected from any reprisals or victimisation or from being dismissed as a result of having made a protected disclosure.

Policy History:

Implementation date – 17 July 2003

Previous revisions – February 2006, April 2008

Appendix 1



Appendix 2

WHISTLEBLOWERS REPORT FORM

Please Note: When completed this form should be sent to the Monitoring Officer, Room 16, The Guildhall, Alfred Gelder Street, Hull HU1 2AA or by fax on (01482) 615112 or by email Whistleblower@hullcc.gov.uk

The information in this part is voluntary. You can if you wish report the matter anonymously but this may hamper the investigation and limit the possible outcomes.

First Name: _____ Last Name: _____

Home Address: _____

Email: _____ Tel Number: _____

If a Council employee please state your service area and job title

Service Area: _____ Job Title: _____

What is the activity you are reporting:

Where is the activity taking place? (please state location, building or council service area:

Who is involved? (if possible please identify individuals):

When did the event(s) take place? (if possible please provide precise dates or approximately when the activity occurred)

Any additional information (please continue on a separate sheet if necessary)

Date: