

Audit & Fraud Team (AFT)

WHISTLEBLOWING POLICY

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Whistleblowing Policy

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Whistleblowing Policy

1.0 Overview

- 1.1 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing.
- 1.2 The 1998 Act:
 - (a) is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice;
 - (b) although not requiring the employer to set up an appropriate mechanism for dealing with whistleblowing, the Act makes clear the important role that such a mechanism can play in helping the employer comply with the law (a good policy, is one key way, to deliver accountability throughout the organisation).
- 1.3 This is a joint Policy adopted by Dartford Borough Council and Sevenoaks District Council in order to facilitate shared working arrangements within both councils. For the purposes of this Policy, ‘Council’ and ‘Councils’ will be construed accordingly.
- 1.4 The Councils take seriously and will investigate all reports of improper activities. This Policy aims to ensure that when concerns are raised, the Councils will address the concerns and protect the person raising the concern.
- 1.5 The Councils aim to mitigate the risk of inappropriate behaviour by those undertaking work on behalf of either or both Councils. To mitigate the risks of inappropriate behaviour, the Councils refer to this Policy in contracts with suppliers and service providers, in the Procurement Guide and in their partnership arrangements.
- 1.6 Employees are often the first to realise that there may be something seriously wrong within their Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment, victimisation or recrimination from their Council.
- 1.7 Both Dartford and Sevenoaks Councils take their responsibilities for safeguarding public funds and assets seriously, as well as safeguarding the well-being of their employees. Thus this Policy outlines a framework which provides potential whistleblowers the opportunity to communicate their concerns within a safe environment without fear of recrimination.

- 1.8 The Councils are committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Councils expect employees and others that they deal with who have serious concerns about any aspect of their Council's work, to come forward and voice those concerns. The Councils recognise that whistleblowers may wish to raise concerns on a confidential basis.
- 1.9 This Policy applies to all employees (including temporary and agency staff), councillors, co-optees, contractors, their agents and/or sub-contractors, consultants, suppliers and service providers in the course of their work for the Councils.
- 1.10 This Policy does not replace the Councils' Corporate Complaints and Grievance Procedures and/or any other statutory reporting procedures applying to the Councils.
- 1.11 This Policy furthers the aims of and is complementary to the Code of Conduct for Local Government Employees, the Councils' Anti-Fraud and Corruption Strategy and the Member Code of Conduct.

2.0 Aims and Scope of this Policy

2.1 This Policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns in practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

2.2 Where you are aggrieved at any matter relating to your own employment, then other procedures apply e.g. grievance procedure. You must not use the Policy to deal with day to day problems, mistakes or general differences of view that arise in your workplace. Operational matters should be raised with management first.

2.3 This Policy is intended to cover the following areas of concern:

- conduct of a criminal nature or a breach of the law;
- bullying, harassment or victimisation of a third party;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of customers;

- breach of Council procedures; or
- other unethical conduct or malpractice.

(Please note that the above list is not exhaustive, as there may be other areas of concern which may not be mentioned here)

2.4 Any serious concerns that you have about any aspect of service provision or the conduct of officers, councillors, co-optees, partners or others acting on behalf of the Council, can be reported under this Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- relates for example to a breach of the Council's Standing Orders, Financial Regulations, policies, practices and procedures; or
- falls below established standards of practice; or
- amounts to improper conduct.

3.0 Safeguards

3.1 Harassment or Victimisation

3.1.1 By publicising this Policy, the Councils are demonstrating a strong commitment to good practice and high standards in protecting their employees from harassment and victimisation.

3.1.2 The Councils recognise that the decision to report a concern can be a difficult one to make. Where you are raising a concern in good faith, you will have nothing to fear, because you will be doing your duty to your Council and those for whom you are providing a service; as well as acting in the wider public interest.

3.1.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, (which may include removal from the workplace of the offending party where appropriate) to protect you when you raise a concern in good faith.

3.2 Confidentiality

3.2.1 The Council will use its best endeavours to treat in confidence all concerns raised and every effort will be made by the Council not to reveal your identity without your agreement. However, it must be appreciated that the Council cannot guarantee that any investigation process will not reveal the source of the information.

3.3 Anonymous Allegations

3.3.1 While you are encouraged to put your name to your allegation whenever possible, it is recognised that in some instances, employees may have genuine concerns about their safety, security of well-being which may preclude them from revealing their identity. Under such

circumstances, employees may make anonymous complaints or allegations.

3.3.2 Concerns expressed anonymously are much less powerful, but will be considered, on their merits, at the discretion of the Council.

3.3.3 In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources and available evidence.

3.4 Untrue Allegations

3.4.1 If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a false or malicious allegation, for an ulterior motive, disciplinary action may be taken against you. It is therefore important that you ensure your allegation is made in good faith.

4.0 How to raise a concern

4.1 Depending on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, you are encouraged in the first instance to raise concerns with your immediate manager or your superior. If the concerns are about management, then contact any one of the following:

Dartford Borough Council:

- (a) Graham Harris Managing Director (and Head of Paid Service and Section 151 Officer) or;
- (b) Chris Oliver Executive Director (and Monitoring Officer) or;
- (c) Your Director
- (d) Your Senior Manager; or
- (e) Audit & Anti-Fraud Team

Sevenoaks District Council

- a) Your Director
- b) The Chief Executive
- c) The Head of Legal Services
- d) An appropriate Head of Service
- e) The Audit & Anti-Fraud Team

- 4.2 Concerns may be raised verbally or in writing. A dedicated telephone number has been set up to allow you to speak in confidence to the Audit & Fraud Team. If you wish to submit your concern in writing, send this to the Audit, Risk & Anti-Fraud Manager, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR and mark your envelope 'private and confidential'. Alternatively you can email .
- 4.3 You are invited to use the following format:
- the background and history of the concern (giving relevant dates);
 - the reason why you are particularly concerned about the situation.
- 4.4 The earlier you express the concern, the easier it is to take action, as delays may make it more difficult to obtain the relevant evidence.
- 4.5 Although you are not expected to prove beyond doubt the truth of an allegation, you should ensure that there are reasonable grounds for your concern.
- 4.6 Advice and guidance on how matters of concern may be pursued can be obtained from the Audit, Risk & Anti-Fraud Manager.
- 4.7 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 4.8 Where concerns are raised in person, you may invite your trade union representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 4.9 An officer will be appointed to investigate your concerns.

5.0 How the Councils will respond

- 5.1 The Councils will take every whistleblowing concern impacting on fraud and corruption seriously and will conduct an appropriate investigation.
- 5.2 Where appropriate, the matters raised may:
- be investigated by senior management and/or the Audit & Fraud Team, or through the disciplinary process;
 - be referred to the police;
 - be referred to the external auditor; or
 - form the subject of an independent inquiry.
- 5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Councils have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.

- 5.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 5.5 Within ten working days of a concern being raised, the investigating officer will write to you if you provide your contact details:
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supply you with information on staff support mechanisms; and
 - telling you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the investigating officer and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officer will seek further information from you.
- 5.7 Where any meeting is arranged, off-site if you so wish, a union representative or professional association representative or a friend can accompany you.
- 5.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and support.
- 5.9 The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will be informed of the outcomes of any investigation.

6.0 The Responsible Officer

- 6.1 The Chief Executive/Managing Director has overall responsibility for the maintenance and operation of this Policy. A record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) is maintained and reported (in such a way as to preserve confidentiality), to the relevant committees of the Councils.

7.0 How the matter can be taken further

- 7.1 This Policy is intended to provide you with an avenue within your Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- Public Concern at Work on 0207 404 6609 (a charity which gives advice about raising concerns)
 - External Audit
 - Your local Citizens Advice Bureau

- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- Your trade union representative
- Local Government Ombudsman

7.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information without obtaining further advice from any of the Council contacts referred to above.

8.0 Policy review

This Policy will be subject to annual review by the appropriate committee. The review will take into consideration the views of users of the Policy and any relevant professional or regulatory changes. It will also ascertain if changes to the Policy, either in whole or in part, are necessary. The Audit, Risk & Fraud Manager will recommend any changes, as appropriate, to the relevant committee of the Councils.

9.0 Any doubts?

9.1 If there are any doubts about the contents of this Policy or where there are issues that are not adequately covered, then the matter should be discussed with the Audit, Risk & Fraud Manager.