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COOKSTOWN DISTRICT COUNCIL

WHISTLEBLOWING POLICY



Cookstown

DISTRICT COUNCIL

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SUMMARY

Cookstown District Council is committed to achieving the highest possible standards both of service and ethics. To achieve these ends, this policy encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees. This policy is seen as key to supporting the Council's values, aims and objectives.

Council approval is required for this Whistleblowing policy.

COOKSTOWN DISTRICT COUNCIL

WHISTLEBLOWING POLICY

1. Policy Statement

Cookstown District Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its services. To achieve these ends, it encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

2. Introduction

The term whistle blowing in this policy refers to the disclosure internally or externally by staff of malpractice, as well as illegal acts or omissions at work. The Public Interest Disclosure (Northern Ireland) Order 1998 is intended to encourage staff to raise their concerns in a responsible way if there is a practice within the Council, which they believe is threatening to public interest, without fear of detrimental treatment.

3. Background

There is a requirement to have clear, accountable procedures in place in the event of an employee wishing to highlight any area(s) of malpractice or illegal acts.

4. Legal Framework

The policy and procedure has been developed in line with the Public Interest Disclosure (Northern Ireland) Order 1998.

5. Key Principles

- Equity of treatment for staff
- Compliance with legislation
- Clear Guidelines for managers and staff
- Simplicity of application

6. Definition

Cookstown District Council has a range of policies and procedures which deal with standards of behavior at work; they cover Discipline, Grievance, Harassment, Bullying and Discrimination, Equal Opportunities and Recruitment and Selection. Staff are encouraged to use the provisions of these policies and procedures when appropriate. There may be times, however, when the matter is not about your personal employment position and needs to be handled in a different way. Examples may be:

- Malpractice of a service user by any member of staff
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud or corruption
- Disregard for legislation, particularly in relation to health and safety at work
- The environment has been, or is likely to be, damaged
- Breach of standing financial instructions
- Showing undue favour over a contractual matter or to a job applicant
- A breach of the Employees Code of Conduct
- Information on any of the above has been, is being, or is likely to be concealed

This list is not exhaustive

7. Assurances to staff

7.1 Cookstown District Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence which will be dealt with under the Disciplinary Rules and Procedure.

7.2. The Council and Clerk/Chief Executive are committed to making this procedure work. If staff raise genuine concerns under this procedure, they will not be at risk of losing their jobs or suffering any form of retribution as a result. Provided staff act in good faith it does not matter if they are mistaken. **This assurance will not extend to staff that maliciously raise a matter they know to be untrue.**

7.3. The Council will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential unless a situation arises where the Council is not able to resolve it without revealing their identity (for instance because their evidence is needed in court), this matter will be discussed with them first.

7.4. Whilst the Council will consider anonymous reports, this policy is not appropriate for concerns raised in this way. If the Council does not know who the whistleblower is, it will be much more difficult to investigate the matter or to protect the whistleblower and give them feedback.

8. Roles and Responsibilities

The Council is accountable for:

- Commitment through endorsement of the Whistle blowing Policy
- Identification and allocation of any resources required for the Policy's implementation
- However the Council Chairman will investigate any case of Whistle blowing in the event of Chief Executive being under investigation.

The Chief Executive is accountable for:

- Ensuring cases of reported Whistle blowing are thoroughly investigated
- Ensuring the proper application of the policy through appropriate management arrangements
- Ensuring the ongoing commitment by the Council to Equal Opportunities within employment
- Maintaining records of investigations
- Reporting outcome of investigations to the Council

Managers (meaning Directors and/or supervisors) are responsible for:

- Acting as point of contact for staff who have concerns
- Providing evidence to investigations if required
- Communicating the Whistle blowing Policy and Procedures to staff.

9. Whistleblowing Procedure

Who to report concerns to

9.1 If employees have a concern about malpractice the Council hopes that they will feel able to raise it first with their manager or Director. This may be done orally or in writing.

9.2 In the event of failure of these channels, dissatisfaction from the member of staff, or, where it may not be appropriate to pursue concerns through these routes, the whistleblower may discuss matters with the chairman of the Council's Audit and Risk Committee.

9.3 Cookstown District Council recognises employees may wish to seek advice and be represented by their Staff Side Representative when using the provisions of this policy, and acknowledges and endorses the role Trade Union representatives play in this area.

9.4 If the concern is about the Chief Executive, the complaint should be made to the Chairman of the Council who will decide how the investigation will proceed.

10 Process, Investigation and outcome

10.1. Report your concern either verbally or in writing to the relevant person (see Section 9).

10.2. The designated person (one of the above list) will be the point of contact for a member of staff who has raised concerns under the provisions of this policy. They will arrange an initial interview within 3 working days or if the view is that serious harm may come to users as a result of delaying the meeting they will arrange it within 24 hours at a mutually acceptable venue.

The meeting will be strictly confidential and will ascertain the area of concern.

10.3. At this stage the whistleblower will be asked whether they wish to make a brief summary of the interview, which will be agreed by both parties.

10.4. At this stage the Chief Executive will be informed and an Incident report completed.

10.5. An investigation should be completed within 20 working days. This will be carried out by the Chief Executive or a Director designated by him. This timescale ensures that issues are dealt with in a timely manner.

However, if due to the complex nature of the investigation, it becomes apparent that the investigation will overrun the 20 day timescale, then the person carrying out the investigation should contact the whistleblower and advise them of a suitable timescale. The Chief Executive should also be informed of the delay. It should be recognised that investigations which are carried out over a longer time period can cause additional stress to all those concerned. In addition it prevents the results of the investigation from being implemented thus slowing down performance improvements.

The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases however, suspension from work may have to be considered immediately.

10.6. If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary rules and Procedure will be used, or in cases of illegal acts, the PSNI will be contacted.

10.7. Where there is no case to answer, but the whistleblower held a genuine concern and was not acting maliciously, the designated person should ensure that the member of staff receives no reprisals.

10.8. Only where false allegations are made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the Disciplinary Rules and Procedures.

10.9. A report on the investigation and decision should be compiled for the attention of the Chief Executive.

10.10. Following the investigation, the Chief Executive will be briefed by the designated person as to the outcome of the investigation. The designated person and Chief Executive will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the

individual concerned). The feedback will be provided within 10 working days of the conclusion of the investigation.

10.11. The Chief Executive will routinely report the outcome of investigations to the Council.

11. Appeals

If the Whistleblower is not satisfied with the process or outcome of the investigation, Cookstown District Council recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons. Prescribed persons are listed at Appendix One.

12. Records and Monitoring

12.1 General Records

The Council will maintain adequate records of all concerns raised through this policy, how the concerns were handled and the outcome of any investigations. The records will be secured in the Chief Executive's office and will be retained for a period of three years.

12.2 Legal Action

In the event that a whistle blowing investigation has lead to legal action being taken by the Council, then records will be retained for 10 years.

12.3. Disciplinary Action

In the event that a whistle blowing investigation has lead to disciplinary action being taken against an employee(s), then records will also be retained on the personal file in accordance with the timeframes set out in the Disciplinary rules and procedures.

Appendix one — Appeals

A member of staff may contact the prescribed person shown below. However, the policy and process enclosed within this policy have been designed to ensure that openness, integrity and transparency are applied in all cases of Whistleblowing within the Council. Therefore it is hoped that a member of staff will have the confidence to use this policy and the terms contained within this to raise any concerns they may have, and that they can be confident in the professionalism and integrity with which any complaint is handled. However in the event that a member of staff is dissatisfied with the process of a Whistleblowing investigation, or the outcome of an investigation, they have the right to contact the following to pursue their concerns;

Stephen Knox

Local Government Auditor
Northern Ireland Audit Office
106 University Street
Belfast
BT7 1EU
Tel 028 9025 1100
stephen.knox@niauditoffice.gov.uk

Whistleblowing Policy – Reporting Concerns

