

CONFIDENTIAL REPORTING CODE

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Why has this report come to the Audit and Governance Committee?

To ask Audit and Governance Committee to agree the revised Code

Recommendations:

The Audit and Governance Committee are recommended to agree the revised Code
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1 Introduction

- 1.1 The Council has had a Confidential Reporting Code for approximately some years. It was last reviewed in 2008.

2. HISTORY AND CONTEXT

- 2.1 The introduction of a Confidential Reporting Code was prompted by the Public Interest Disclosure Act, which introduced statutory protection for whistle-blowers.
- 2.2 The Confidential Reporting Code has an application which is wider than a Whistle-blowing Policy, although it is sometimes known as such. The Confidential Reporting Code invites all members of the Council, employees and members of the public to raise concern over anything going on in the organisation that they may for any reason feel uncomfortable about.
- 2.3 When reviewed in 2008, the Code was amended by reference to researching good examples of practice in other local authorities and by re-writing the Code in plainer English.
- 2.4 The Code emphasises respect for the confidentiality of any complainant and that the way in which complaints are dealt with will be tailored in accordance with the circumstances of each case.

2.5 The Code describes the various ways in which individuals may raise any concerns they have, and provides for the Council to respond in appropriate ways, and within prescribed timescales.

3 Proposals

3.1 It is intended that the agreed Code will be made known to Members via the weekly update, to employees via the February Team Brief and through Leadership and Management Group, and to the public via the website.

4 Conclusion

4.1 The Confidential Reporting Code is an important procedure that enables individuals to raise legitimate concerns as and when they arise. Whilst not widely used, it is essential that it is kept up to date and made available for use by members, employees and customers.

Consultees: Chief Executive; Section 151 Officer; Chair; Single Table Trades Union Group

Monitoring Officer comments: Included in report

S151 Officer comments: There are no additional cost implications.

EIA comments: No groups are advantageously or disadvantageously affected by the proposals in the report.

Appendices – Appendix “A” – Confidential Reporting Code

Copeland Borough Council

Confidential Reporting Code

January 2014

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CONFIDENTIAL REPORTING POLICY

1. PREAMBLE

- 1.1 Members of the Council or employees 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. This Policy, however, is not confined solely to employees. Should a Member of the public or a Councillor or a Contractor of the Council prefer to use this policy then this may be done.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect Members, employees, and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees and other people described in 1.1 above to raise serious concerns about the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all employees, members of the Public, Councillors and those Contractors working for the Council on Council premises, for example, agency staff, builders and suppliers.
- 1.5 These procedures are in addition to the Council's complaints procedure and the agreed procedure for dealing with complaints about the conduct of elected Members. The Policy caters for the relatively rare occasions where someone feels unable to use one of the existing procedures. Members and Officers are responsible for making service users aware of the existence of these procedures.
- 1.6 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

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2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about any practice or set of circumstances within the organisation about which you have concerns.
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment or to use the Council's complaints procedure which is designed for use by customers who may be dissatisfied with a standard of service received from the Council. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages 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 and corruption
- Sexual or physical abuse
- Other unethical conduct.
- The Council's Standing Orders including contract standing orders and financial regulations, have been, or being, or are likely to be breached.
- Information relating to any of the above has been, is being, or is likely to be deliberately concealed.

2.3 Thus, any serious concerns that you 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 be reported under the Confidential Reporting Policy: This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's Standing Orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

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3. SAFEGUARDS

3.1 Harassment or Victimisation

3.2 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and you are otherwise assisting the Council.

3.4 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 in good faith.

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

3.6 The Council will also take appropriate action to similarly protect non-employees.

4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. If it is possible to establish the truth about allegations from an independent source then the relevant officer will seek to do this.

5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful and will be not normally be considered, other than in exceptional circumstances at the discretion of the relevant officer.

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

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

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6. UNTRUE ALLEGATIONS

6.1 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 an allegation frivolously, maliciously or for personal gain, action may be taken against you. Such allegations include those which are trivial and do not have any substance or are made persistently and anonymously for the wrong reasons, e.g. simply to make trouble, or purely out of self interest or for personal gain.

7. HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior if an employee or otherwise with the relevant line manager or service head. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Monitoring Officer or Section 151 Officer. If a Councillor is involved you should always approach the Chief Executive or the Monitoring Officer. If any of the officers listed in 7.5 are involved, you should always approach the Chief Executive.

7.2 Concerns may be raised verbally or in writing. If you wish to make a written report you are invited to use the following format:

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation.

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

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

7.5 Advice/Guidance on how to pursue matters of concern may be obtained from:

- *Chief Executive – Tel – 01946 598320*
paul.walker@copeland.gov.uk
- *Monitoring Officer – Tel – 01946 598526*
tim.capper@copeland.gov.uk
- *Section 151 Officer – Tel – 01946 598547*
darienne.law@copeland.gov.uk

7.6 If you are an Employee you may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised

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8 HOW THE COUNCIL WILL RESPOND

8.1 The relevant officer will respond to your concerns.

8.2 Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the *relevant officer* will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the relevant officer will write to you:

- Acknowledging that the concern has been received
- Indicating how we propose 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

- Supplying you with information on staff support mechanisms, for example counselling, and
- Telling you whether further investigations will take place and if not, why not.

8.6 The amount of contact between the officers 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 the relevant officer will seek further information from you.

8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

8.8 The relevant officer 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 relevant officer will arrange for you to receive advice about the procedure.

8.9 The relevant officer accepts that you need to be assured that the matter has been properly addressed. Thus subject to legal constraints, we will inform you of the outcome of any investigation

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9. THE RESPONSIBLE OFFICER

9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report at least yearly to the Audit and Governance Committee on the operation of this Policy.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points as an alternative or an addition to contacting the Audit and Governance Committee as described in 9.1

- Your Trade Union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations, a relevant voluntary organisation
- The police.

