

Whistleblowing (Confidential Reporting) Policy

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1. Introduction

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it is expected that employees who have concerns about any aspects of the Council's work should come forward and voice those concerns. It is recognised that some cases will have to proceed on a confidential basis.

This Whistleblowing (Confidential Reporting) Policy intends to encourage and enable employees to raise any concerns within the Council – see Section 4 (page 6).

This policy applies to all employees. For the purpose of this policy only, the term “employees” also includes contractors and suppliers working for or on behalf of the Council, on Council premises or elsewhere.

If you are not a Council employee, you can still contact the Council to report any concerns or disclosures over wrongdoing, and these will be treated in the same way. Unlike disclosures made by employees, protection under the Public Interest Disclosure Act 1998 does not extend to disclosures made by members of the public. You can contact us by:

- Our online form - <https://www.bury.gov.uk/my-neighbourhood/fraud>
- Phone – 0161 253 7437
- Email - fraud@bury.gov.uk

Child safeguarding concerns, for example that a child may have suffered harm, neglect or abuse, can be reported to Children's Safeguarding on 0161 253 5678 or email childwellbeing@bury.gov.uk; or in an emergency contact the Police direct on 101 or 999 in an emergency.

Adult safeguarding concerns can be reported to the Adult Safeguarding on 0161 253 5151 or email adultcareservices@bury.gov.uk; or in an emergency contact the Police direct (101 for non-urgent and 999 for urgent matters).

If you are a school employee, please refer to Appendix 1 of this document, which details arrangements for whistleblowing for School Employees.

The whistleblowing policy is not to be used where other more appropriate reporting procedures are available, either within the Council, or within a school, for example, in relation to any grievance relating to employment matters or to make a general complaint about a service / school.

~~This document may be made available in alternative language upon request~~

2. Aims and scope

This policy aims to:

- encourage employees to feel confident in raising any concerns and to question and act upon concerns about unacceptable behaviour or practice within the Authority
- provide avenues for employees to raise those concerns and receive feedback on any action taken
- ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied, and
- reassure employees that they will be protected from possible reprisals or victimisation if employees have a reasonable belief that they have made any disclosure in the public interest.

There are existing procedures to lodge a grievance relating to employment matters [Disciplinary, capability and grievance procedures](#). The Whistleblowing (Confidential Reporting) Policy is intended to cover all concerns that fall outside the scope of other policies/procedures. It may cover concerns such as:

- Conduct which is an offence or a breach of the law
- Disclosures related to miscarriages of justice
- Damage to the environment
- Unauthorised or inappropriate use of public funds
- Fraud, corruption and bribery
- Health and safety risks, including risks to the public as well as other employees
- Abuse/harassment of a service recipient or council employee
- Vulnerable adult or child safeguarding concerns, for example harm, neglect or abuse
- Modern Slavery, and
- Unethical conduct

Any concerns that employees have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can also be reported under the Whistleblowing (Confidential Reporting) Policy within Section 4 (page 6). This may be about something that:

- is against the Council's Constitution and policies, or
- falls below established standards of practice, or
- amounts to improper conduct.

3. Our assurances to you

3.1. Your Safety

3.1.1. The Council are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of action against you as a result. Not only is the Council committed to this, but you also

have legal protection under the Public Interest Disclosure Act 1998. Providing you are acting in good faith, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation, frivolously or for personal gain, disciplinary action may be taken against you.

3.2. Your Confidence

3.2.1. We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Disciplinary action may be taken against those who victimise a person reporting a concern.

3.2.2. We hope that you will feel able to raise concerns openly as this will make it much easier to resolve any issues. We also know that others may well try to deduce the source of any complaint. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not normally disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court or you are at risk of harm) we will discuss with you whether and how we can proceed. Despite your request for confidentiality, there may be circumstances therefore where the Council must disclose your identity. For example, if safeguarding concerns are identified.

3.3. Anonymous complaints

3.3.1. If you do not tell us who you are, we will still consider anonymous reports, however it will be much more difficult for us to look into the matter, to protect your position or to give you feedback.

4. How to raise a concern

As a first step, employees should normally raise concerns with their immediate manager or their supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if employees believe that management is involved, or if they need advice and guidance on how to pursue matters, they should approach:

- Head of Fraud, Audit, Insurance & Risk — 0161 253 5085
- Executive Director of Finance — 0161 253 7858
- Director of Law and Democratic Services — 0161 253 5592
- Director of People and Inclusion — 0161 253 5880
- Chief Executive — 0161 253 5002

Alternately, you can report concerns by the following methods ~~contact the Whistleblowing Hotline:~~

- Online form - <https://www.bury.gov.uk/my-neighbourhood/fraud>
- By phone – 0161 253 6446
- By email - whistleblowing@bury.gov.uk
- In writing – by marking your correspondence as private and confidential and addressing to the appropriate Officer to: Town Hall, Knowsley Street, Bury, BL9 0SW

Concerns to the Council may be raised online, verbally or in writing/email. Employees who wish to put their complaints in writing/email should do so using the following format:

- the background, reasons and history of the concerns
- who is involved e.g. names of Officer(s), Company/Contractor name(s), name of Councillor(s) etc
- any relevant dates or times
- any witnesses
- any evidence (which can be included within the letter or attached to an email)
- if anyone else has been informed, along with their name and any other relevant information
- any additional information you wish to provide e.g. vehicle registration numbers, descriptions etc
- Information about yourself (you do not have to provide this information if you wish to remain anonymous, but a telephone number will be helpful so that we can obtain any further details that we may need, to help with the investigation):
 - Your name
 - Preferred contact number (so that we can obtain further information from you if needed)
 - Preferred time of contact (if you have provided us with a telephone number)
 - Email address

The earlier employees express their concerns, the easier it is to take action. It is important to provide **all** information and evidence from the outset in order for officers to undertake a thorough and timely investigation. You should not try to investigate your concerns before / after reporting them as a whistleblowing concern.

Although employees are not expected to prove the truth of allegations, they will need to demonstrate to the person contacted that there are reasonable grounds for their concerns.

If employees are unwilling to refer the matter of concern to one of the internal sources above, then Section 6 (page 9) contains details of how concerns can be reported elsewhere.

Employees may invite their trade union or professional association representative or workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised.

5. How the Council will respond and handle the matter

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.

A team of officers will usually be established to investigate make enquiries around the allegations. The team will include as a minimum, to maintain independence, a member of the Internal Audit team ~~Fraud, Audit, Insurance and Risk Team~~ and, to ensure someone with knowledge of the service / legislation around the service, an appropriate representative from the service against which the allegation has been made. If the initial enquiries show that there are grounds for a formal investigation, the case will be escalated to the Director of People and Inclusion. Any formal investigation will be undertaken accordance with the Council's disciplinary procedures. ~~An HR contact for the duration of the investigation will also be nominated to assist and support the team where required.~~

In the event that allegations are made against a member of the FAIR Team, the Director of People and Inclusion ~~Head of HR~~ and the Monitoring Officer will appoint an investigation team.

~~The Investigation Team will follow the guidance for conducting effective investigations which is available to Bury Council employees via the intranet (Disciplinary, capability and grievance procedures).~~

At the conclusion of the enquiry stage, a report will be written where appropriate, (see template at Appendix 2). The report will be shared with the Director of People and Inclusion, and the Executive Director of the department responsible for implementing recommendations. The report will also be shared with the Council's Monitoring Officer, Executive Director of Finance, and Chief Executive. The report will also be submitted to Audit Committee and Cabinet Members for their information.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as appropriate. As a minimum, we will let you know when the enquiries have been completed.

Within ten working days of a concern being received, the Head of Fraud, Audit, Insurance & Risk or another designated officer will write to the complainant in those instances where the complainant has provided contact details:

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- indicating whether any initial enquiries have been made
- supplying information on staff support mechanisms, and
- indicating whether further investigations will take place and, if not, why not.

The amount of contact between the investigating officers considering the issues and the relevant employee making the whistleblowing disclosure will depend on the nature of the circumstances. If necessary, further information will be sought from the relevant employee.

Meetings can be arranged at a mutually convenient location, and away from the workplace if required.

6. How matters of concern can be taken further

This policy is intended to provide employees with an avenue to raise concerns within the Authority. However, if employees are reluctant to raise their concern through internal channels, or if they feel that matters of concern previously reported have not been dealt with satisfactorily, then the following are possible contacts if they wish to take matters further:

- Local Councillors – details of how to contact and surgery hours are on the Council's website www.bury.gov.uk
- Mazars - the Council's external auditors. They are completely independent from the Council and can be contacted on 0161 238 9200 or by writing to them at 1 St. Peter's Square, Manchester, M2 3DE
- Relevant professional bodies or other government organisations
- Solicitors
- Greater Manchester Police – telephone number 101
- Protect – this is a whistleblowing charity, which provides free and strictly confidential advice and legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk. More information is on their website at www.protect-advice.org.uk.

If employees take matters outside the Authority, it will be necessary to ensure that they do not disclose confidential or legally privileged information. As such, it is advisable that employees take appropriate advice before proceeding.

7. How we will protect your data

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by Public Authorities. As such the Council often receives requests for information under the Freedom of Information Act.

The Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.

The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:

- Section 40 Personal Data
- Section 41 Information which, if disclosed, would give rise to an actionable breach of confidence.

Many people making a disclosure to the Council will wish to protect their identity and the Council will always seek to protect the identity of individuals during the course of progressing an investigation. If the Council receives a request for information identifying a whistleblower, the Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.

The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.

The Council will ensure that our handling of concerns meets the requirement of the General Data Protection Regulations and Data Protection Act 2018 and the Freedom of Information Act 2000.

8. How we will monitor complaints

Internal Audit will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. All records will be held securely and confidentially.

As such, details of any allegation should be reported to Internal Audit by the receiving manager on receipt. Internal Audit will log and allocate each case a reference number whether or not Internal Audit are involved in the investigation work. The outcome of the investigation should be notified to Internal Audit by the Investigating Officer.

The records held by Internal Audit will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any matters raised under the Public Interest Disclosure Act. The information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit Committee by the Head of Fraud, Audit, Insurance and Risk as part of this process.

The Chief Executive has overall responsibility for the maintenance and operation of this policy and monitoring the effectiveness of the Council's Whistleblowing Policy (Confidential Reporting) and Process. The **Audit Standards** Committee has an overview of this policy.

9. Training and awareness

Chief Officers and Heads of Service are responsible for ensuring that their employees are aware of the whistleblowing policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the Council's Whistleblowing Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.

Employees have a responsibility to ensure that they are aware of and understand the Council's policy in relation to Whistleblowing.

10. Review

Bury Council will continue to review its rules and procedures and will make sure that the Whistleblowing (Confidential Reporting) Policy is **regularly** reviewed **every two years** to ensure it stays current, appropriate and effective.

Appendix 1

Guidance for employees of Schools

Schools maintained by the Council. Such as Community Schools, Special Schools, Voluntary Controlled or maintained nursery school and pupil referral units.

If you are an employee of a School maintained by the Council, such as a community school, special school, voluntary controlled or maintained nursery school and pupil referral units, where the Council is the legal employer, you should report your concerns in accordance with the schools' own whistleblowing policy. However, if you are reporting a fraud, this must be reported to the Council. This can be done either by using the details of Bury Council whistleblowing policy or by using the form at <https://www.bury.gov.uk/my-neighbourhood/fraud>

If you are an employee of a school (as previously detailed), and you have a concern that you feel you cannot raise / discuss with the management of the school, or have good reason to believe your complaint or disclosure will not be properly handled, then you may report your concern directly to Bury Council or prescribed regulator using the Council's whistleblowing reporting procedures as detailed in this policy.

Safeguarding concerns - if the concern raised relates to a child protection issue, these should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy.

The whistleblowing policy is not to be used where other more appropriate reporting procedures are available within school, for example, in relation to any grievance relating to employment matters or to make a general complaint in relation to the school.

Employees who wish to raise concerns over practices in other schools should report these directly to the Council.

The Council expects these schools to respond to a disclosure or allegation in the same way as the Council would respond. The Headteacher or Chair of Governors would be expected to seek advice as necessary from the Council.

Internal Audit can offer advice and support to schools on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.

The action taken by schools in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:

- investigated by school management, or Council's Internal Audit Service;
- referred to the Police;
- referred to the External Auditor;
- subject of an independent enquiry.

For monitoring purposes, the Headteacher or Chair of Governors must report at the earliest opportunity the details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within school. These must be reported to the Council's whistleblowing email account (whistleblowing@bury.gov.uk) Head of Fraud, Audit,

~~Insurance and Risk.~~ Internal Audit will monitor the outcome of all cases, including action taken to reduce the risk of reoccurrence.

Foundation and Voluntary Aided Schools.

This policy does not extend to staff employed in these schools as in these schools the governing body is the employer and not the Council. It is therefore the governing body who must decide how employees and workers may make a qualifying disclosure under PIDA or raise an allegation of wrongdoing.

The Council's ability to legally investigate disclosures of serious wrongdoing in foundation and voluntary aided schools is reduced unless the allegations relate to safeguarding matters, Special Educational Needs and/or financial mismanagement concerns. The Council should be notified of details of all concerns reported in relation to these matters.

As such each school should have their own whistleblowing policy and arrangements for reporting, logging and investigating concerns.

Academy Schools, Sixth Form Colleges and Free Schools

These institutions should adopt their own whistleblowing policy and procedures as the Council has no legal power to investigate, except for those concerns relating to safeguarding issues and Special Educational Needs.

If the Council receives any disclosures relating to these institutions, we will acknowledge these and seek to advise whistleblowers on an appropriate course of action on matters raised. If the disclosure relates to serious wrongdoing in respect of safeguarding issues involving Children or vulnerable adults the Council has a legal obligation to investigate and will do so irrespective of the status of the school.

In relation to schools that fall outside the scope of the Council's whistleblowing policy, Bury Council does have a process whereby any individual who has concerns of wrongdoing can contact the Council at the same time as making a whistleblowing allegation to the school. Bury Council may not be able to deal with the complaint as a whistleblowing under its own policy as this will have to be done by the school but logging this with Bury Council will enable us to monitor the progress and where possible deal with the concerns having regard to any legal obligations or duty of care in relation to the school

The Council will work with the Regional School Commissioner and Department for Education to review any matter referred to them in relation to Schools in Bury.

~~Employees who have major concerns about other schools or about other Council services can report these matters to Bury Council as a member of the public.~~



Whistleblowing Report

Subject

Report Status	Draft / Final
Report reference	TBC by Investigating Officer from FAIR Team
Report Date	
Investigating Officers	

Protect – Restricted

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Report title:

Report Distribution List:

<u>Name</u>	<u>Role Title</u>	<u>Organisation</u>
	Executive Director of Service where allegations had been made against / responsible for implementing recommendations	Bury Council
	Director of People and Inclusion	Bury Council
	Executive Director of Finance (S151 Officer)	Bury Council
	Director of Law and Democratic Services (Monitoring Officer)	Bury Council
	Chief Executive	Bury Council
	Audit Committee Member	Bury Council
	Cabinet Members	Bury Council

Introduction

Outline details of allegations received.

Scope of Investigation

Detail here the work undertaken to investigate the allegations received.

Findings

Summarise here what you found during the investigation

Conclusion

Conclude your work here, including reference as to whether the allegations have been founded or not



Whistleblowing Investigation: Subject
Findings and Management Action Plan

	Allegation	Work Undertaken / Findings	Conclusion	Recommendation / Further Work Required	Response from Executive Director of Service which should capture the action to be taken and by when.



Bury
Council