

**Stoke-on-Trent City Council**

**Confidential Reporting /  
(Whistleblowing) Procedure**



# Confidential Reporting *(Whistleblowing) Procedure*

Directorate/ division/team	Corporate Services/HR and Transformation	Author(S)	Human Resources
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## **1.0 Introduction**

Stoke-On-Trent City Council (the “City Council”) is proud of the high standards it operates and believes in providing a good quality service to the public in Stoke-on-Trent and in 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 in order to prevent such situations occurring or to address them when they do occur.

Individuals within an organisation are often the first people to realise there may be something seriously wrong. However, staff 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. Staff members might also be worried that they could be wrong or it might just seem too complicated and therefore easier to say nothing.

All Council staff have a right and a responsibility to raise concerns about poor practices. The City Council’s Code of Conduct makes this clear. Our primary duty is to the public and users of our services, and loyalty to our colleagues, the department or the City Council must take second place to that primary duty.

Any complaints received from external customers, should be reported through the Corporate Complaints Procedure.

## **2.0 Application of the Procedure**

This procedure applies to all individuals working at all levels of the City Council.

## **3.0 Aim of the Procedure**

The aim of this procedure is to encourage staff 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.

## **4.0 Concerns to Which the Confidential Reporting Procedure Applies**

The confidential reporting procedure applies where a staff member has a serious concern that wrongdoing 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 or corruption;
- A danger to health and safety;
- Sexual, physical, emotional or other abuse of vulnerable people;
- Bribery; and / or
- Other improper conduct.

It also applies where they have concerns about:

- A miscarriage of justice having occurred or being likely to occur;
- A danger to health and safety; or
- Damage to the environment occurring.

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

This procedure should not be used for complaints relating to a staff member's own personal circumstances, such as the way they have been treated at work. In those cases they should use the grievance procedure or, if there is one, the procedure applicable to their specific complaint (for example the Job Evaluation procedure in the case of issues relating to pay and grading). A copy of the grievance and other applicable complaints procedures are available from HR or via the Intranet, and HR will also be able to guide staff as to the correct procedure to use.

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

### **Line Manager**

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

### **More Senior Manager**

In cases where a staff member does not feel able to talk to their line manager, for example where:

- They have already spoken with them and they have not taken up their concerns;
- They seem to be already aware of the circumstances and have failed to act on them; or
- It is the line manager's own behaviour which is cause for concern;

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

### **Assistant Director or Director**

Where, for the reasons given above, a staff member prefers to talk with someone outside their direct management they can raise it with the relevant Assistant Director or Director.

### **Statutory Complaints Officer**

For matters relating to the provision of care, social services or the protection of children or vulnerable adults, staff members may contact the Statutory Complaints Officer who may be contacted on 01782 232061 or [speakup@stoke.gov.uk](mailto:speakup@stoke.gov.uk).

### **Monitoring Officer**

If, for the reasons above, a staff member feels unable to raise their concerns to the management within their own Directorate, and it is not a matter for the Statutory Complaints Officer, they can report it to the City Council's Monitoring Officer, who is the Assistant Director Legal Services, and can be contacted by telephone on 01782 233200.

A matter may also be reported to the Monitoring Officer if it has already been reported to management within a Directorate and no appropriate action has been taken.

If a staff member is unsure as to who the appropriate person to report a matter, they may contact HR in confidence who can advise as to who to contact.

## **6.0 How to Report Your Concerns**

A staff member may raise their concerns in writing, by telephone, or by asking to speak confidentially to the person concerned. They may also ask their trade union representative to raise the matter on their behalf.

They should make it clear that they wish to report a matter under this procedure, and, as far as possible, indicate:

- 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; and
- What action, if any, they wish to see taken to deal with the matter.

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

### **Anonymous Complaints**

A staff member may, if they wish, make an anonymous complaint to any of the above officers in Section 5. Staff should be mindful, however, that if the person concerned does not know who the information has come from, and cannot contact them for further information or to ask for further evidence or details, it will often be difficult or impossible for them to investigate the matters raised.

(Please see section 8.0 below in relation to the protection of the confidentiality of the identity of a person raising a concern under this process.)

## **7.0 Dealing with Concerns Raised**

### **Situations of Immanent Danger**

If the concerns raised indicate that anyone may be at serious risk or in danger. The person to whom these concerns are reported to must immediately alert the relevant officers or external agencies responsible to ensure that prompt action is taken to protect them.

### **Initial Assessment**

The person to whom the report is made should assess whether the issues raised are ones to which the confidential reporting procedure applies. If they are not (and the complaint has not been made anonymously) they should refer the person raising the concern to the correct procedure to follow (for example the grievance procedure).

If the matter appears to be one to which the confidential reporting procedure applies (and the complaint has not been made anonymously), the person to whom a concern is raised

should meet with the concerned member of staff to discuss the issues raised, and obtain from them full details of their concerns.

The staff member raising concerns is entitled to be accompanied by a workplace colleague of their choice or trade union representative at this meeting.

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

If legitimate concerns have been raised which fall within this procedure, and the concerned staff member has not already done so, the officer with whom the concern is raised should ask them to formalise their concerns in writing. They may ask for this to be done either before or after the initial meeting.

### **Requesting an Investigation**

If the officer with whom the concerns have been raised believes they include serious matters to which this procedure applies and which require investigation then they should set out in writing a summary of what concerns they believe require investigating and why and send it to the appropriate Council officer or department, together with the concerned staff members own written note prepared as above

**See below the appropriate investigator if this is not being dealt with the person it was reported to:**

<b><u>Matter</u></b>	<b><u>Appropriate Investigator</u></b>
Wrongdoing by specific identified staff	Manager of the staff concerned (or more senior manager)
Concerns over the provision of a specific Council service	Manager of the service concerned
Matters relating to the provision of care, social services or the protection of children or vulnerable adults	Statutory Complaints Officer
Financial irregularities	Internal Audit
Health and safety concerns	Health and Safety Team
Other alleged wrongdoing within the Council	Monitoring Officer
Matters outside the Council which the Council is responsible for investigating	Relevant Council Department

(Note that there is no need for a written report to be sent if the officer to whom the concern is addressed is themselves the appropriate investigator of the matter.)

If the officer with whom the concern is raised 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 employee informing them of this (including giving their reasons).

If an employee is concerned that the matters raised have not been properly dealt with, they may raise the issue with more senior management or the Monitoring Officer.

Unless the concerns were raised anonymously, if the matter is referred to another officer for investigation this should be done in consultation with the employee raising the concerns (with particular regard to issues of confidentiality) and the employee raising the concerns should be informed that this has been done, and to whom it has been referred for investigation.

## **8.0 Confidentiality**

Any Council member of staff with whom concerns are raised under this procedure must make every effort to keep the identity of the individual raising the concerns confidential. Communication of the identity of the member of staff concerned should only be made where absolutely necessary and in consultation with them, and the agreement of the person to whom this information is passed to likewise keep it confidential obtained.

As set out in section 9.0 below, where an investigation is launched into the issues raised, the staff member initially raising the concerns 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.

Particularly in criminal matters, however, or other legal proceedings, the Council may be legally obliged to identify the initial source of information, and third parties may be able to guess the identity of the original informant from surrounding circumstances. While the Council will make every effort to preserve it, they cannot absolutely guarantee anonymity for staff making disclosures, particularly where a full investigation is underway.

## **9.0 Subsequent Investigations**

Any investigation into concerns raised by an employee under this procedure will be dealt with in accordance with the applicable Council procedures for dealing with the particular issue identified.

Unless the concerns have been raised anonymously, the officer undertaking the investigation into the matter should write to the concerned employee within ten working days:

- Informing the employee that they are investigating the matter;
- Explaining how they intend to deal with the employee's concerns; and

- Giving a timeframe in which they expect to their investigation to conclude.

As far as confidentiality rules allow the investigation officer should also keep the employee informed of the progress of the investigation and inform them of the eventual outcome.

The employee may be asked to provide evidence for any investigation in accordance with the normal procedures for carrying the investigation out. If this is necessary, unless the employee agrees, the fact that the employee made the original disclosure should, so far as is reasonably practicable, be kept confidential. In particular, unless this not possible, the employee 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.

## **10.0 Victimisation of Staff Raising Concerns**

Subject to section 12.0, staff members 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.

Any Council staff found to have taken any such action, including by warranted disciplinary action, victimisation or threats will be subject to disciplinary action.

If a member of staff who has raised a concern under this procedure believes they have been subject to any such detrimental action they should report the matter to their line manager or HR, who will take immediate action to deal with the persons concerned and ensure that this is not repeated.

## **11.0 Trade Union Support**

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.

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

## **12.0 Malicious Complaints**

This procedure is intended to protect staff who raise matters of genuine concern, even if they subsequently prove to be mistaken. Staff 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.

## **13.0 Discussing Matters Externally**

All Council staff are under a duty of confidentiality with respect to the Council and its affairs, and will be expected to use this procedure where they have come across matters of concern, so that these can then be investigated by the Council. Staff who leak 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.



Note that, however, no action will be taken in respect of employees who raise concerns externally where their concerns are genuine and in what they believe is the public interest they contact in confidence the relevant external statutory body responsible for the issues concerned.

## **14.0 Status of This Procedure**

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.