



DORCHESTER TOWN COUNCIL

STAFF DOCUMENTS SERIES

CONFIDENTIAL REPORTING PROCEDURE

Last Reviewed:

January 2020

DORCHESTER TOWN COUNCIL

CONFIDENTIAL REPORTING - POLICY & PROCEDURE (Whistle-blowing)

The Public Interest Disclosure Act 1998 requires the designation of ‘prescribed persons’ who will be able to receive disclosures from members of staff who are unwilling to make the disclosure through the internal procedure. Members of staff have the ability, therefore, to raise disclosures directly through the Audit Commission.

1. Introduction

- 1.1 Members of staff 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 victimisation and in these circumstances it may be easier to ignore the concern rather than report it.
- 1.2 This policy and procedure is intended to demonstrate the Council's commitment to the highest standards of openness, probity and accountability and to encourage members of staff to report any concerns.
- 1.3 The policy document applies to all members of staff of Dorchester Town Council.

2. Statement of Intent

- 2.1 This policy document makes it clear that members of staff can report any concerns in confidence and without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and help members of staff to raise serious concerns rather than overlooking a problem.
- 2.2 This policy applies to all members of staff and those contractors working for the Council. It also covers suppliers and those providing services under a contract with the Council either on Council premises or elsewhere.
- 2.3 The procedures contained in this document are in addition to or supplement the Council’s Complaints Procedure and other reporting policies and procedures.

3. Aims and Scope

- 3.1 This policy aims to:
 - encourage members of staff to feel confident in raising serious concerns and to question and act upon them
 - provide avenues to raise those concerns and receive feedback on any action taken
 - ensure that a response is given and that members of staff are aware of how to pursue their concerns if a satisfactory response is not forthcoming
 - offer reassurance that members of staff will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in good faith.

3.2 There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment. This Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. Such concerns may 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
- damages to the environment
- the unauthorised use of public funds
- possible fraud or corruption
- sexual or physical abuse of clients
- other unethical conduct

3.3 Any serious concerns that a member of staff may have about any aspect of service provision or the conduct of staff, Members of the Council or others acting on behalf of the Council can be reported under this policy. This may be about something that:

- makes a member of staff feel uncomfortable in terms of known standards, personal experience or the standards they believe the Council should subscribe to
- is against the Council's Standing Orders and policies
- falls below established standards of practice
- amounts to improper conduct.

3.4 This policy does not replace:

- Complaints Procedure
- Grievance Procedure

4. Safeguards

Harassment or Victimisation

4.1 The Council is committed to good practice and high standards and wants to be supportive of all members of staff.

4.2 The Council recognises that the decision to report a concern can be a difficult one to make. If the concern is true there is nothing to fear as the Council will seek to support any member of staff bringing a complaint. The same applies if it transpires not to be true but the member of staff reasonably believed it to be true (see 3.1, point 4). To help achieve this, members of staff are encouraged to seek support and advice from their line manager, the Town Clerk or his Deputy, a Trade Union representative or a friend.

4.3 The Council will not tolerate harassment or victimisation and will take appropriate action to protect employees when a concern is raised in good faith.

Confidentiality

4.4 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the complainant. In some cases, the complainant may need to come forward to provide further details.

Anonymous Allegations

4.5 This policy encourages members of staff to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern raised
- the likelihood of confirming the allegation from attributable sources

Untrue Allegations

4.6 If an allegation is made in good faith, but is not confirmed by an investigation, no action will be taken against the complainant. If however an allegation is made maliciously or for personal gain, disciplinary action will be taken at a level deemed appropriate.

5. How to Raise a Concern

5.1 Concerns may be raised orally or in writing. The earlier a concern is expressed the easier it is to take appropriate action.

5.2 In the first instance any report should be made to the member of staff's immediate supervisor. If the complaint refers to the behaviour of that supervisor the member of staff should report the matter to the next most senior person in their line of responsibility.

5.3 It is the responsibility of the supervisor/manager to deal with the complaint as quickly as possible.

5.4 As mentioned in paragraph 4.2 members of staff may wish to discuss the matter in the first instance with another person. Members of staff may find it easier to raise a matter if there is support from a colleague or friend.

5.5 Members of staff who are not satisfied that their complaint is being properly dealt with may invoke the Grievance Procedure.

6. How the Council Will Respond

6.1 Investigations of concerns raised by members of staff which involve other members of staff will be dealt with under the Council's Disciplinary Procedure (normally by the Town Clerk or someone specifically nominated by him). In the case of a Member of the Council or a contractor the Town Clerk will be personally responsible for conducting the investigation.

6.2 Where appropriate the concern raised may:

- be investigated by management and/or internal audit
- be referred to the police
- be referred to an external auditor
- form the subject of an independent inquiry.

6.3 In order to protect the member of staff making the complaint and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an

investigation is appropriate. The overriding principle which the Council will have in mind is the public interest/confidence.

- 6.4 It is possible that some concerns may be resolved by informal agreed action without the need for a formal procedure to be started.
- 6.5 Within ten working days of a concern being raised, the person dealing with the complaint will write to the member of staff who has raised the concern to:
- acknowledge the concern has been received
 - indicate how it is proposed to deal with the matter
 - give an estimate of how long it will take
 - explain whether any initial enquiries have been made
 - explain whether further investigations will take place and if not, why not.
- 6.6 The amount of contact between the person dealing with the matter and the member of staff who has raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the member of staff who raised the concern.
- 6.7 The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern and will provide full advice and support to the member of staff.
- 6.8 The Council accepts that a member of staff raising a concern needs to be assured that the matter has been properly addressed. Subject to any legal constraints the complainant will be informed of the outcomes of any investigation.

7. How The Matter Can Be Taken Further

- 7.1 This policy is intended to provide an opportunity within the Council to raise concerns. The Council is hopeful that any member of staff using the policy will be satisfied with the outcome. If the member of staff is dissatisfied they have the right to take the matter outside the Council. The following are possible contact points:
- the external auditor
 - a trade union
 - relevant regulatory body
 - the police

END