

## WHISTLE BLOWING AT WORK POLICY

### 1. POLICY

- 1.1 New Forest District Council is committed to the highest standards of corporate governance and to full accountability for all of its services. It is also committed to the prevention, deterrence, detection and investigation of all forms of fraud, corruption, malpractice and unethical conduct.
- 1.2 The Whistle Blowing policy is specifically intended to ensure that any employee who raises an issue or concern regarding suspected malpractice or serious wrongdoing in the workplace, will not be subject to any detriment, e.g. dismissed, denied promotion, ostracised or transferred to another department. The aim is to encourage employees to raise concerns about malpractice in the workplace, promoting honesty and openness.
- 1.3 The policy is intended to supplement, rather than replace, the existing complaints procedures whereby Council employees, Members and members of the public may already raise complaints or matters of genuine concern with the Council. Members of the public will always be referred in the first instance to the Council's Corporate Complaints Procedures.
- 1.4 The policy gives clear guidance to employees for bringing attention to any wrongdoing, which they feel is harmful to individuals or could affect the reputation of the Council.
- 1.5 If a Member is concerned about any aspect of an employee's conduct (including conduct which would be covered by this policy), they should follow the procedure set out in the Local Code for Member/Officer Relations i.e. the matter should be reported to the relevant Director.
- 1.6 Alternatively, if an employee is concerned about the conduct of any Member, their Line Manager, their Director, the Chief Executive or the Monitoring Officer should be informed. The matter will be taken seriously. Members are under an obligation to comply with a statutory Code of Conduct as well as the Council's own local codes.

### 2. INDIVIDUALS AFFECTED

- 2.1 All employees of New Forest District Council.

### 3. DEFINITION

- 3.1 The term 'Whistle Blowing' is used to define the disclosure, by an employee, of information that relates to suspected malpractice, corruption, fraud and illegal or unethical conduct by employees and/or agents of the Council.
- 3.2 The following list is not exhaustive but gives examples of malpractice, unethical conduct or potential malpractice:
  - Danger to the health and safety of any individuals

- Damage to the environment
- Unauthorised use of public funds
- Misappropriation of public funds
- Breach of regulatory, administrative or common law
- Abuse of those living within our sheltered housing schemes or other Council controlled premises.
- Fraud and Corruption or any criminal offence that has or is likely to take place.
- Breach of contract
- Negligence
- Attempting to conceal any of the above, including omission to document any issues of concern or preventing persons from reporting such concerns.

#### **4. AIMS AND SCOPE OF THE POLICY**

- 4.1 The Council's employees are an important element in its stance against fraud, corruption or any form of malpractice and are positively encouraged to raise any concerns that they may have on these issues where they are associated with the Council's activity. They can do this in the knowledge that such concerns will be treated in confidence, properly investigated and dealt with fairly.
- 4.2 The policy is aimed at encouraging employees to feel confident in raising serious concerns, on an anonymous basis if necessary, and to have confidence that those concerns will be dealt with appropriately. It will also reassure them that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made the disclosure in good faith.

#### **5. EMPLOYEE RESPONSIBILITIES**

- 5.1 Employees are expected to maintain the highest levels of honesty and integrity as defined by the Council's Employee Code of Conduct as well as any code of conduct related to, or required by, their professional institute or association.

#### **6. HOW TO RAISE A CONCERN**

- 6.1 Employees are urged to raise concerns, often before problems have a chance of becoming serious, with their line manager or Head of Service. Employees have the right to engage the services of their Trade Union if they so wish. They may in any circumstance raise it directly with any of the following officers:

- Chief Executive
  - Executive Directors
  - Head of Human Resources
  - Internal Audit
  - The Council's Monitoring Officer
  - The Council's S151 Officer

**NOTE:** It is a specific requirement of the Council's Financial Regulations that all matters of fraud, misappropriation or other financial irregularity are referred immediately, by the

employee raising a concern or the officer to whom they have initially reported, to the Council's Section 151 Officer (currently the Executive Director) and/or Internal Audit.

6.2 Concerns can be raised verbally or in writing. If written, the concern should be addressed to one of the officers set out in paragraph 6.1 and sent in an envelope marked '*Personal, Private and Confidential*'. If the concern is of an extremely serious nature, the envelope should be hand delivered to the person to whom the matter is being reported. Concerns expressed anonymously are much less powerful and employees are encouraged to put their names to allegations. However, in order to ensure that maximum facilities are available to employees they are free to report anonymously on any areas of concern. Such anonymous allegations will be fully investigated.

**NOTE:** If anonymity is preferred, complainants may use the Council's secure (and untraceable) 24 hour Fraud Hotline. The number is 0800 085 1637. Concerns (of any nature) may be e-mailed using [fraud@nfdc.gov.uk](mailto:fraud@nfdc.gov.uk) in total confidence

6.3 New Forest District Council is proud of its reputation as a Council with the highest standards of probity and will ensure that any complaints received are properly investigated. However any false or malicious allegations that are received will be viewed very seriously and the making of such allegations by an employee of the Council will be regarded as a disciplinary issue (refer to the Council's Disciplinary Procedures). False or malicious allegations by a Councillor may be dealt with as a potential breach of the Code of Conduct for Members.

6.4 If employees still have reason to feel unable to report their concern as outlined above, they may report their concern to a prescribed organisation such as: -

- Public Concern at Work: Tel: 020 7404 6609 [www.pcaw.co.uk](http://www.pcaw.co.uk)
- Hampshire Police: Tel: 0845 045 4545
- Audit Commission: Tel: 020 7828 1212
- Health & Safety Executive Tel: 0845 345 0055

## **7. INVESTIGATING A CONCERN**

7.1 For all matters concerning allegations of fraud, corruption and financial malpractice on the part of an employee, the Council's Internal Audit services will conduct the investigation or refer the matter to the Police as appropriate. It is critical that complainants and/or line managers do not instigate their own investigation in these circumstances as this may frustrate the ability to proceed with criminal action.

7.2 In all other cases where there is prima facie no breach of regulation or legislation and/or abuse of persons which could give cause for legal action the line manager will fully investigate the matter, in consultation with appropriate service professionals. Although employees will be-informed of progress, in some cases detailed feedback will not be possible. However the employee will receive information that will demonstrate that the Council has investigated the matter thoroughly, including any changes in working practices.

7.3 If the employee feels that the investigation has failed to resolve the matter, they should ask for a confidential meeting with their Head of Service-

- 7.4 Complaints against Members will be conducted in accordance with the procedures adopted by the Council.

## **8. LEGISLATION**

- 8.1 Public Interest Disclosure Act 1988: The Act protects employees who expose serious wrongdoing in the workplace and prohibits any recrimination by employers or individuals against employees who raise concerns of malpractice, unethical conduct or serious wrongdoing.
- 8.2 Employment Rights Act 1996: This brings together many of the individual employment rights found amongst a number of different statutes. It repeals in their entirety the Employment Protection (Consolidation) Act 1978 and the Wages Act 1986. It requires employers to provide employees with information about their rights and entitlements and to treat them fairly.
- 8.3 Health and Safety at Work Etc. Act 1974: responsibilities of the employer to establish and maintain a safe and healthy workplace
- 8.4 Sex Discrimination (Gender Reassignment) Regulations 1999: Prohibits direct discrimination against employees on the grounds of gender reassignment.
- 8.5 Protection from Harassment Act 1997: Contains provisions designed specifically to deal with 'stalkers'.
- 8.6 The Employment Equality (Religion or Belief) Regulations 2003: Extends discrimination rights to cover belief systems.

## **9. OTHER SOURCES OF INFORMATION**

See Intranet Links referred to in this report, and additionally:

Anti-Fraud Bribery and Corruption Policy	(see Audit Services/Intranet)
Grievance & Disciplinary procedure	(see Employee Handbook/Intranet)