

Wolverhampton City Council

OPEN INFORMATION ITEM

Standards Committee

Date **17 November 2011**

Originating Service Group(s)

DELIVERY / OCE

Contact Officer(s)/

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Title/Subject Matter

WHISTLEBLOWING POLICY

RECOMMENDATIONS

1. That Members of the Standards Committee note the Council's Whistleblowing Policy which was endorsed by the Audit Committee at their meeting on 26 September 2011.

1. PURPOSE AND BACKGROUND

1.1 The Council's Whistleblowing Policy was originally approved by Audit Committee on 4 September 2006 as contained within the Council's overall fraud prevention policies as outlined below:

- Anti-Fraud and Corruption Policy
- Whistleblowing Policy
- Fraud Referral Plan – Guide for Staff
- Fraud Response Plan – Guide for Managers
- Fraud Investigation Plan
- Police Referral, Prosecution and Recovery Policy
- Anti-Money Laundering Policy
- Anti-Bribery Policy (2011)

1.2 Recognised best practice and the terms of the relevant policies require that they are subject to frequent review to ensure that they remain up to date and fit for purpose. The last review of the policies was brought before Audit Committee on 26 September 2011.

2. DETAILS

2.1 Monitoring of Whistleblowing Activity

2.1.1 The Council's Whistleblowing Policy requires whistleblowing activity to be reported to the Audit Committee annually. Details of specific whistleblowing cases are reported to the Audit Committee's Accounts for Examination/Monitoring of Investigations Sub Committee on an on-going basis. A summary of cases arising since the policies were introduced in September 2006 is set out below.

Year	WB cases
2006/7	13
2007/8	23
2008/9	10
2009/10	18
2010/11	23
2011/12	6

2.1.2 Members will note that whistleblowing activity has shown an upward trend since 2008/09. This would generally be expected considering the current difficult economic conditions and high levels of uncertainty affecting the organisation.

2.1.3 The Whistleblowing Policy is attached at Appendix 1.

3. FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications arising from this report. [GE/11102011/F].

4. LEGAL IMPLICATIONS

4.1 There are no direct legal implications arising from this report.
[MW/11102011/Y].

5. EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no direct equal opportunities implications arising from this report.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from this report.

7. SCHEDULE OF BACKGROUND PAPERS

Codes of Conduct for Members

Codes of Conduct for Officers

Council Contract Procedure Rules

Council Financial Procedure Rules

Disciplinary Procedures (as set out in section D.15. of the Council's Corporate Human Resources Manual)

Fraud Response Plan

Whistleblowing Policy

Anti-Money Laundering Policy

Anti-Bribery Policy

Benefit Fraud – Sanctions Policy

Wolverhampton City Council**Whistleblowing Policy****1. Introduction**

- 1.1. Whistleblowing is an employee's disclosure of what they consider to be malpractice by a co-worker or manager. This malpractice may constitute any behaviour felt to be detrimental to the best interests of the Council, its stakeholders and its employees. Specific examples of issues covered by the Whistleblowing Policy include:
1. Any unlawful act.
 2. Health and safety issues.
 3. Damage to the environment.
 4. Unauthorised use of public funds.
 5. Fraud and corruption of any description.
 6. Inappropriate or improper conduct (including bullying or harassment).
 7. Serious failure to comply with appropriate professional standards.
 8. Breach of the Council's Constitution or other policy or code of practice.
 9. Discrimination of any kind.
 10. Any form of unethical conduct.
- 1.2. The Council's Whistleblowing Policy does not apply to raising grievances about an employee's personal situation. Any such concerns should be raised under the existing provisions for raising grievances as set out in section D.15 of the Council's Corporate Human Resources Manual.
- 1.3. Where issues involve potential cases of fraud and corruption, employees should also refer to the Council's Fraud Referral Plan – Guide for Staff.

2. Aims of the Policy

- 2.1. The aims of the Council's Whistleblowing Policy are as follows:
1. Encourage employees to feel confident about raising concerns and to question and act on those concerns.
 2. Provide ways for employees to raise concerns and receive feedback on any action taken as a result.
 3. Reassure employees that if they raise concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.
 4. Ensure that employees are aware of options available to them if they are dissatisfied with the Council's initial response.

3. Who is covered by the Policy?

3.1. The Council's Whistleblowing Policy applies equally to all of the following groups:

1. Council employees (including part time and temporary staff).
2. Agency staff working for the Council.
3. Council contractors and suppliers.
4. Organisations working with the Council under partnership arrangements.
5. Service users and stakeholders.

4. What assurance does the Whistleblowing Policy provide?

4.1. Individuals raising concerns under the Whistleblowing Policy will not be at risk of any form of retribution or sanction, including losing their job or contract with the Council, provided that:-

1. The disclosure is made in good faith.
2. There is a genuine and reasonable belief that the information, and any allegations contained in it, is substantially true.
3. The disclosure is not motivated by personal gain.

4.2. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, where matters which are known to be untrue are raised maliciously, it is likely that disciplinary action will be taken against perpetrators.

5. Raising a concern

5.1. The Council has established the following primary mechanisms for employees and other Council stakeholders to report their concerns:

1. By telephone to:

Whistleblowing Hotline 01902 550550

(24 hours a day, 7 days a week, answer phone out of office hours)

2. By post to:

PO Box 4931
Wolverhampton
WV1 9FX

3. By e-mail to:

Audit.Services@wolverhampton.gov.uk

- 5.2. Alternative lines of communication for reporting fraud include an employee's line manager, departmental Human Resources Manager, relevant Director or Assistant Director, the Assistant Director – Corporate Services (Section 151 Officer), the Assistant Director - Governance, the Head of Audit Services or the Chief Executive. Non-Council employees should raise their concerns with the Assistant Director - Governance, the Head of Audit Services or the Chief Executive. Information relating to Housing or Council Tax Benefits fraud should be referred to the Council's Benefit Fraud Team or the National Fraud Hotline. Full contact details for all referrals are set out in sections 2.3.1. and 2.5.1. of the Council's Anti-Fraud and Corruption Policy.
- 5.3. Concerns may be raised verbally or in writing.
- 5.4. Whilst anonymous allegations will be considered and action taken where appropriate, it is much more difficult to properly investigate matters raised anonymously. The Whistleblowing Policy is designed to protect staff raising genuinely held concerns and individuals utilising the provisions of the policy are encouraged to identify themselves. Obviously, feedback relating to any investigation which has been undertaken can only be provided where contact details are known.

6. How will the Council respond?

- 6.1. The Council's response will depend on the nature of the concern that has been raised. In all instances, the Council will:
 1. Record and acknowledge the issue raised and refer it for investigation within three days of receiving the information.
 2. Respect confidentiality – The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated, however, that this is not always possible. The investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. The person investigating the matter will be informed of any confidentiality requirements relating to the disclosure.
 3. Decide on appropriate action e.g. Audit Services investigation, other internal investigation, referral to the police or other external organisation.
 4. Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation undertaken.

7. How can a concern be taken further?

- 7.1. Where individuals are dissatisfied with action taken by the Council in respect of issues raised under the Whistleblowing Policy, they should raise their concerns with the Assistant Director - Governance. If they remain dissatisfied, the following organisations may be contacted for advice:

1. The charity Public Concern at Work

Public Concern at Work
Suite 301
16 Baldwin Gardens
London
EC1N 7RJ
Tel: 020 7404 6609
(www.pcaaw.co.uk)

2. The Council's external auditors

Pricewaterhouse Coopers
Cornwall Court
19 Cornwall Street
Birmingham
B3 2DT

Tel: 0121 232 2725

3. The Audit Commission

Confidential Public Interest Disclosure Line: 0845 052 2646

In addition, individuals have the option of taking advice from their trade union, the Citizens Advice Bureau, their own legal representation etc.

8. Corporate recording and monitoring

- 8.1. Service Groups will ensure that suitable internal arrangements are in place to address the requirements of the Whistleblowing Policy.
- 8.2. The Head of Audit Services will maintain a Corporate Register logging the progress of all issues raised under the Whistleblowing Policy. All officers receiving information which may be classed as whistleblowing are responsible for informing the Head of Audit Services.
- 8.3. An annual report summarising activity undertaken under the Council's Whistleblowing Policy will be submitted to the Audit Committee by the Head of Audit Services.
- 8.4. The Council's Whistleblowing Policy will be reviewed on an annual basis by the Head of Audit Services to ensure that it remains up to date, fit for purpose and represents generally accepted good practice.