

Confidential Reporting Code – ‘Whistle Blowing Policy’

Introduction

A Lincolnshire County Council policy which applies to Hawthorn Tree School.

People who work for or on behalf of the Council (Hawthorn Tree School), are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, the Council will encourage those people with serious concerns about any aspect of the Council's work to come forward and voice those concerns. In return the Council will provide a structure which is safe and acceptable, recognising that certain cases will have to proceed on a confidential basis.

The Council's Constitution places the responsibility for advising on the development of the Council's Confidential Reporting Policy with the Standards Committee. Thus, demonstrating commitment to the policy at the highest level.

This Confidential Reporting Code has been agreed to maintain and improve standards across the Council as a corporate organisation through the modernising agenda for Local Government. It is an overarching document for other procedures on complaints, grievances and standards across the Council.

This policy document is intended to encourage and enable anyone who works for or on behalf of the Council to raise serious concerns within the Council rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.

This Policy provides for the following stakeholders to raise concerns arising from reasonable suspicion of malpractice within or relating to the Council:

Employees, school governors, members, partners and those contractors working for the Council on Council premises, eg. agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example care homes. It has been discussed with the relevant trade unions and has their support.

The Council encourages its partners and contractors to operate within their own ethical framework, which would be expected to be comparable to that of the County Council.

If you would like to read further information about the Confidential Reporting Code please view the following pages.

A "Confidential Reporting Code" leaflet is available.

Section 2: Aims and scope of this code

This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that the Council will seek to protect you from reprisals, or victimisation for raising concerns in good faith.

Examples of issues which might be raised, would include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud or corruption
- sexual or physical abuse of clients
- unethical conduct

Or it may be something that:

- makes you feel uncomfortable in terms of known standards
- is against the Council's Standing Orders or policies
- is unlawful
- amounts to improper conduct.

The Code will come into immediate effect regardless of the date when any reported incident occurred.

This policy is not intended to replace other established policies. The two key policies which interrelate to the confidential reporting policy are the grievance and harassment procedures.

The grievance procedure enables concerns to be raised by employees about their work, working environment or working relationships. Some common areas that may give rise to a grievance involve terms and conditions of employment, relationships at work (including any type of harassment and bullying), new working practices, organisational change and fair treatment.

The harassment procedure defines harassment in the following way:

"Harassment is when someone considers that they have been treated in a way that is detrimental to their dignity at work. Essentially it is treatment that someone finds unreasonable and unwelcome and which causes intimidation and offence. Although it may involve overt abuse of power, bullying, coercion or violence, it can also appear in more subtle forms and can be unintentional.

Details of these policies and how to apply them are in the Council's employment manual and should be used in cases such as those described above

Section 3: Safeguards

Harassment or Victimisation

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. The Council will not tolerate harassment or victimisation and will take action to protect you if you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy or contract procedures that may already affect you.

Employee Support and Counselling

The Council has trained counsellors, who can offer discreet, confidential, and non-judgmental support and counselling to any employee. Contact details are widely publicised.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At an appropriate time however you may need to come forward as a witness and this will be fully discussed with you. In very exceptional circumstances, for instance where life is threatened or ongoing child abuse is disclosed, appropriate disclosure will be made to the regulatory authorities.

Anonymous Allegations

This Code encourages you to put your name to your allegation, as concerns expressed anonymously can be less powerful. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

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, you make malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against you.

Section 4: How to raise a concern

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example if you believe that senior management is involved, you should approach the Chief Executive or the Monitoring Officer, or where there is a belief that resources have been misused contact the Assistant County Treasurer (Corporate Audit and Standards).

Concerns are better raised in writing. You are invited 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. The concerns can be forwarded to the confidential PO box address or to the confidential e-mail address.

If you do not feel able to put your concern in writing, or wish to talk to someone, there is a freephone number, which you can call. This is a dedicated line for reporting confidential concerns.

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

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may invite your trade union to raise a matter on your behalf.

If you feel you need to take advice before raising the concern you may contact the independent charity, Public Concern at Work. They provide free confidential legal advice on whistleblowing matters.

Section 5: How will the Council respond

The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- investigated internally by management or Corporate Audit and Standards or through the investigation process
- referred to the Police
- referred to the external auditor
- the subject of an independent inquiry
(determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee and Leader of the Council or an elected representative)

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 without the need for investigation.

Within ten working days of a concern being received, the Council will contact you, ideally in writing:

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

The amount of contact between the managers 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.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union representative or a friend who is not involved in the area of work to which the concern relates.

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.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations. If you are not satisfied with the outcome of the investigation then based on the detail of the concern you will be advised of further channels that you can use to raise your concern

Where a case is investigated the detailed course of action will be determined by the Chief Executive, Assistant County Treasurer (Corporate Audit and Standards) or Monitoring Officer as appropriate in line with the steps set out above. They will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with you and seek to address any concerns you have about anonymity.

In the case of allegations against the Chief Executive or other CMT members, the initial course of action will be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee and the Leader of the Council or a Deputy Leader or another senior elected representative. The Leaders of the other groups will be notified accordingly. In the case of relevant allegations against Elected Members, the procedure will follow that laid down in the Council's protocols.

Section 6: The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and review of this policy and for providing regular reports to the Standards Committee. The Assistant County Treasurer (Corporate Audit and Standards) will be advised of all notifications under the Code and will keep a record of concerns raised, action taken (eg nature of onward referral) and outcomes (in a form which does not endanger your confidentiality).

A member of School Governors is appointed annually as 'Whistle Blowing' Champion.

Hawthorn tree School Governors formally adopted
Term 5 2013

