

CONFIDENTIAL REPORTING CODE

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BACKGROUND

1. The Confidential Reporting Code was last reviewed in April 2003.
2. A copy of the current Confidential Reporting Code is shown at Appendix A to this report. Recommended changes to the code are shown in italics.
3. The purpose of the Confidential Reporting Code is to set out a format for Officers, Members and Members of the Public to be able to raise serious concerns about the workings of the Council and to allow those concerns to be dealt with in a sensitive professional and confidential manner.
4. The procedure within a Code should:-
 - (i) Distinguish the way in which this Code differs from other Council Codes and Policies;
 - (ii) Subject to the integrity of the Complaint, give assurances of protection against victimisation or possible reprisals;
 - (iii) Give assurances that any complaint shall be dealt with respecting the confidentiality of a complainant so far as possible;
 - (iv) Set out a procedure for dealing with complaints.
5. Changes to the original draft are as follows:-
 - ⇒ At 1.5 Instead of “you”, we have add “Members and Officers” in the last sentence.
 - ⇒ At 2.2 By way of explanation we have add three additional areas where the Code is likely to come into play – listed after “other unethical conduct”.
 - ⇒ At 4.1 An extra sentence has been added.
 - ⇒ At 6.1 An extra sentence has been added,
 - ⇒ At 7.1 An extra sentence has been added.
 - ⇒ Generally, contact points and job descriptions have been updated.
6. The draft Code has been compared to the adopted Codes of a number of other Councils. There are no major outstanding issues which have been included in other Codes. Union representatives have been consulted.
7. The current Code can be found out on the Council’s Intranet (Manuals → Policies and Procedures) but not on our external website. It is recommended that if approved the draft Code be added to our website and further work be carried out in publicising it.

RECOMMENDATION

That Executive and Council be recommended to (i) adopt the revised amended Code together with any other amendments OSC wish to make. (ii) Put any revised Code on the Council's external website and carry out further work in bringing it to the public attention.

List of Appendices

Draft Confidential Reporting Code

List of Background Documents:

Current Confidential Reporting Code

**List of Consultees: Chief Executive;
Head of Finance and Business
Development; Head of Policy and
Performance; Personnel Manager,
Trades Union Representatives.**

Copeland Borough Council

Confidential Reporting Code

December 2006

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CONFIDENTIAL REPORTING POLICY

1. PREAMBLE

This policy should be read in conjunction with the in-house awareness training for both Members and Officers together with publicity material for members of the public.

- 1.1 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 employees, and others that we deal with, 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 procedures and other statutory reporting procedures applying to some departments. 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 practice
- 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 standing orders including contract standing orders and financial regulations, have been, or being, or are likely to be breached.*
- *The Council's policies have been, or 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.

2.4 This policy does not replace the Council's complaints procedure.

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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 Council 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 but will be considered at the discretion of the Council.
- 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 section or departmental 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, Head of Finance and Business Development, Head of Legal & Democratic Services, Internal Audit or any specialist units the Council may have established (for example the Housing Benefits fraud 'Hot Line'). *If a Councillor is involved you should always approach the Chief Executive or the Head of Legal & Democratic Services*
- 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*
<mailto:jstanforth@copelandbc.gov.uk>
- *Head of Finance & Business Development – Tel – 01946 598452*
<mailto:sborwick@copelandbc.gov.uk>
- *Head of Legal & Democratic Services – Tel – 01946 598515*
<mailto:mjepson@copelandbc.gov.uk>
- *Internal Auditor – Tel – 01946 598465*
<mailto:mrobinson@copelandbc.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 Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

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 Council 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 responsible person 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, 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 Council 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 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 arrange for you to receive advice about the procedure.

8.9 The Council 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 Head of Legal & Democratic Services 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 Standards Committee on the operation of this Policy and as necessary to the Council.

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:

- The external auditor – the Audit Commission's fraud hotline number is 0207 630 1019
- Your Trade Union
- Your local Citizens Advice Bureau

- Relevant professional bodies or regulatory organisations, a relevant voluntary organisation
- The police.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.