

*WHISTLEBLOWING POLICY*

Version:	<b>Version 2 draft 1</b>
Policy Ratified by:	<b>Human Resources</b>
Date:	<b>April 2014</b>
Area Applicable:	<b>All Caerphilly employees except School based employees unless the School Governing Body has adopted the Scheme.</b>
Review Year	



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## **INTRODUCTION**

1. Caerphilly County Borough Council is fully committed to running the organisation in the best possible way and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way.
2. All of us, at one time or another, have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

## **SCOPE OF THE SCHEME**

3. This policy applies to all Council employees, including agency workers and voluntary staff. The policy also applies to contractors working on council premises, including builders, drivers, and suppliers. This policy will not apply to school based support/teaching staff for whom the Governing Body sets the terms and conditions of employment unless it has been adopted by the school Governing Body.
4. The effective date of the policy is XXXX and this policy must be read in conjunction with all relevant Council policies and procedures, in particular The Code of Conduct and The Social Media Policy.

## **GUIDING PRINCIPLES**

5. This policy aims to reassure you that it is safe and acceptable to speak up and to enable you to raise serious concerns you have about malpractice at an early stage and in the right way.
6. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result.
7. The policy is specifically intended for raising concerns about malpractice. If, however, you wish to make a complaint about your employment or how you have been treated, please use the grievance procedure – copies can be obtained from your Manager or the HR Support Portal.
8. The policy provides you with an avenue to raise your concerns and to receive feedback on any action taken.

## **CATEGORIES OF WRONGDOING**

9. You are protected under this policy to raise any concerns you may have about the following categories of wrongdoing:
  - Criminal offences, including conduct which is an offence or a breach of law or sexual or physical abuse of clients;
  - Failure to comply with legal obligations including the unauthorised use of public funds, possible fraud and corruption;
  - Miscarriages of justice;
  - Dangers to health or safety including risks to the public as well as other employees;
  - Danger or damage to the environment or
  - Deliberate concealment of any of the above categories.

10. The policy may also be used to report something that:
- Makes you feel uncomfortable in terms of the standards you believe the Council subscribes to;
  - Is against the Council's Constitution and policies;
  - Falls below established standards of practice or
  - Amounts to improper conduct.

### **OUR ASSURANCE TO YOU**

11. Caerphilly County Borough Council 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 suffering any form of reprisal as a result. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.
12. 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 confidentially first. If this is the case, please say so at the outset.
13. 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.

### **ANONYMOUS ALLEGATIONS**

14. The policy encourages you to put your name to your allegation whenever possible. 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 could provide the assurances we offer in the same way if you report a concern anonymously.
15. If you are unsure about raising a concern you can get independent advice from Public Concern at Work (contact details can be found under Independent Advice).

### **UNTRUE ALLEGATIONS**

16. If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.
17. If you make an allegation maliciously or for personal gain, disciplinary action may be taken against you.

### **RAISING A CONCERN**

18. You do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.
19. If you have a concern about malpractice the first step is to raise it with your manager or

team leader. This may be done verbally or in writing. We understand that the ability to raise concerns in this way will depend on the nature of the concern and the individuals involved.

20. If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

Head of Workforce & Organisational Development

21. If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.
22. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Head of Legal and Democratic Services

### **HOW WE WILL HANDLE THE MATTER**

23. The Council will acknowledge receipt of your concern within 10 working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you, how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.
24. When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we ask you to tell us at the outset.
25. If we think your concern falls more properly within one of our other policies (ie grievance) we will let you know.
26. If you are invited to a meeting to discuss your concerns, you can be accompanied by a union representative or a friend.
27. Whenever possible we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.
28. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

### **INDEPENDENT ADVICE**

29. If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk). Their lawyers can talk you through your options and help raise a concern about malpractice at work.
30. If you are a member of a trade union you can also contact your union for advice.

## **EXTERNAL CONTACTS**

31. While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator than not at all. Public Concern at Work (or your union) will be able to advise you on such an option if you wish. Details of External Regulators can be found under Appendix 1.
32. If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

## **INTERPRETATION OF THE POLICY**

33. In the event of a dispute relating to the interpretation of the scheme, the Head of Workforce and Organisational Development or the HR Service Manager will make the final decision on interpretation.

## **REVIEW OF THE POLICY**

34. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

## **DATE**

## PRESCRIBED PERSONS UNDER THE PUBLIC INTEREST DISCLOSURE ACT

<i>Persons and descriptions of people</i>	<i>Descriptions of matters</i>
Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies.	The proper conduct of public business, value for money, fraud and corruption in local government bodies.
Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies.	The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies.
Certification Officer.	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Charity Commissioners for England and Wales.	The proper administration of charities and of funds given or held for charitable purposes.
The Scottish Ministers.	The proper administration of charities and of funds given or held for charitable purposes.
Chief Executive of the Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Chief Executive of the Scottish Criminal Cases Review Commission.	Actual or potential miscarriages of justice.
Civil Aviation Authority.	Compliance with the requirements of civil aviation legislation, including aviation safety.
The competent authority under Part IV of the Financial Services and Markets Act 2000. <a href="#">[3]</a>	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public.
Commissioners of HM Revenue and Customs	Value added tax, insurance premium tax, excise duties and landfill tax.  The import and export of prohibited or restricted goods. Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.
Comptroller and Auditor General of the National Audit Office.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally-funded public services.
Auditor General for Wales.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Auditor General for Scotland and persons appointed by or on his behalf under the Public Finance and Accountability (Scotland) Act 2000 <a href="#">[4]</a> to act as auditors or examiners for the purposes of sections 21 to 24 of that Act.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.
Audit Scotland.	The proper conduct of public business, value for money, fraud and corruption in public bodies.
Director General of Electricity Supply.	The generation, transmission, distribution and supply of electricity, and activities ancillary to these matters.

<b><i>Persons and descriptions of people</i></b>	<b><i>Descriptions of matters</i></b>
Director General of Gas Supply.	The transportation, shipping and supply of gas through pipes, and activities ancillary to these matters.
Director General of Telecommunications.	The provision and use of telecommunications systems, services and apparatus.
Director General of Water Services.	The supply of water and the provision of sewerage services.
Water Industry Commissioner for Scotland.	The supply of water and the provision of sewerage services.
Director of the Serious Fraud Office.	Serious or complex fraud.
Lord Advocate, Scotland.	Serious or complex fraud.
Natural Resources Wales	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.
Scottish Environment Protection Agency.	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to flood warning systems and pollution.
Food Standards Agency.	Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.
Financial Services Authority.	The carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets, investment exchanges and clearing houses; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.
General Social Care Council.	Matters relating to the registration of social care workers under the Care Standards Act 2000 <sup>[5]</sup> .
Care Council for Wales.	Matters relating to the registration of social care workers under the Care Standards Act 2000.
Scottish Social Services Council.	Matters relating to the registration of the social services workforce by the Scottish Social Services Council.
Children's Commissioner for Wales.	Matters relating to the rights and welfare of children.
Health and Safety Executive.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.



<b><i>Persons and descriptions of people</i></b>	<b><i>Descriptions of matters</i></b>
Housing Corporation.	The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Local authorities which are responsible for the enforcement of health and safety legislation.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Information Commissioner.	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Scottish Information Commissioner.	Compliance with the requirements of legislation relating to freedom of information.
National Care Standards Commission.	Matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000.
Welsh Government	Matters relating to the provision of social care services liable to be registered or inspected under the Care Standards Act 2000 or the Children Act 1989[6].  The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Scottish Commission for the Regulation of Care.	Matters relating to the provision of care services, as defined in the Regulation of Care (Scotland) Act 2001[7].
Occupational Pensions Regulatory Authority.	Matters relating to occupational pension schemes and other private pension arrangements.
Office of Fair Trading.	Matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers. Competition affecting markets in the United Kingdom.
Rail Regulator.	The provision and supply of railway services.
Standards Board for England.	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000[8]) of that authority's code of conduct.
Local Commissioner in Wales.	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000) of that authority's code of conduct.
Standards Commission for Scotland and the Chief Investigating Officer.	Breaches by a councillor or a member of a devolved public body (as defined in section 28 of the Ethical Standards in Public Life etc. (Scotland) Act 2000[9]) of the code of conduct applicable to that councillor or member under that Act.
Treasury.	The carrying on of insurance business.

<b><i>Persons and descriptions of people</i></b>	<b><i>Descriptions of matters</i></b>
Secretary of State for Trade and Industry.	Fraud, and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing.  Consumer safety.
Secretary of State for Transport.	Compliance with merchant shipping law, including maritime safety.
Local authorities which are responsible for the enforcement of consumer protection legislation.	Compliance with the requirements of consumer protection legislation.
Local authorities which are responsible for the enforcement of food standards.	Compliance with the requirements of food safety legislation.
A person ("person A") carrying out functions, by virtue of legislation, relating to relevant failures falling within one or more matters within a description of matters in respect of which another person ("person B") is prescribed by this Order, where person B was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.	Matters falling within the description of matters in respect of which person B is prescribed by this Order, to the extent that those matters relate to functions currently carried out by person A.