

Whistleblowing Policy

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Borough Council
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Document History	
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Author	HR Employment Services Team

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Version 1.3	Incorporating TU comments
Version 1.4	Final version agreed with Joint Trade Unions in August 2020 and approved by Personnel Committee on 19 November 2020. Next review due in November 2022 or sooner if required by legislation. (Next review is due August 2022 or sooner if required by legislation)

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What is Whistleblowing?

Whistleblowing encourages and enables you to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

As someone who works for the Council, you are often the first to realise that there may be something seriously wrong. However, you may not express your concerns because you feel that speaking up would be disloyal to your colleagues or to the Council. You may also be concerned that by speaking up you may risk losing your job or damaging your career.

This policy makes it clear that you can raise a matter of concern without fear of victimisation, subsequent discrimination or disadvantage.

It is in the interest of all concerned that disclosure of wrongdoing or irregularity is dealt with properly, quickly and discreetly. This includes the interests of the Council, its employees, any persons who are the subject of any disclosure, as well as the person making the disclosure.

Who does it apply to?

- All employees of the Council
- Contractors working for the Council on Council premises, for example, agency workers, builders or drivers.
- Any suppliers and those providing services under a contract with the Council in their own premises.
- Self-employed workers

Our Commitment

The Council is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, you are encouraged, if you have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

The policy has the support of the Council's recognised trade unions.

What types of concern are covered?

Types of concern may be about, for example:

- Conduct which is a criminal offence or a breach of law.
- Suspected fraud or corruption
- Disclosures related to miscarriages of justice.
- Dangerous procedures or activities risking Health and Safety, including risks to the public as well as other employees.
- Discrimination or abuse on grounds of race, gender or disability or other protected characteristic.
- Damage to the environment.

- Breaches of established standards of good practice or agreed procedures
- The inappropriate use or breaches of the Council's Standing Orders and financial procedures.
- Action which is contrary to the Code of Conduct for employees or for Members.
- Suspected sexual or physical or other abuse of clients, or
- Other unethical conduct.

Safeguards

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If you believe what you are saying to be true, you should have nothing to fear because in reporting your concern you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern. If appropriate, the Council's harassment procedure will apply to those who carry out this unacceptable behaviour.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or other procedures that already affect you.

Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. You will be given prior notice of this and a chance to discuss the consequences if these circumstances arise.

The confidentiality of service users will not be compromised as employees have a duty in law and with their professional codes of conduct to maintain this.

Support for Whistleblowers

Trade Unions

If you are a trade union member, you are encouraged to raise and discuss matters with your union representatives before seeking to invoke the Whistleblowing Policy. Trade unions can advise you whether or not to proceed and the best way to present your disclosure.

A trade union representative may also accompany or represent you at any meetings in connection with a disclosure under this Policy.

Human Resources (HR) Department

The Council's HR Department can be a place where you can discuss how to make a disclosure and lodge a matter of concern (see below). Staff and non-employees will often discuss the issues that worry them with the HR team in the first instance. Such discussions will be in confidence if that is what you prefer, but there may be some disclosures (for instance criminal acts) that cannot remain confidential. However, you will be given time and space to explore your options to take matters forward.

Employee Assistance Programme (EAP)

Employees of the Council can contact the EAP (provided by Health Assured) to discuss any concern you may have about work or your personal life, that is having an impact on you being able to carry out your work.

Although they offer a confidential counselling service, they are not able to make this unconditional confidentiality. They are bound by professional codes of ethics.

What is guaranteed, however, is that any matter that you discuss with them, will be given as much support, sensitivity and confidentiality as is possible. If for any reason, (and this will be on a very rare occasion), that the EAP feels that the information they have heard cannot remain confidential, (e.g. because of any third party involvement), then they will discuss this with you, and try to seek agreement on how to proceed with the matter.

Employee Assistance Programme is available to provide you with confidential, independent advice and support. You can contact them 24/7 on 0800 028 0199 or by clicking <https://wisdom.healthassured.org/login>.

Please note: the EAP service is available to employees of the Council, their family members, Councillors and up to 3 months after leaving the Council.

Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered (at the discretion of the Council).

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources or factual records

Untrue Allegations

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, it is established that you have made malicious, frivolous or vexatious allegations, or for personal gain, disciplinary action may be taken against you. In such cases, the Council's [Disciplinary Policy](#) will apply.

How to raise a concern

The earlier you express concern, the easier it is for someone to take action.

Concerns may be raised verbally or in writing. You should be prepared to set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation.

If you are an employee –

As a first step, you should normally raise concerns with your immediate manager or their manager, or you may wish to bring the matter to the attention of your trade union representative and request them to act for you. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, or if you feel that you have not received a satisfactory response to your concern, you should approach a higher level of management or your Executive Director / the Chief Executive. You can also report the matter to us by calling 0800 043 0699 (free phone), emailing Whistleblowing@reading.gov.uk or by writing to the Council's Chief Auditor, Civic Offices, Reading RG1 2LU.

If you are not an employee –

(e.g. agency staff, contractors etc) you can discuss your concerns with a relevant colleague or manager within the service that you are working in. You can also seek advice from the Council's HR Department, your own employer or the Council's Internal Audit Service (see above). **Even though you may not be an employee, you are entitled to raise your concerns with any of the contacts shown below or any senior manager in the Council.** The same safeguards and regards for your protection will still apply under this policy.

Further **confidential** advice and guidance on how matters of concern may be pursued can be obtained from:

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| • Assistant Director of Legal and Democratic Services
(The Monitoring Officer) | X 73470 |
| • Chief Auditor | X 72695 |
| • Assistant Director of HR & Organisational Development | X 72571 |
| • Executive Director of Resources (S151 Officer) | X 74710 |

Because of the difficulty of raising a concern, you may ask your trade union or other representative to raise a matter on your behalf or ask them to accompany you to meet with your manager or other officer. You may also wish to consider speaking to a colleague who may have experienced the same concern.

How will the Council respond?

Acknowledgement

Receipt of your concern will be acknowledged immediately and, within five working days of the concern being received, the Council will write to you:

- indicating how the matter will be dealt with;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on sources of support, and
- telling you whether further investigations will take place, and if not, why not.

Action under the Whistleblowing Policy

The action taken by the Council will depend on the nature of the concern. The matters raised may be followed up in one of the following ways:

- be investigated internally by management (it must be emphasised that no-one who is the subject of a complaint or concern will be involved in the handling of it), internal audit or through disciplinary procedures;
- be referred to the police;
- be referred to the external auditor;
- be the subject of an independent enquiry.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures, (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action between the manager, individual and those whose actions had caused concern. If urgent action is required, this will be taken before any investigation is conducted.

Contact

The amount of contact between the people considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you as part of the investigation process.

Attending Meetings

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union representative or a person of your choice who is not involved in the area of work to which the concern relates. This can be someone to provide you with support or act on your behalf during the meeting, but this person cannot be a legal adviser.

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 advise you about the procedure.

Outcome

The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will receive information about the outcomes of any investigations, and the action that is to be taken. Also, if appropriate, changes which are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

How the matter can be taken further

The Council hopes you will be satisfied that any matter you raise has been considered properly. If you are not satisfied, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the Local Government Ombudsman;
- the external auditor;
- relevant professional bodies or regulatory organisations (Government guidance, *Blowing the Whistle to a prescribed person: list of prescribed people and bodies*, is available on the GOV.UK website);
- the police.

If you do take the matter outside the Council, you need to ensure that you do not disclose prohibited confidential information.

WHISTLEBLOWING POLICY

Agreed between the Council and the recognised trades unions.

Signed:

Sheila Smith	Assistant Director for HR and Organisational Development
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Miriam Palfrey	Staff Side and Branch Secretary for Unison
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Kieran Magee	Joint Shop Stewards Committee and Branch Secretary/Convenor for Unite
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Alison McNamara	Education & Community Unions Panel and Branch Secretary for the National Education Union (NEU)
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Robert Stirling	Convenor for GMB
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