

Report of	Meeting	Date
Monitoring Officer	Standards Committee	18 September 08

COUNCIL'S WHISTLEBLOWING POLICY

PURPOSE OF REPORT

1. To advise the Standards Committee of the forthcoming review of the Whistleblowing Policy and to seek the Committee's input into that review.

RECOMMENDATION(S)

2. That the Committee note that the review is to be undertaken and offer any guidance that they feel appropriate as to how the existing policy might be improved.

CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

4. The Council adopted its current Whistleblowing Policy almost 3 years ago. Since that time and to the knowledge of the current Monitoring Officer, no formal disclosures have been made within the framework of the policy.

A copy of the current policy is attached to this report. The policy does need updating to reflect the recent move to local filtering in respect of allegations against Members. It would therefore seem sensible to take the opportunity to review whether the existing policy continues to reflect best practice and to consider how the existence of the policy ought to be promoted within the Council.

It would be helpful to have views from Members of the Standards Committee as to the way forward.

ANDREW DOCHERTY



CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

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CHORLEY BOROUGH COUNCIL

WHISTLEBLOWING POLICY

“SPEAKING UP”

1. INTRODUCTION

1.1 All of us at one time or another may have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about the following :-

- conduct which is an offence or a breach of the 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
- other unethical conduct

it can be difficult to know what to do.

1.2 You may be worried about raising such issues yourself, perhaps feeling its none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person, or raised the issue in the wrong way and are not sure what to do next.

1.3 Chorley Borough Council has introduced this policy to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. The contents of this policy are compliant with the provisions of the Public Interest Disclosure Act 1998.

1.4 If something is troubling you which you think we should know about or look into, please use this policy. If however, you are aggrieved about your position as an employee of the Council please use the Grievance Policy, which you can get from your manager or from Human Resources or the Council intranet. This Whistle-blowing Policy is primarily for concerns where the interests of others or the organisation itself are at risk.

If in doubt-raise it!

2. OUR ASSURANCES TO YOU

2.1 Your safety

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 retribution as a result. 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.

2.2 Your confidence

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. 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 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) 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.

- 2.3 Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

3. **HOW WE WILL HANDLE THE MATTER**

- 3.1 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. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.
- 3.2 When you raise your concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset. If your concern falls more properly within the Grievance Policy we will tell you.
- 3.3 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 we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

4. **HOW TO RAISE A CONCERN**

- 4.1 Concerns may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provided covering:-
- your name and a contact point. As referred to above it will be more difficult for the Council to pursue issues if concerns have been expressed anonymously.
 - the background and history of the concern (giving relevant dates and names and positions of those who may have contributed to your concern.
 - the reason why you are particularly concerned about the situation.
- 4.2 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.

5. HOW TO REPORT A CONCERN INTERNALLY

5.1 Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with your Service Head.

5.2 Your Service Head will consider the nature of your disclosure and decide on the most appropriate course of action in accordance with the Council's Internal Investigations Procedure.

5.3 Step Two.

If you feel unable to raise the matter with your Service Head, for whatever reason, please raise the matter with one of the following officers:

Andrew Docherty (Monitoring Officer)
Director of Customer, Democratic & Legal Services
Chorley Borough Council
Town Hall
Market Street
Chorley
PR7 1DP
(01257) 515102
andrew.docherty@chorley.gov.uk

Lorraine Charlesworth
Director of Human Resources
Chorley Borough Council
Town Hall
Market Street
Chorley
PR7 1DP
(01257) 515159
lorraine.charlesworth@chorley.gov.uk

5.4 Under the Council's Financial Procedure Rules, if your disclosure involves any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources the officers referred to in Section 5.3 above will be required to immediately refer the matter to:

Gary Hall (Section 151 Officer)
Director of Finance
Chorley Borough Council
Council Offices
Gillibrand Street
Chorley
PR7 2EL
(01257) 515480
gary.hall@chorley.gov.uk

5.5 Step Three

If the above channels have been followed, and either you or your Service Head still have concerns, or if you or your Service Head feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

**Donna Hall
Chief Executive
Chorley Borough Council
Town Hall
Market Street
Chorley
PR7 1DP
(01257) 515104
donna.hall@chorley.gov.uk**

6. HOW TO REPORT A CONCERN EXTERNALLY

- 6.1 While we hope this policy gives you the reassurance you need to raise matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

External Audit:

**Mike Thomas
Audit Commission
Aspinall Close
Middlebrook
Horwich
Bolton
BL6 6QQ
m-thomas@audit-commission.gov.uk
(01204) 877300**

The Police:

**Chief Inspector Andy Murphy
Leyland Police Station
Lancastergate
Leyland
(01772) 415974
andrew.murphy@lancashire.pnn.police.uk**

7. INDEPENDENT ADVICE

- 7.1 If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:
- if applicable, your union; or
 - the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

8. SCOPE OF POLICY

- 8.1 The Policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders or drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises. The Policy also applies to elected Members.
- 8.2 These procedures are in addition to the Council's Anti-Fraud and Corruption Policy and the Council's Complaints Procedures and other specifically laid down statutory reporting procedures applying to some Service Units. If the concern relates to an elected Member, this may involve a potential breach of the Members' Code of Conduct which may result in a referral to the Standards Board for England and subsequent local determination by or reporting to the Council's Standards Committee.
- 8.3 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

9. THE RESPONSIBLE OFFICER

- 9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes and will report as necessary to the Standards Committee and the Council. The recording and reporting procedure will involve liaison with the officers specified in Section 5 above and will be in a form which ensures your confidentiality, subject to the discretion of the Council to waive confidentiality as stated in section 2.2 above.

10. IF YOU ARE DISSATISFIED

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this. 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:-
- your local Citizens Advice Bureau
 - relevant professional bodies or regulatory organisations
 - the Ombudsman