

ANNEX D

Staff Whistleblowing: ‘Speaking up about wrongdoing’

How do I raise a concern?

Ring the Whistleblowing Hotline (01743 252627)

Or

Write to the Audit Service Manager, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND.

Or

Contact a senior officer directly, specific contact details for officers can be found on our web site <http://www.shropshire.gov.uk> or by telephoning Customer Services on 0345 678 9000

What information should I provide?

Background and history of the concern.

Names, dates and places where possible, and

The reason why you are particularly concerned about the situation.

You are not expected to prove the truth of your raised concern. You will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

The earlier you express the concern the easier it will be to take appropriate action.

Introduction

1. Shropshire Council is committed to the highest possible standards of openness, honesty, integrity and accountability. Part of meeting that commitment is to encourage staff and others who have serious concerns about its activities to speak up. This may need to be on a confidential basis and the Council wishes to emphasise that if someone does “speak up” they can do so without fear of reprisals. This process is termed “blowing the whistle”. The phrase is used throughout this statement, and should be viewed as a positive action of speaking up.

2. Staff, elected members, contractors and their staff may be the first to see that something is wrong within the Council. Such wrongdoings may relate to:

- fraud and corruption
- discrimination
- abuse of children
- abuse of vulnerable adults
- damage to the environment

3. Staff may feel unable to express their concerns, because they believe this to be disloyal or they are afraid of being victimised as a result of speaking up. Staff may feel that it would be easier to ignore their concerns, rather than report what may be just a suspicion. This policy is designed to overcome these reservations or fears.

4. It is the duty of staff to speak up when they have serious concerns about the council's activities. It is the duty of the Council to act on those concerns and protect and support staff when they do. A failure to report a serious concern could be construed as collusion. Difficult as it may be to speak up, staff should be aware of their special position and of their duty to make their concerns known.

5. This policy statement makes clear what staff should do and what will happen as a result. The policy has been discussed with all the relevant trade unions and professional organisations and has their support.

Scope and objectives

Scope

6. This policy is provided for use by staff of the council. Schools and the public, including elected members, have their own policy.

7. It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other more appropriate council procedures where these are available, for example the grievance procedure (where you complain about your own treatment as an employee) or the complaints procedure, where the public can complain about the Council's services.

8. If you are unable to access the information from the intranet, please contact Human Resources and Development on 01743 252777 who will send an electronic copy.

Serious concerns

9. There are existing procedures in place to enable you to lodge a grievance about your own employment. This policy is intended to cover concerns outside the scope of those procedures. The concern may be that something:
 - is unlawful
 - is against the Council's Standing Orders
 - Financial Rules or other policies
 - does not meet established standards or working practices
 - amounts to improper conduct
 - is an abuse of vulnerable adults
 - that relates to the abuse of children
 - is damaging the environment

10. Theft, fraud, bribery, corruption, discrimination, environmental misuses are all types of things which would fall into these categories.

Protecting those who speak up about wrongdoing

Harassment or victimisation

11. The Council recognises that deciding to report a concern can be difficult, not least because of the fear of possible reprisals. The Council will not tolerate harassment or victimisation and will take action to prevent this when you raise a concern.

12. This does not mean that, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

Confidentiality

13. 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, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous allegations

14. This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful and are more difficult to act upon, but they 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 issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources

Untrue allegations

15. If you make an allegation, but it is confirmed by the investigation that there is no wrongdoing, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you, but the matter would be referred to the appropriate Chief Officer before any action is taken.

Support for you

16. Throughout and after this process, you will be given full support from Senior Management, your concerns will be taken seriously, and the Council will do all it can to help you throughout any investigation.

How to raise a concern

17. As a first step, you should normally raise concerns with your immediate Supervisor or Line Manager. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing. If management is involved, you should approach:

- the Head of Paid Service - if the wrongdoing is about standards of behaviour; the Head of Legal, Strategy and Democratic Services, Monitoring Officer- if the wrongdoing is thought to be illegal
- the Section 151 Officer - if the wrongdoing is about improper payments
- the Audit Service Manager - if the wrongdoing is a fraud
- the Head of Growth and Prosperity – if the wrongdoing is an environmental issue
- Head of Safeguarding - if the wrongdoing is a safeguarding issue

18. Alternatively, you can call the Whistleblowing Hotline, 01743 252627 or invite your trade union or professional association to raise the matter on your behalf.

19. Concerns can be raised in writing. If you choose to do this, you should write a letter to the Audit Service Manager, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.

20. The earlier you express concern, the better and the easier it will be to take action. Concerns are better raised in writing. You should try to set out:

- the background and history to your concern
- dates and places where possible
- the reasons for your concern

21. Further advice and guidance on what to do can be found in the:

- guidance note on environmental issues
- **Harassment and Bullying Policy**
- Shropshire Safeguarding Children's Board Policy; Multi Agency Adult Protection Policy

22. The above policies can be found on shropshire.gov.uk website.

Information for **reporting a child protection concern** can be found on our website. Also visit the website for information on **reporting adult protection concerns** or you can telephone the Council on the numbers set out in this policy to discuss your concern.

How will the council respond?

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

- be investigated internally within the Council but independently of those directly involved;
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

24. 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. These will be made confidentially. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

25. Within ten working days of receipt we 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
- telling you whether further investigations will take place and, if not, why not

Standards of conduct

26. Below are some guidelines to help you adhere to the standards Shropshire Council expects of all its staff:

- Whenever you have to make a decision, do so for valid business, commercial or public interest reasons, not for private and personal reasons.
- Do not under any circumstances accept money or gifts or hospitality from any individual or organisation that might influence your decisions or actions at work.
- If you are involved in appointing people to jobs or public positions, awarding contracts, or recommending people for awards or other benefits of any kind, follow defined guidelines and make your choice on merit alone.
- Whatever decisions or activities you are involved in, be open about them; be prepared to account for them to the public and open them

up to whatever scrutiny is appropriate. This means giving meaningful reasons for your decisions and only restricting information when to do so is clearly in the wider public interest.

- Declare any private or personal interest which is, or may be seen by the public, as relevant to your public duties. "Private interest" includes financial and non-financial interests, whether it would be to your advantage or disadvantage.
- Take action to resolve any conflicts of interest in a way which protects the public interest and maintains public confidence. Take advice if in any doubt from the Monitoring Officer.

27. Promote these standards at all times, by leadership and by example.

Follow proper procedures

28. One of the best ways of guarding against corruption is to ensure that proper procedures are followed – in the way decisions are taken, in the way contracts are awarded and the way that staff conduct themselves.

29. The most important of these procedures are described within the Constitution and elsewhere as follows:

- Financial Rules
- Contract Rules
- Members' and Staff' Codes of Conduct;
- Computer Facilities Code of Practice;
- Delegations (or decision making powers);
- Recruitment and Selection Code of Practice;
- Gifts and Hospitality
- Harassment and Bullying Procedure.

30. Actions which breach these procedures are not only unauthorised, but can lead to loss of public confidence and can be corrupt and require legal action to be taken.

31. As with any other concerns on standards, you should report breaches of these procedures. Contact the Monitoring Officer on 01743 252763 or the Audit Service Manager on 01743 252027.

Remember – if you have serious concerns it is your duty to tell us and our duty to protect and support you, if you do.

Contacts

Chief Executive (Head of Paid Service) (01743) 254312

Section 151 Officer (01743) 255011

Head of Legal, Strategy & Democratic Services (01743) 252763

Review of Policy

The policy will be reviewed at regular intervals in conjunction with changes to legislation that may impact upon it.