

Wolverhampton City Council

OPEN INFORMATION ITEM

Standards Committee

Date **25 JULY 2013**

Originating Service Group(s)	DELIVERY	
Contact Officer(s)/ Telephone Number(s)	P FARROW 4460	R MORGAN 5612
Title/Subject Matter	<u>WHISTLEBLOWING POLICY</u>	

RECOMMENDATIONS

1. That Members of the Standards Committee note the Council's revised Whistleblowing Policy which was endorsed by the Audit Committee at their meeting on 24 September 2012.
2. To note whistleblowing activity arising since the launch of the Whistleblowing Policy in September 2006.

1. PURPOSE AND BACKGROUND

- 1.1 On 17 November 2011 the Standards Committee received details of the Council's Whistleblowing Policy. Following discussions, it was resolved that consideration should be given to amending the Policy to include details of the process for reconsideration, should the Audit Committee be dissatisfied with the outcome of an investigation.

2. DETAILS

- 2.1. The Audit Committee reviewed the Council's fraud related policies at its meeting on 24 September 2012. Following the recommendation of the Standards Committee, section 8.3 of the Whistleblowing Policy was revised to set out the procedures available to Members in the event that they are dissatisfied with any aspect of an investigation. Options available are to report the matter to the main Audit Committee or to the Council's external auditors.
- 2.2 The revised Whistleblowing Policy is attached at Appendix 1.
- 2.3 Monitoring of whistleblowing activity:

The Council's Whistleblowing Policy requires whistleblowing activity to be reported to the Audit Committee annually. A summary of cases arising since the policy was 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	20
2012/13	28

Details of specific whistleblowing cases are reported to the Audit Committee's Investigations Sub Committee on an on-going basis.

- 2.4 The Whistleblowing Policy continues to be well promoted across the Authority.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report.
[GE/12042013/E]

4. LEGAL IMPLICATIONS

- 4.1 There are no direct legal implications arising from this report.
[FD/12042013]

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

Whistleblowing 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 and other stakeholders to raise concerns and receive feedback where appropriate 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 and 2.5 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 employee against who the allegation was made will normally be informed of the final outcome of any investigation undertaken. However, details of the precise action taken may not be provided where this would infringe a duty of confidence owed to others or compromise any future investigations.

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
3rd Floor
Bank Chambers
6 -10 Borough High Street
London
SE1 9QQ
(Tel: 020 7404 6609)
(www.pcaw.org.uk)

2. The Council's external auditors

Pricewaterhouse Coopers
Cornwall Court
19 Cornwall Street
Birmingham
B3 2DT

Tel: 0121 265 5000

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. The progress of all audit investigations, including those into whistleblowing allegations, is reported to the Audit (Monitoring of Audit Investigations) Sub-Committee. In the event that a Member of the Sub-Committee was dissatisfied with any aspect of the investigation, the matter could be referred back to the main Audit Committee or the Council's external auditors.
- 8.4. 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.
- 8.5. 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.