

	<b>Stoke-on-Trent City Council</b>
	<b>Confidential Reporting (‘Whistleblowing’)</b>



# ***Confidential Reporting (“Whistleblowing”) Procedure for People Working at the Council***



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## **1.0 Introduction**

- 1.1 This procedure applies to all individuals working at all levels of the Council, including senior managers, officers, directors, employees, Members, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers.
- 1.2 Stoke-on-Trent City Council believes in providing a good quality of service to the public in Stoke-on-Trent through promoting good practice and stamping out poor practices. 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 to prevent such situations occurring or to address them when they do occur.
- 1.3 Individuals working within or alongside an organisation are often the first people to realise that there may be something seriously wrong. However, a person may not want to speak up about it in case they seem disloyal to colleagues, or they may be concerned about being victimised or harassed or for some other reason. The person might also be worried that they could be wrong or it might just seem too complicated and therefore easier to say nothing.
- 1.4 The Council requires all those working at the Council to raise any concerns at the earliest opportunity to enable the Council to address potential wrongdoing quickly and effectively. Our primary duty is to the public and users of our services. Loyalty to colleagues or our employer must take second place to that primary duty.

## **2.0 Aim of the Confidential Reporting Procedure**

The aim of this procedure is to encourage people working with the Council to report suspected wrongdoing as soon as possible, in the knowledge that:

- They are able to raise genuine concerns in good faith without fear of reprisals;
- Their confidentiality will be respected; and
- Their concerns will be taken seriously and properly investigated where appropriate.

## **3.0 Concerns to which the Confidential Reporting Procedure Apply**

- 3.1 The Confidential Reporting Procedure applies where a person has a serious concern that wrongdoing by the Council, its staff, volunteers, contractors or suppliers has occurred, for example:
- The commission or likely commission of a criminal offence;
  - A breach of the law;
  - A breach of a professional code of conduct;
  - A breach of City Council policy or procedures;
  - An unauthorised disclosure of confidential information;
  - Fraud, corruption or unauthorised use of public funds;
  - A danger to health and safety;

- Sexual, physical, emotional or other abuse of children or vulnerable adults;
- Bribery;
- Unprofessional conduct such as bullying or harassment of other staff or discrimination;
- Behaviour likely to bring the Council into disrepute; and / or ☐ Other improper conduct.

3.2 This procedure also applies where a person has concerns about:

- A miscarriage of justice having occurred or being likely to occur, or ☐ Damage to the environment occurring.

3.3 The Confidential Reporting Procedure should also be used if a person has concerns that any of the above matters are being deliberately concealed.

3.4 This procedure should not be used for complaints relating to a person's own personal circumstances, such as the way they have been treated at work, for which the Grievance Procedure or other appropriate procedure should be used. Human Resources (HR) can advise on what procedure is appropriate to an employee's concern.

#### **4.0 Person to Whom a Concern Should Be Reported**

(If, for whatever reason, a person does not feel they can follow the process below, 4.7 provides an alternative route)

##### **4.1 Line manager**

Any concerns should be raised initially with the person's immediate line manager or supervisor where possible.

##### **4.2 More Senior Manager**

Where it is not appropriate to raise a concern with an employee's immediate line manager, for example where:

- The person has already spoken with the manager and the manager has not taken up their concerns;
- The manager seems to be already aware of the circumstances and have failed to act on them; or
- It is the manager's own behaviour which is cause for concern.

The concerns should normally be raised with the line manager's own manager.

##### **4.3 Assistant Director or Director**

If a person raising concerns prefer to talk to someone outside their direct management they can raise it with their Assistant Director, Director or member of the Senior Management Team.

#### **4.4 Principal Social Worker**

For matters relating to adults' or children's social care, the Principal Social Worker should be contacted on 01782 235969, a separate procedure exists for matters involving people working with children.

#### **4.5 Fraud or Financial Irregularities**

For raising concerns about possible fraud or financial irregularities, the Assistant Director-Finance, Strategic Manager – Audit and Fraud or the Fraud Team Leader can be contacted directly or alternatively the Fraud Hotline can be telephoned on 01782 236800.

#### **4.6 Health and Safety Team**

For concerns over health and safety the Assistant Director Operational Management can be contacted directly on 01782 236648.

#### **4.7 Section 151 Officer and / or Monitoring Officer**

If for whatever reason a person feels unable to raise their concerns to management within their own Directorate, and either it does not fall within one of the above specialist areas or for whatever reason they feel they cannot contact the relevant person for that specialist area they can report it to the City Council's Section 151 Officer who is the Assistant Director Finance by telephone on or 01782 238510; the City Council's Monitoring Officer, who is also the Assistant Director – Governance by telephone on 01782 233200 or the Strategic Manager – Audit and Fraud by telephone on 01782 232689.

#### **4.8 Terrorism**

For raising concerns regarding someone who it is believed may be at risk of getting involved in extremism contact the Staffordshire Police Prevent Team on (01785) 232054 or email [prevent@staffordshire.pnn.police.uk](mailto:prevent@staffordshire.pnn.police.uk). Alternatively the Channel Chair (Amanda Owen) can be contacted on (01782) 231970 or email [amanda.Owen@stoke.gov.uk](mailto:amanda.Owen@stoke.gov.uk).

#### **5.0 Trade Union Support**

5.1 The City Council recognises that staff may wish to seek advice and be accompanied by a Trade Union(s) when using the provisions of this procedure and acknowledges and endorses the role Trade Union representatives play in this area.

5.2 Any staff member raising concerns under this procedure may request the presence of a trade union representative at any meetings held.

#### **6.0 Other Sources of Help and Advice**

6.1 Free and independent advice and support is available from ACAS (<http://www.acas.org.uk/index.aspx?articleid=1919> and Helpline: 0300 123 1100), Public Concern at Work (020 7404 6609 or <http://www.pcaw.org.uk/>) or the Citizen's Advice Bureau.

6.2 Social care staff working with adults can seek advice through their national Whistleblowing Helpline on 08000 724 725.

6.3 For those working with children, OFSTED run a Whistle-blowing hotline on 0300 123 3155, and information is also available at: <https://www.gov.uk/government/publications/whistleblowing-aboutchildrens-social-care-services-to-ofsted>

6.4 While these bodies cannot investigate concerns on a person's behalf, they can talk through the correct process and how the person can raise a concern.

## **7.0 How to Report Concerns**

7.1 Concerns may be reported in writing, by telephone, or by asking to speak confidentially to the person. Alternatively the person may also ask their trade union to raise the matter on their behalf.

7.2 When reporting a concern, the person should make it clear that they wish to report a matter under this procedure, and also as far as possible, indicate:

- their name and contact details (but see section 8.0 below)
- the nature of their concern;
- why they believe it comes under the Confidential Reporting Procedure;
- if applicable, who they believe is or may be involved in any wrongdoing;
- what action, if any, they wish to see taken to deal with the matter; □ any other people who they believe may support their concern; and □ who has already been informed of the matter and the result.

7.3 They should also indicate whether they are prepared to meet with the person to whom they are reporting their concerns to discuss the concerns further, and whether, if necessary, they would be prepared to give evidence to any subsequent investigation.

## **8.0 Concerns Raised Without Giving a Name**

8.1 A person may, if they wish, report a concern without giving their name. They should be mindful, however, that if the person contacted does not know who the information has come from, and cannot contact them for further information, it may be difficult or sometimes impossible for them to investigate the matters that are raised.

8.2 If a person does not give their name, they will also not be able to receive feedback on the outcome of their disclosure.

8.3 A manager who receives an anonymous complaint will take advice on how to proceed from their Assistant Director.

8.4 It should be noted that, even if a person raising a concern gives, for example, an anonymous e-mail account or post office box for a response, the Council will not provide feedback (which may contain confidential information and

personal details) where the identity of the person to whom the information is to be provided is not known.

## **9.0 Response to Concerns Raised**

### **9.1 Situations of Imminent Danger**

If the concerns raised indicate that anyone may be at serious risk or in danger or any child or adult is currently experiencing or is at risk of abuse or neglect, the person to whom these concerns are reported (the “receiver”) must immediately alert the relevant people or external agencies responsible to ensure that prompt action is taken to protect them.

### **9.2 Initial Assessment / Meeting**

- i) The receiver should assess whether the issues raised are ones to which the confidential reporting procedure applies. If they are not (and person raising the concern is known) they should refer the person raising the concern (the “reporter”) to the correct procedure to follow (for example the grievance procedure).
- ii) If the matter appears to be one to which the confidential reporting procedure applies the receiver should (if possible and with their agreement) meet with the reporter as soon as possible and in any event within 3 working days to discuss the issues raised, and obtain from them full details of their concerns.
- iii) For staff to raise concerns they need to feel supported at an early stage; the receiver should, listen to the disclosure treating the person as a witness rather than a complainant and be open and honest throughout.
- iv) Guidance on the support that can be offered to those raising concerns can be found at section 12.0 below.
- v) The receiver should make sure that they manage the expectations of the reporter. The reporter should be told that whilst they are providing potential evidence of wrong-doing, the Council is responsible for investigating this and determining what actions are appropriate in the circumstances. The reporter cannot insist that the Council take a specific approach in dealing with it.
- vi) The reporter should be told the next steps that will be taken the relevant timeframes and to whom the matter will be referred to investigate.
- vii) The receiver should keep a full written record of the meeting.
- viii) If the reporter does not have access to, for example, trade union representation, they may wish to be supported by a colleague at this meeting. This may be allowed depending on the nature of the concern raised, and the confidentiality involved.

### **9.3 Formalising the Concerns in Writing**

If legitimate concerns have been raised which fall within this procedure, and the reporter has not already done so, the receiver should ask them to

formalise their concerns in writing. They may ask for this to be done either before or after the initial meeting.

#### 9.4 Referral for Investigation

- i) If the receiver believes they include serious matters to which this procedure applies and which require investigation then they should contact the relevant person responsible in accordance with the list below for them to arrange an investigation (the “investigator”) (the investigator should be at least Strategic Manager level):

<b>Matter:</b>	<b>Investigator</b>
Wrong-doing by specific identified staff	Line manager of the staff member concerned
Concerns over the provision of a specific Council service	Manager in charge of the service concerned
Matters relating to the welfare, care and protection of children	Assistant Director – Early Intervention and Children’s Social Care
Matters relating to the safeguarding of adults with care and support needs	Adult Safeguarding Team Manager
Financial irregularities or suspected Fraud	Assistant Director- Finance or Strategic Manager - Audit and Fraud
Health and Safety Concerns	Assistant Director Operational Management
Concerns about work undertaken by contractors, including the provision of care	Manager responsible for the Council service for whom the work is being undertaken

Behaviour of Councillors	Monitoring Officer
Matters outside the Council which the Council is responsible for investigating	Manager in charge of the relevant Council department
Any matters not covered above (or if unclear)	Monitoring Officer

- ii) Unless the reporter did not give their name, referring the matter for investigation should be done in consultation with the reporter (with particular regard to issues of confidentiality). The reporter should be informed that this has been done, and to whom it has been referred.
- iii) If the receiver does not believe the matter is sufficiently serious to warrant an investigation, or is not a matter to which the confidential reporting procedure applies, they must keep a written note of their decision and reasons for it, and, unless the complaint was made anonymously, write to the reporter informing them of this within 2 working days, giving reasons.
- iv) If the reporter considers that the matters raised have not been properly dealt with, they may escalate the matter to a more senior manager or monitoring officer in accordance with section 4.0.

## 9.5 Notification of the Outcome of the Initial Meeting and Next Steps

The receiver should write to the reporter within 2 working days of their initial meeting, including:

- a copy of this procedure;
- a copy of the written record of the meeting;
- a note as to who will be investigating the matter, or if it is not to be investigated, an explanation as to why not;
- an explanation of what will be done in respect of their concerns in the short term pending any investigation;
- details of what support is available to the person and where they can access advice; and
- a statement that if they consider that they are experiencing any detriment or difficulties as a result of their raising their concerns, they should report it immediately to them or HR for action.

## 10.0 Investigating the Concerns

### 10.1 Procedure

- i) Any investigation into concerns raised under this procedure should be dealt with in accordance with the normal applicable procedure for dealing with

the particular issue identified. As an example, safeguarding issues will be investigated using the Stoke on Trent Safeguarding Board Procedure. Any investigation must treat the reporter as a witness rather than as a complainant.

- ii) If the reporter is asked to provide evidence for any investigation, unless the reporter agrees otherwise, the fact that the person made the original disclosure should, so far as is reasonably practicable, be kept confidential. In particular, unless this not possible, the reporter should be asked to give a new statement of evidence as part of the formal investigation, and the existence and contents of their original, confidential report not disclosed.

## **10.2 Keeping the Concerned Person Informed**

- i) If the investigator has been informed of the identity of the reporter, they should write to them:
  - informing them that they are investigating the matter;
  - explaining how they intend to deal with the concerns raised; and
  - giving a timeframe in which they expect to conclude their investigation.
- ii) As far as confidentiality allows the investigator should then subsequently keep the reporter informed of the progress of the investigation on a regular basis.

## **10.3 On Conclusion of the Investigation**

- i) Unless the reporter did not give their name, at the conclusion of the investigation the investigator should (subject to confidentiality requirements) write to the reporter within 2 working days advising them of the outcome of the investigation. As an example, they might be told that action was taken to ensure an employee's behaviour was not repeated, but not what sanction was applied.
- ii) The investigator should ensure that information is fed in to the Council's monitoring and reporting requirements by either Assistant Director Finance, Assistant Director – Governance or the Strategic Manager - Audit and Fraud according to the type of investigation.

## **11.0 Confidentiality**

11.1 Any receiver under this procedure must make every effort to keep the identity of the reporter confidential. Communication of the identity of the reporter should only be made where absolutely necessary and in consultation with them. When communicated to another person, that person must also agree to maintain confidentiality.

11.2 As set out in Section 10.1ii) above, where an investigation is launched into the issues raised, the reporter may be interviewed (possibly alongside other witnesses) but as far as possible this should be under circumstances which do not reveal them as the source of the initial information disclosed.

11.3 While the Council will make every effort to preserve it, they cannot absolutely guarantee anonymity for a reporter making disclosures, particularly where a full investigation is underway. Third parties may be able to guess the identity of the reporter from surrounding circumstances. In addition, particularly in criminal matters or other legal proceedings, the Council may be legally obliged to identify the reporter.

## **12.0 Support for the Person Who has raised Concerns**

Raising concerns can be daunting. The receiver should offer support to the person raising concerns. The City Council's Counselling service can be contacted on <http://www.thedoveservice.org.uk>

## **13.0 Victimisation of People Raising Concerns**

Reporters raising genuinely-held concerns under this procedure should not be subjected to any detriment as a result of their doing so, even if their concerns subsequently turn out to be misplaced. If a person is victimised, mistreated or subject to any other detriment as a result of any concerns raised, the Council will take disciplinary action against anyone found to be responsible.

## **14.0 Discussing Matters Externally**

### **14.1 Prescribed Persons**

- i) Ideally workers will feel able to make a disclosure to the Council. This procedure for handling whistle-blowing will help to encourage this. However, in circumstances where they feel unable to, the law provides for "prescribed persons" for employees who wish to raise concerns.
- ii) Prescribed persons are mainly regulators and professional bodies but include other persons and bodies such as MPs. The relevant prescribed person depends on the subject matter of the disclosure, for example a disclosure about wrong-doing in a care home for adults could be made to the Care Quality Commission or for children to OFSTED.
- iii) A complete list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-ofprescribed-people-and-bodies--2>

### **14.2 Other External Disclosures**

- i) This procedure provides for a confidential process by which staff can raise their concerns with the Council and the law provides for prescribed persons with whom matters may be raised externally if required. There should, therefore, be no need for the disclosure of matters confidential to the Council to be disclosed to third parties outside this procedure.
- ii) All Council staff, contractors, workers and volunteers are under a duty of confidentiality with respect to information they receive about the Council and its affairs, and anyone who leaks confidential information to third parties

outside this procedure will not be protected by it and may expect to face disciplinary action up to and including dismissal.

## **15.0 Malicious Complaints**

15.1 This procedure is intended to protect people who raise matters of genuine concern, even if they subsequently prove to be mistaken. A person raising concerns which they know to be false or have no reason to believe are true

will not be protected by this procedure and may be subject to disciplinary action by the Council, which may lead to dismissal.

## **16.0 Rebuilding Relationships**

16.1 This procedure is designed to ensure that the identity of those raising concerns is kept confidential as far as possible, and to ensure that those doing so have no action taken against them and do not suffer a detriment as a result. It is a principle of this procedure that raising concerns is seen as a duty of all those working at the Council and in a positive light.

16.2 However, in practice, the raising and investigation of concerns can have an impact on relations between colleagues. After the concerns raised are investigated, it is important that the investigator recommends, where necessary, steps to rebuild trust and relationships amongst those concerned. This might involve mediation or other forms of dispute resolution.

## **17.0 Guidance, Briefings and / or Training for Workers and Managers**

17.1 Guidance, briefings and / or training as required should be provided to all workers on the key arrangements of the Council's Confidential Reporting Procedure, including how to raise any concerns. Additional guidance, briefing and / or training should be provided to those with responsibilities in respect of confidential reporting (such as managers or designated contacts) to enable them to provide guidance confidently to workers.

## **18.0 Monitoring and Review**

18.1 The number, nature and outcomes of confidential disclosures made to Council officers will be recorded and monitored by the Assistant Director Governance. An annual report will be made to the Audit Committee and, as appropriate, to the Standards Committee.

18.2 Where, as a result of disclosures, action has been taken to improve future practice, the action taken and improvements to practice made should be reported.

## **19.0 Status of This Procedure**

19.1 For the avoidance of doubt this procedure does not form part of any individual's contract of employment and it may be amended at any time.