

BEDFORD BOROUGH COUNCIL CONFIDENTIAL REPORTING POLICY
Adopted by The Hills Academy Governing Body

1. PREAMBLE

- 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.
- 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 The Public Interest Disclosure Act 1998 ("the 1998 Act") provides a statutory protection to employees who come forward and raise concerns. This policy document makes clear the Council's positive commitment to the principles of the 1998 Act so you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside*
- 1.4 This policy should not be used to circumvent established judicial processes, although it may be useful in helping public employees to clarify their concerns before they are progressed. If a criminal offence has been committed or is likely to be committed, then it is the role of the police and Crown Prosecution Service, rather than the Council, to determine how the concerns are to be progressed.
- 1.5 Qualifying protected disclosures under "the 1998 Act" may also be made directly to the police or to a legal adviser.
- 1.6 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council directly to the public.
- 1.7 These procedures are in addition to the Council's Corporate Complaints Procedure and other Council procedure.

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. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- ⌚ conduct which is, or is likely to be a criminal 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 of clients
- ⌚ failure to comply with any legal obligations
- ⌚ deliberate concealment of information relating to any of the above
- ⌚ other unethical conduct

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 corporate complaints procedure.

2.5 This policy complies fully with the 1998 Act.

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 those for whom you are providing a service.

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.

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.

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

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 including the evidence presented
- ⌚ the likelihood of confirming the allegation from attributable sources

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, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. 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 one of the following:

Chief Executive and Director of Commercial Services, Director of Finance & Corporate Strategy/Deputy Chief Executive, Director of Environment and Community Strategies, Head of Corporate Administration Chief Audit and Control Officer the Complaints "Hot Line" (i.e. 0800 9178491) if Housing Benefit Fraud is involved.

7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report 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 you have reasonable grounds for your concern.

7.5 Obtain advice/guidance on how to pursue matters of concern from:
Chief Executive and Director of Commercial Services, Director of Finance and Corporate Strategy/Deputy Chief Executive, Director of Environment and Community Strategies, Head of Corporate Administration Chief Audit Control Officer

7.6 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.

7.8 Complaints against a member that involve a breach of the Council's Code of Conduct for members should be made directly to the Standards Board for England.

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 via internal Council procedures by management, internal audit, and it may involve where appropriate the disciplinary procedure for a member of staff.
- ⌚ 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 10 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.

9. THE RESPONSIBLE OFFICER

9.1 The Head of Corporate Administration as 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 (but in a form which does not endanger your confidentiality) and will report 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; your trade union; your local Citizen's Advice Bureau; relevant professional bodies; relevant regulatory organisations (e.g. the Health & Safety Executive or the Environment Agency); a relevant voluntary organisation the police.

10.2 If you do take the matter outside the Council, you should, if at all possible, take advice before doing so to ensure that you do not disclose confidential information not relevant to the concern you are raising.

11. STATUTORY PROTECTION UNDER THE 1998 ACT

11.1 If you raise concerns of a serious nature in good faith within the terms of the 1998 Act you will have a statutory protection against victimisation.

11.2 This means that if you are victimised:

11.2.1 You can bring a claim to an Employment Tribunal for compensation.

11.2.2 For victimisation short of dismissal, awards will be uncapped and based on losses.

11.2.3 Dismissals in breach of the 1998 Act are automatically unfair. An employee can seek interim relief to continue their employment until the full hearing.

11.2.4 Any claim to the Employment Tribunal should be brought within 3 months and compensation under the Act is unlimited.