



The Council's Policy on

Whistleblowing - a code for confidential reporting of malpractice

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SPEAK OUT! POLICY

WHISTLEBLOWING – A CODE FOR CONFIDENTIAL REPORTING OF MALPRACTICE

Introduction

People working for Kirklees are likely to be amongst the first to notice if there is something wrong within the Council, but may find it difficult to speak up because of feelings of disloyalty, or because they fear harassment or victimisation. It is often easier to ignore malpractice, rather than report it and this is why we read in the newspapers of major scandals in local authorities which have been going on for years.

We expect the very highest standards of probity and want to operate openly and accountably. If you work for the Council, you have a responsibility to voice any concerns you have about possible malpractice, so that appropriate action can be taken. This whistleblowing policy is intended to encourage and allow you to raise your concerns **within** the Council, confidentially. We will make sure that you will not be victimised or suffer disadvantage if you report your genuine concerns.

There are existing procedures which allow employees to raise issues regarding their employment and it is not intended that this policy should replace these: nor is it to be used by those who are generally dissatisfied at work. It is to allow you to bring to the attention of those who can make a difference, any practice which you believe, or suspect:-

1. Is unlawful;
2. Is a serious breach of the Council's Standing Orders or Policies;
3. Falls substantially below established standards of practice;

4. Amounts to improper conduct.

It is difficult to come up with a complete list of issues which might cause concern, but you should report fraud, corruption or financial irregularities, the physical, mental or sexual abuse of clients, unfair discrimination, abuse of power, dangerous practices, criminal conduct, serious damage to the environment, negligence, unprofessional behaviour and evasion of statutory responsibilities. The malpractice might be carried out by Council employees, contractors, consultants, or Elected Members.

Safeguards Against Victimisation or Harassment

It will often be very difficult for workers to report their concerns and the Council will provide support for those who do. We will not tolerate any harassment or victimisation and will take action to protect anyone who raises genuine concerns.

We will do our best to protect your identity if you do not want your name to be disclosed. You may, however, be required later to come forward as a witness and at that point your identity may have to be disclosed. If this happens, we will discuss with you the support and protection we can offer.

If you believe the allegations and they are made in good faith, then even if not proven by the investigation, you will not suffer as a result.

Making allegations anonymously

We want people to give their name when making an allegation so that we can check the facts with them and make sure that it is not merely malicious or mischievous. If you feel unable to give your name, then this should not stop you reporting your suspicions. Anonymous allegations will still be considered, but will be much more difficult to investigate.

False allegations

If you make an allegation frivolously, maliciously, or for personal gain, you may be disciplined.

How to raise a concern

This will depend on who you think is involved in the malpractice and how serious the issues are. Normally you should first speak to your immediate manager. If, however, you feel that the matter cannot be resolved by talking to your line manager, if for example, you believe that they are involved, then you can speak to their manager, or raise it with your Head of Service. You can also seek advice from your Personnel Officer, Equalities Officer, or trade union representative, on the most appropriate way of reporting your suspicions.

If you do not feel able to contact any of these people, you can talk to any of the Council's Whistleblowing Officers, who are:

- Barrie Parkinson, Head of Human Resources, 1st Floor, Oldgate House, Tel: 01484 225241.
- John Emms, Solicitor to the Council, Legal Services, Civic Centre III, Tel: 01484 221441.
- Caroline Taylor, Head of Customer Relations, High Street Buildings, Tel: 01484 223320.
- Dick Hewitson, Chief Finance Officer, Civic Centre I, Tel: 01484 221124.

There is also a confidential 'malpractice hotline' where you can leave a message which can only be listened to by one of the Whistleblowing Officers, Tel 01484 225030, or 7007 from an internal phone, anywhere in the Council.

You should let us know your concerns as early as possible and give as much information as you can, including names, dates, places, history and why you are concerned.

You may bring your trade union representative or a friend with you to any meetings or interviews if it is necessary for you to be questioned about the allegations you have made.

How the allegations will be dealt with

All allegations will be investigated; how and by whom depends on how serious they are and who they involve. The investigation may be handled internally, referred to the District Auditor or Police, or looked at by an independent inquiry.

If you raise your concerns under this policy, then will write to you within 10 working days saying:-

What we intend to do;

How long we think this will take;

Whether any more information is required you.

If we do need to meet with you, we will contact you to see how we can do this, whilst maintaining confidentiality. We will try to minimise any difficulties you might have as a result of raising your concern. If you are required to give evidence in criminal or disciplinary proceedings, we will ensure you receive advice and support.

Providing that there are no legal constraints, we will let you know the outcome of the investigation, so that you can see that the matter has been properly addressed.

Raising your concerns elsewhere

This whistleblowing policy has been drawn up so that you can have your concerns dealt with by managers in the Council. If, however, you have no faith in those investigating your concerns or if, after you have raised your concerns, you feel there has been a cover-up, then you may consider one of the following contact points.

1. A Councillor – names and addresses can be obtained from Kirklees Libraries.
2. Your Trade Union.
3. The District Audit – name and address in Appendix A
4. Public Concern at Work – address given in Appendix A
5. The Police

Employees of the Council have a responsibility not to undertake any actions which might bring the Council into disrepute. If you **do** decide

to report your concerns outside the Council, you must ensure that you have a good reason for doing so, and you must not disclose confidential information.

Using other Procedures

The Council has other procedures which you might wish to use instead of **SPEAK OUT!**, depending on the nature of your concern. These include procedures on Grievance, Dignity at Work, Recruitment Complaints and Corporate Complaints, Anti-Fraud Policy. If you don't know where to find these, or need advice on which procedure is the most appropriate, contact your Personnel Officer or Trade Union representative.

Summary

Whilst we try and ensure the very highest standards of conduct within the Authority, serious failure, irregularities, dishonesty and wrongdoing occasionally occur. Where employees fail to report their suspicions, they can become implicated, by their silence, in the wrong-doings. Failure to report such matters will be treated seriously and may lead to disciplinary action being taken against you. The Authority encourages you to expose malpractice and our policy is to protect you and ensure your complaints are dealt with properly.

The Authority may be able to offer a whistleblowing service to local voluntary organisations. Contact David Dowse on 01484-225141 for further details.

APPENDIX A

Raising your concerns outside the Council

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1. A Councillor – names and addresses can be obtained from Kirklees Libraries.
2. Your Trade Union.
3. The District Auditor
Kernel House, Killingbeck Drive, Killingbeck, Leeds LS14 6UF
Tel: 0113 2517130
4. Audit Commission Hot line No. 020 7630 1019
5. Public Concern at Work
Suite 306, 16 Baldwin Gardens, London, EC1N 7RJ
Tel: 0207 404 6609
6. The Police Crimestoppers 0800 555 111
West Yorkshire Police 0845 60 60 606

Employees of the Council have a responsibility not to undertake any actions which might bring the Council into disrepute. If you do decide to report your concerns outside the Council, you must ensure that you have a good reason for doing so, and you must not disclose confidential information.