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## Purpose

The Council and the citizens of Monmouthshire expect the highest standards of conduct from all employees, therefore we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice them in a safe environment.

The Council recognises that employees are in an ideal position to be aware when malpractice, negligence or wrongdoing occurs. However, they may not express their concerns due to fear of harassment or victimisation.

This policy enables employees to raise concerns at an early stage and in the correct way.

Any serious concerns employees have about the conduct of members or officers of the Council, or agents or contractors of the Council, or about service provision, should be reported under this policy. This policy doesn't cover grievances relating to an employee's employment contract and formal complaints about the Council. Separate policies exist for those, and this Whistleblowing Policy is intended to cover concerns that fall outside the scope of those other procedures.

## Aims and Scope

This policy aims to:

- Inform employees of how to raise concerns which they reasonably believe are in the public interest
- Provide a procedure for employees to raise concerns
- Ensure confidentiality is maintained
- Ensure that employees who raise a concern are protected from recrimination and fear of harassment or victimisation.

This policy applies to employees, volunteers, workers and agency workers, contractors or partners working for or on behalf of the Council.

It is appreciated that it's sometimes difficult to report malpractice or wrongdoing, but failing to report it is serious and can in itself result in disciplinary action against you.

If an allegation is made which it is believed to be in the public interest but is not confirmed by an investigation, no action will be taken against the person who raised the initial concern. However, if the allegation is malicious, vexatious or for personal gain disciplinary action may be taken against the person making those claims.

Sometimes the investigation process may have to reveal the source of the information and a statement by you may be required as part of the evidence. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed, but this can't be guaranteed if it means we can't take action against the wrongdoer.

Areas covered by this policy include:

- a criminal offence
- the breach of a legal obligation

- a miscarriage of justice
- health or safety risks
- damage to the environment
- deliberate covering up of information tending to show any of the above five matters
- A breach of any statutory code of practice including the Council's Standing Orders
- Unethical conduct
- Abuse of power for any unauthorised purpose or for personal gain
- Unfair discrimination in the provision of services
- Fraud, corruption and bribery
- Racial harassment, sexual or physical abuse of clients
- Vulnerable adult or child safeguarding concerns
- Showing undue favour over a contractual matter or to a job applicant

## Relevant Legislation and Council policies

The Council recognises its responsibilities under the following legislation;

- The Public Interest Disclosure Act 1998
- The Enterprise and Regulatory Reform Act 2013
- Employment Rights Act 1999
- The Equality Act 2010
- The Bribery Act 2010
- The Trade Union and Labour Relations (Consolidation )Act 1992

This Policy should be read in conjunction with the Councils;

- Code of Conduct
- Disciplinary Policy
- Equality Policy
- Grievance Policy

If an employee is the subject of disciplinary or redundancy procedures they won't be halted as a result of the whistleblowing.

In order to be protected the disclosure must be made in the public interest and not for personal gain. You must reasonably believe that the information, and any allegation contained in it, is substantially true.

## How to raise a concern

Employees should normally raise any concern they may have with their immediate line manager. However, if employees feel unable to raise a concern through this route for whatever reason, they should write to the Chief Executive, County Hall, Rhadyr, Usk, Monmouthshire, NP15 1GA and mark it confidential.

This depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

If you feel that your line manager is involved, the concern should be raised with the relevant Chief Officer or the Chief Executive. If the concern is about the Chief Executive it should be raised with the Leader of the Council, if the concern relates to an Elected Member, it should be raised with the Chief Executive.

Concerns are better raised in writing. Employees who wish to raise a concern in writing should:

- Set out the background and history of the concern, giving names, dates and places, where possible
- Give the reason why they are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

The earlier a concern is raised the easier it is to take effective action. We appreciate that it can be difficult to know what to do when the concern feels serious because it relates to service user welfare, malpractice, health and safety or a possible fraud that might affect others or the organisation itself. You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's 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. If you are at all worried please speak to someone rather than leave it. You may of course invite your Trade Union to assist you to raise the matter or speak to a member of the Employee Services Team.

The person with whom you raise the concern becomes the Designated Officer responsible for investigating the matter and for keeping you informed on the outcome.

**If in doubt – please raise it!**

## How the Council will respond

The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the external Auditor
- form the subject of an independent inquiry

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved without the need for investigation.

Within 10 working days of a concern being received, the Designated Officer will write:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter

- giving an estimate of how long it will take to provide a final response
- indicating whether any initial enquiries have been made, and
- indicating whether further investigations will take place, and if not, why not
- indicating support mechanisms available

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised. If necessary, further information may be requested from the employee.

The Employee Services team can offer further advice and support.

## Safeguarding Whistleblowers - Our Assurances to You

### Your safety

The Chief Executive is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffer any form of retribution, victimisation or detriment as a result. It won't matter if you are mistaken provided you genuinely believe that you are acting in the public interest. Of course we cannot extend this assurance to someone who maliciously raises a matter they know is untrue.

### Your confidence

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example, where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

The Council accepts that employees need to be assured that the matter has been properly addressed. Subject to legal constraints, the employee who raised the concern will receive information about the outcomes of any investigations.

### How the matter can be taken further

This policy is intended to provide employees with a logical route to raise concerns they may have within the Council. However, if employees do not wish to raise concerns internally or if the concern has not been dealt with satisfactorily, the following are possible contact points:

- Your local councillor (if you live in the area of the Council)
- Welsh Audit Office – the council's external auditors
- An organisation which is [prescribed](#) with the Public Interest Disclosure Act
- Solicitors
- The Police
- Trade Unions
- Professional Bodies
- Public Concern at work – an independent authority which seeks to ensure that concerns about malpractice are raised and addressed in the workplace.

If employees take matters outside the council, it will be necessary to ensure that no confidential or legally privileged information is disclosed.

However, if the allegation is malicious or vexatious or for personal gain disciplinary action may be taken.

## Records

The Chief Executive has overall responsibility for the maintenance and operation of this policy and will maintain a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality) and will report as necessary to the council.

## Version Control

<b>Title</b>	Whistle Blowing
<b>Purpose</b>	To outline the requirement by which employees of Monmouthshire conduct themselves both internally and externally to the organisation.
<b>Owner</b>	Employee Services <span style="float: right;">db</span>
<b>Approved by</b>	JAG, Cabinet
<b>Date</b>	August 2004, revised November 2013
<b>Version Number</b>	2.0 revision
<b>Status</b>	Draft
<b>Review Frequency</b>	Bi-Annual
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<b>Consultation</b>	SLT, Employee Services, Trades Unions