

Whistleblowing Policy - (Raising Concerns in the Public Interest)

A Confidential Reporting Policy for All Members of Staff and the General Public

1. Introduction

- 1.1 Brighton & Hove City Council is committed to the highest standards of openness, honesty, integrity and accountability for the services it provides. However, the Council recognises that there is always the risk that things can go wrong. Therefore, the Council is keen to encourage those working for the Council and members of the community to express their concerns when they think that there may be something seriously wrong regarding the activities of the Council. This gives the Council the opportunity to stop any unethical or unprofessional practices or wrongdoing within the organisation.
- 1.2 The Council recognises that for individuals to come forward, they must have confidence that their concerns will be listened to and that the Council will take prompt action to investigate and deal with concerns appropriately.
- 1.3 This Policy sets out how concerns about serious wrongdoing by the Council can be raised and how the Council will respond to these.
- 1.4 This Policy is an integral part of, and should be read in the context of, the Council's corporate values, which are:

Respect: Embrace diversity with kindness and consideration and recognise the value of everyone

Collaboration: Work together and contribute to the creation of helpful and successful teams and partnerships across the Council and beyond

Efficiency: Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of doing things

Openness: Share and communicate with honesty about our service and ourselves, whenever appropriate. Accept where we have to change in order to improve

Creativity: Have ideas that challenge the 'tried and tested', use evidence of what works, listen to feedback and come up with different solutions

Customer Focus: Adopt our Customer Promise for colleagues, partners, members and citizens. Our Customer Promiser is that we will be easy to reach, be clear and treat you with respect, listen and act to get things done

- 1.5 This Policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998 (as amended by the Enterprise & Regulatory Reform Act

2013), which protects members of staff against detrimental treatment or dismissal for disclosing normally confidential information because they reasonably believe it is in the public interest to do so. This is known as a “qualifying disclosure”.

2 Benefits of this policy

2.1 This Policy aims to:

- encourage and enable you to feel confident in raising concerns and to question and act upon any concerns;
- provide avenues for you to raise concerns;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied with the action taken;
- reassure members of staff that they will be protected from repercussions when raising genuine concerns;
- ensure that all those working for, or on behalf of, the Council are aware that they must not treat individual(s) detrimentally because they have made a “qualifying disclosure” under the Act.

3 Scope

3.1 The types of concern covered by the Policy include:

- conduct which is an offence or a breach of law
- disclosures relating to miscarriages of justice
- individual(s) covering up wrongdoing
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of Council funds
- action that is contrary to the Council’s financial procedures or contract regulations
- possible fraud, corruption or financial irregularity
- practice which falls below established standards or practice
- sexual or physical abuse of clients
- other unethical conduct

3.2 This Policy and its associated procedures is not intended to replace any existing Council procedures that would be more appropriate for dealing with any concern raised under this Policy.

Members of staff

If your concern relates to how you have been personally treated at work as an employee under your contract of employment, you should raise it under the existing Grievance Procedure. If your concern relates to bullying or harassment, the Council will respond to such concerns under the Council’s Disciplinary Procedure.

Members of the Public

If you have a concern or complaint about Council services provided to you, you should raise this using the Council's Complaints Procedure.

4 Who can raise a concern under this Policy

4.1 This Policy applies to all:

- employees of the Council (excluding schools – see 4.2 below)
- casual, agency workers and apprentices working for the Council
- contractors and employees of contractors working for the Council
- self-employed consultants working for the Council
- members of the public

4.2 If you are employed in, working with, assisting or based in a Brighton and Hove maintained school, you should raise your concern directly with the school using their Whistleblowing Policy. If you feel unable to raise your concern directly with the School, you may contact a person mentioned in 6.2. However, you should set out why you feel unable to contact the school directly.

5 Supporting you to raise a concern

5.1 **Confidentiality:**

We hope that you will feel able to voice whistleblowing concerns openly under this Policy. However, if you want to raise your concerns confidentially, we will make every effort to keep your identity secret. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

5.2 **Staff Raising Genuine Concerns:**

The Council aims to encourage openness and will support staff who raise genuine concerns under this Policy, even if they turn out to be mistaken.

Staff who raise genuine concerns under this Policy with a reasonable belief that it is true must not suffer any detrimental treatment as a result of raising the concern.

Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

Staff and those working for the Council must not threaten or retaliate against a person who raises a concern under this Policy. If you believe that you have suffered any such treatment, you should inform the Head of Human Resources & Organisational Development immediately. If the matter is not remedied, you should raise it formally using the Council's Grievance Procedure.

5.3 **Staff Raising Malicious Allegations:**

However, the Council cannot give such assurances and you may be subject to disciplinary action if you raise a concern maliciously or the information you have used to trigger a concern has been obtained unlawfully, for example:

- legal requirements have not been followed, e.g. the Data Protection Act has been breached or
- through unauthorised access to records, e.g. computer hacking.

6 **How to raise a concern**

Points of contact

6.1 As soon as you become reasonably concerned, we hope you will feel able to raise it. The earlier you raise your concern, the easier it is to take action. A flowchart showing the process for raising concerns can be found in Appendix 1.

6.2 Members of Staff

If you are an employee you should normally raise concerns with your line manager. Similarly, non-employees (e.g. agency workers, contractors, consultants) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

If you are a member of staff and you want to raise the matter with someone other than your immediate manager, for whatever reason, please raise the matter with:

- Your Head of Service
- Alison McManamon, Head of Human Resources & Organisational Development - ext. 0511
- Mark Dallen, Principal Audit Manager - ext.1314
- David Kuenssberg, Executive Director of Finance & Resources ext.1333 or
- Abraham Ghebre-Ghiorghis, Executive Lead Officer Strategy, Governance & Law - ext.1500

These people will also be able to advise on confidentiality and further action required.

If these channels have been followed but you still have concerns or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may as a last resort contact:

Chief Executive – tel. 01273 291132

6.3 Members of the Public

If you are a member of the public you can raise concerns with:

- Mark Dallen, Principal Audit Manager -
email: mark.dallen@brighton-hove.gcsx.gov.uk, tel. 01273 291314

or

- Abraham Ghebre-Ghiorghis, Executive Lead Officer Strategy, Governance & Law - email: abraham.ghebre-ghiorghis@brighton-hove.gcsx.gov.uk, tel. 01273 291500.

If these channels have been followed but you still have concerns or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may contact:

Chief Executive – tel. 01273 291132

The Procedure

- 6.4 You may raise your concern orally or in writing. We advise that you make it clear that you are raising your concerns under the Council's whistleblowing arrangements.
- 6.5 You are also encouraged to put your name to any concern you raise as this will make it easier for the Council to investigate the issue. Please also say if you want to raise the matter in confidence so that the person you contact can make appropriate arrangements.
- 6.6 To enable your concern to be dealt with properly and effectively you will need to provide the following information and to be as clear as possible about:
- what the concern is and to whom it relates
 - the background and history of the concern (giving relevant dates)
 - the reason why you are particularly concerned about the situation and why you believe it to be true.
- 6.7 When raising a concern you are not expected to prove the truth of an allegation, however, you will need to demonstrate to the person you contact that there are sufficient grounds for the concern.
- 6.8 If you are a member of staff you may invite your trade union representative or a colleague who works for the Council to assist or accompany you. Similarly, if you are a member of the public you may be supported by a colleague or friend. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

7 How the Council will respond

- 7.1 Once a concern is raised, the Council will respond to your concern as quickly as possible. The appropriate Council manager/officer will make initial enquiries, taking advice from the Head of Human Resources & Organisational Development if necessary, to help decide if an investigation is appropriate and if so, what form it should take.
- 7.2 The Council manager/officer receiving the concern will ensure the Executive Lead Officer Strategy, Governance & Law, as the City Council's Monitoring Officer, is provided with sufficient details to be aware of the concern raised.
- 7.3 Where appropriate, the matters raised may:
- be investigated by management, internal audit, the Monitoring Officer or through the disciplinary process;
 - be referred to the Police;
 - be referred to the external auditor or form the subject of an independent inquiry

Within 10 working days of a concern being raised, the person handling the matter will write to you acknowledging that the concern has been received, indicating how, as far as possible, it will be dealt with and, if you are a Council member of staff, the support mechanisms available to you. You will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

- 7.4 When you raise the concern(s) you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we ask that you tell us this at the outset. If your concerns would be more appropriately dealt with under another policy of the City Council (for example, the Complaints Procedure, Anti-Fraud & Corruption Strategy or Grievance Procedure) we will tell you.
- 7.5 While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can.
- 7.6 Concerns or allegations that fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under the relevant procedure. Some concerns may be resolved by agreeing action with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 7.7 The Council will take all reasonable steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

8 How your concern can be taken further

8.1 This Policy is intended to provide you with an avenue to raise concerns with the Council. The Council hopes that you will be satisfied with the way your concerns are treated and any investigations that may be carried out.

However, if you are not, and feel it is right to take the matter outside the Council, please find below a list of possible contact points. If you are a member of staff, the Monitoring Officer or the Head of Human Resources & Organisational Development can provide advice as to the other options.

The following are examples of some of the possible contact points:

- the Council's External Auditors: Ernst & Young LLP are the Council's External Auditors. The address is: Ernst & Young LLP Apex Plaza, 4 Forbury Road, Reading, RG1 1YE. Telephone number 0118 9281556
- relevant professional bodies or regulatory organisations. A list of regulatory bodies can be found in Appendix 2
- your trade union (if you are a member of staff)
- a solicitor
- the Police

8.2 If you are a member of staff, the law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. If you would like independent advice at any stage, you can contact the independent charity Public Concern at Work www.whistleblowing.org.uk on 020 7404 6609. They should be able to give you free and confidential advice about how to raise a concern about serious malpractice at work.

9 The Responsible Officer

The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this Policy.

10 Corporate recording, monitoring and reviewing

10.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy and for ensuring it is reviewed annually by involving key stakeholders in the process.

10.2 A corporate register of all concerns and the outcomes that are brought to the attention of the Monitoring Officer (in a form which respects your confidentiality) will be maintained by him. All officers designated to look into a concern must ensure that the Monitoring Officer is provided with sufficient details for the corporate register.

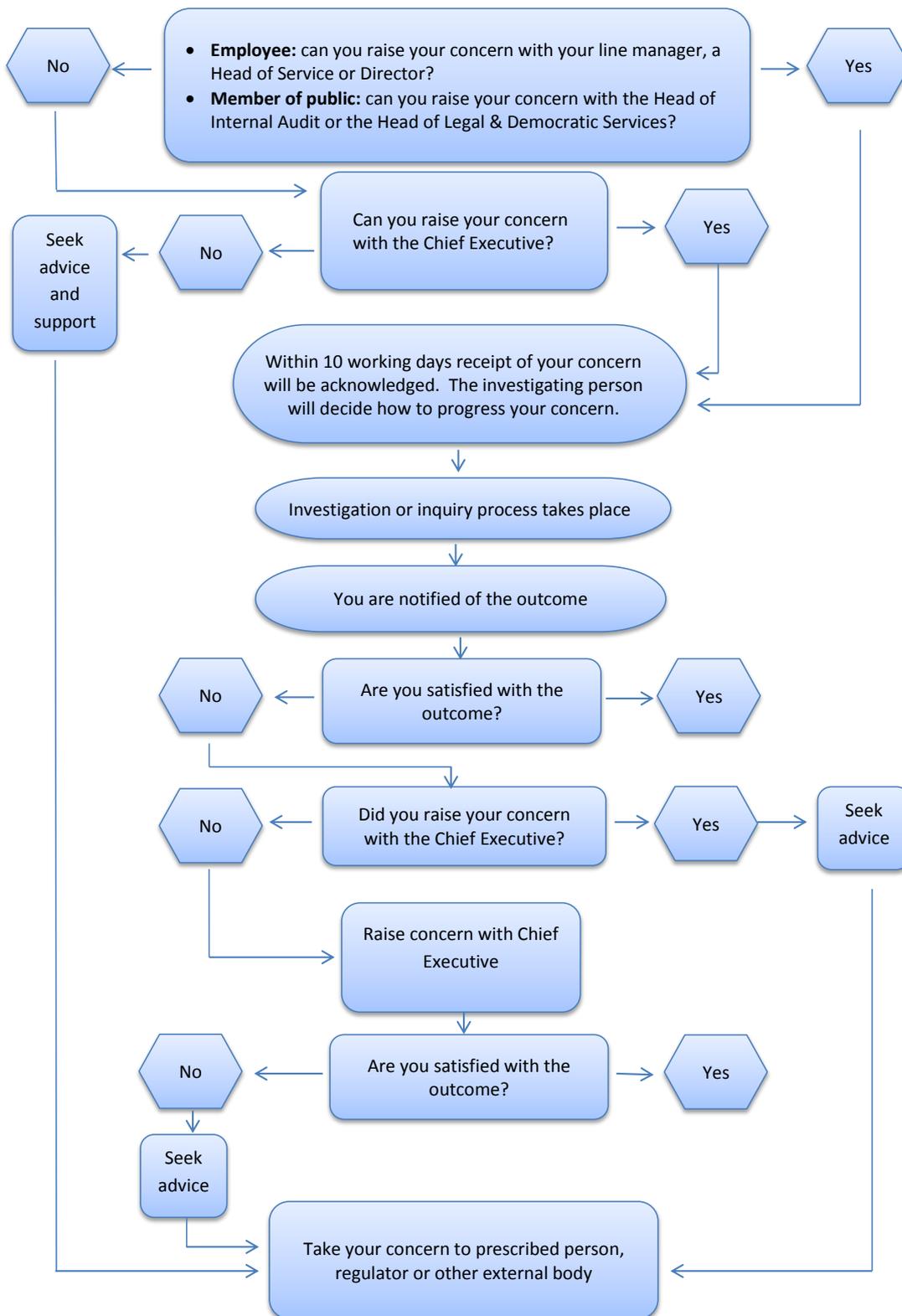
10.3 The Monitoring Officer will review the corporate register and will report annually to the Council's Audit and Standards Committee on the use of the Policy and concerns raised during the period covered by the report. The report will not identify any person raising concerns under this Policy.

11 If you are dissatisfied

11.1 If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.

11.2 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly.

You have a concern that you would like to raise - refer to the Council's whistleblowing policy



Please note that reference above to the:
 Head of Internal Audit should read Principal Audit Manager
 Head of Legal & Democratic Services should read Executive Lead Officer Strategy, Governance & Law

Regulatory and Professional and other External Organisations

Health & Safety and Environment Risks

Contact	Details
Environmental Agency	Address: Solent and South Downs Area Office, Guildbourne House, Chatsworth Road, Worthing, Sussex, BN11 1LD (South East regional office) Tel: 0370 8506506 Web: www.environment-agency.gov.uk
Health & Safety Executive	Address: Priestley House, Priestley Road, Basingstoke, Hampshire RG24 9NW (regional office) Tel: 0845 345 0055 Web: www.hse.gov.uk
Food Standards Agency	Address: Aviation House, London WC2B 6NH Tel: 020 7272 8829 Web: www.food.gov.uk

Consumer Rights

Contact	Details
The Serious Fraud Office	Address: 2-4 Cockspur Street, London SW1Y 5BS Tel: 020 7239 7272 Web: sfo.gsi.gov.uk

Data Protection and Freedom of Information

Contact	Details
Information Commissioner's Office	Address: Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF Tel: 0303 123 1113 Web: www.ico.gov.uk

Healthcare and Social Services

Contact	Details
Care Quality Commission	Address: 2nd Floor, Ridgewort House, Worthing, West Sussex BN11 1RY Tel: 03000 616161 Web: www.cqc.org.uk
Health and Care Professions Council	Address: 184 Kennington Park Road, London SE11 4BU Tel: 0845 3006184 Web: www.hpc-uk.org
The National Society for the Prevention of Cruelty to Children (NSPCC)	Address: Gillingham Service Centre & Regional Office, Pear Tree House, 68 West Street, Gillingham, Kent ME7 1EF Tel: 020 7825 2500

	Web: www.nspcc.org.uk
Children's Commissioner	Address: Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT Tel: 020 7783 8330 Web: www.childrenscommissioner.gov.uk
Health and Care Professions Council	Address: Park House, 184 Kennington Park Road, London, SE11 8BU Tel: 08453006184
Nursing and Midwifery Council (NWC)	Address: 23 Portland Place, London W1B 1PZ Tel: 020 7637 7181 Web: www.nmc-uk.org
General Medical Council (GMC)	Address: Fitness to Practise Directorate, 3 Hardman Street, Manchester, M3 3AW Tel: 0161 923 6602 Web: www.gmc-uk.org
Homes and Communities Agency	Address: Fry Building, 2 Marsham Street, London SW1P 4DF Tel: 0300 1234 500 Web: www.homesandcommunities.co.uk

Other Organisations

Contact	Details
The Local Government Ombudsman	Address: PO Box 4771, Coventry CV4 0EH Tel: 0300 061 0614 Web: www.lgo.org.uk
Commissioners for Her Majesty's Revenue & Customs (HMRC)	Address: HM Revenue and Customs, Freepost NAT22785, Cardiff, CF14 5GX Tel: 0800 788 887 Web: www.hmrc.gov.uk
Ofsted	Address: Piccadilly Gate, Store Street, Manchester M1 2WD Tel: 0300 123 1231 Web: www.ofsted.gov.uk
Pensions Regulator	Address: Napier House, Trafalgar Place Brighton BN1 4DW Tel: 0845 600 0760 Web: www.thepensionsregulator.gov.uk
Police	Tel: 101 Emergency: 999 Web: www.police.co.uk
Your Local Councillors	Web: www.brighton-hove.gov.uk

