

APPENDIX 2

Confidential reporting policy

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Employees are often the first to realise that there may be something seriously wrong within a local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances' employees may feel that it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects and encourages employees who have serious concerns about any aspect of the Councils work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that such issues can be raised without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

This policy applies to all employees, including casual and agency staff. Similar policies apply to elected members, suppliers and those contracted to provide services to the Council or on the Council's behalf.

These procedures are in addition to the grievance policy and other statutory reporting procedures.

Aims and scope of this policy

This policy aims to:

- encourage employees to feel confident in raising serious concerns that they may have about practices and procedures;
- provide a process through which employees can raise those concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that they are aware of how to pursue those concerns if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

There are other procedures in place to enable employees to register grievances relating to their own employment. The confidential reporting policy is intended to cover major concerns that fall outside the scope of these other procedures.

Areas covered by the confidential reporting policy include:

- criminal or other misconduct;
- breaches of the Councils standing orders or financial regulations;
- contravention of the Councils accepted standards, policies or procedures;
- disclosures relating to miscarriages of justice;
- health and safety risks;
- damage to the environment;
- unauthorised use of public funds;
- fraud or corruption;
- sexual, physical or verbal abuse of any person or group;
- other unethical conduct;
- the concealment of any of the above.

Any serious concerns about any aspect of service provision or the conduct of officers or elected members of the Council, or others acting on behalf of the Council, can be reported under the confidential reporting policy

This policy does not replace the grievance policy.

Safeguards against harassment or victimisation

The Councils policy on personal harassment at work is designed to protect employees from all forms of harassment in the workplace.

The Council is committed to good practice and high standards and endeavours to be supportive of its employees.

The Council will not tolerate any forms of harassment or victimisation, and will take appropriate action to protect employees who raise a concern in good faith.

Confidentiality

All concerns will be treated in confidence and the identity of the employee raising the concern will not be revealed without his or her consent (subject to any legal requirements or decisions). At the appropriate time, however, the employee may be expected to come forward as a witness.

Anonymous allegations

Employees' concerns expressed anonymously are likely to be difficult to deal with effectively. Consequently, employees are encouraged to put their name to any allegation.

Any action taken in response to an anonymous allegation will be influenced by factors including the seriousness of the issues raised and the likelihood of confirming the allegation from attributable sources.

Untrue allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If, however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the disciplinary policy.

How to raise a concern

Employees should normally raise concerns in the first instance with their immediate manager or other appropriate manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice, the matter may be raised with the Head of Law and Governance (Monitoring Officer) or Assistant Director of Human Resources.

Concerns may be raised verbally or in writing. Employees who wish to raise a concern should provide details of the nature of the concern or allegation and its background including relevant dates. The detail should be sufficient to demonstrate reasonable grounds for concern, although proof beyond doubt of an allegation is not expected at this stage.

Employees may be represented and/or accompanied by a trade union, professional association or other representative or a friend throughout the process and during any meetings or interviews in connection with the concerns that have been raised.

How the council will respond

Matters raised under this policy may, as appropriate:

- be investigated by management or through the disciplinary process;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

In order to protect individuals and those accused of misconduct or malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take, having regard to the law and the public interest.

Some concerns may be resolved by agreed action without the need for investigation. It may be necessary to take urgent action before any investigation is completed.

The manager with whom the concern has been raised will respond in writing within ten working days:

- acknowledging that the concern has been received;

- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- stating whether any initial enquiries have been made;
- supplying information on staff support mechanisms;
- stating whether further investigations will take place and if not, why not.

The Council will take steps to minimise any difficulties that the employee may experience as a result of raising a concern. For instance, if he or she is required to give evidence in criminal or disciplinary proceedings the Council will arrange for advice to be given about the procedure.

The Council accepts that employees need to be assured that the matter has been properly addressed. Subject to legal constraints, it will inform the employee of the progress and outcome of any investigation.

The Responsible Officer

The Head of Law and Governance has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality.

The Head of Law and Governance will report as necessary to the Council.

How the matter can be taken further

This policy is intended to provide a process within the Council through which employees may raise concerns. If at the conclusion of this process the employee is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as referral points:

- the external auditor;
- a trade union representative;
- a relevant professional body or regulatory organisation;
- the police;
- organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the Public Interest Disclosure Act.

Referral of any matter outside the Council must not compromise confidentiality. Employees should check this with the referral organisation.