

# Great Aycliffe Town Council



## Confidential Reporting Policy

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## **CONFIDENTIAL REPORTING POLICY**

### **1. INTRODUCTION**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. 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 it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 Great Aycliffe Town Council is committed to the highest possible standards of openness, probity and accountability. This commitment is outlined in the Council's Officers Code of Conduct.
- 1.3 The Code of Conduct outlines the Council's commitment to encourage and protect staff who disclose information in relation to matters which they feel breach the high standards expected within the authority. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.4 The policy document makes it clear that you can do so 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.
- 1.5 The policy applies to all employees, Elected Members and those contractors working for the Council on council premises. It also covers suppliers and those providing services under a contract with the Council.
- 1.6 These procedures are in addition to the Council's Comments and Complaints procedures and any other statutory reporting procedure.

### **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 This policy aims to:
  - a) Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
  - b) Provide avenues for you to raise those concerns and receive feedback on any action taken.
  - c) Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
  - d) Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment.
- 2.3 Any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
- a) Conduct which is an offence or a breach of law
  - b) Disclosures related to miscarriages of justice
  - c) Health and safety risks, including risks to the public as well as other employees
  - d) Something which makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to
  - e) Is against the Council's Standing Orders and policies
  - f) Falls below established standards of practice
  - g) The unauthorised use of public funds
  - h) Possible fraud and corruption
  - i) Sexual or physical abuse
  - j) Improper conduct
  - k) Damage to the environment
  - l) Other unethical conduct

### **3. EQUALITIES STATEMENT**

- 3.1 Although this is an internal working document we have taken the decision to make this available to anyone whom may be interested in the work of Great Aycliffe Town Council.
- 3.2 Great Aycliffe Town Council is committed to the removal of all barriers preventing access to our services arising from - Age; Disability; Gender Reassignment; Marriage & Civil Partnership; Pregnancy & Maternity; Race; Religion & Belief; Sex or Sexual Orientation.

## **4. SAFEGUARDS**

### **4.1 Harassment or Victimisation**

- 4.2 The Council is committed to good practice and high standards and wants to be supportive of employees.
- 4.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 4.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern under this procedure in good faith.
- 4.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## **5. CONFIDENTIALITY**

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

## **6. ANONYMOUS ALLEGATIONS**

- 6.1 This policy encourages you to put your name to your allegations whenever possible.
- 6.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 6.3 In exercising this discretion the factors to be taken into account would include:
- a) The seriousness of the issues raised
  - b) The credibility of the concern; and
  - c) The likelihood of confirming the allegation from attributable sources.

## **7. UNTRUE ALLEGATIONS**

- 7.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

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

- 8.1 Minor issues will continue to be dealt with on a day to day basis by your immediate manager or supervisor. However, in relation to serious issues of the type likely to be reported under this policy, you should approach the Town Clerk. The Council believes that this high level reporting reflects the seriousness and

sensitivity of the issues involved within the scope of the Confidential Reporting Policy.

Should the matter involve the Town Clerk then employees are encouraged to raise the issue with the Durham County Council Monitoring Officer, which will not constitute a disclosure outside of the Council for the purposes of the policy.

- 8.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- a) The background and history of the concern (giving relevant dates)
  - b) The reason why you are particularly concerned about the situation.
- 8.3 The earlier you express the concern the easier it is to take action.
- 8.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 8.5 Advice/guidance on how to pursue matters of concern will be available from: The Town Clerk, the Durham County Council Monitoring Officer or Public Concern at Work.
- 8.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 8.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **9. HOW THE COUNCIL WILL RESPOND**

- 9.1 The Council will respond to your concerns. Do not forget that testing your concerns is not the same as either accepting or rejecting them.
- 9.2 Where appropriate, the matters raised may:
- a) Be investigated by management, internal audit, or through the disciplinary process
  - b) Be referred to the police
  - c) Be referred to the external auditor
  - d) Form the subject of an independent inquiry
- 9.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 9.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

- 9.5 Within ten working days of a concern being raised, the responsible person ie. the Town Clerk will write to you:
- a) Acknowledging that the concern has been received
  - b) Indicating how they propose to deal with the matter
  - c) Giving an estimate of how long it will take to provide a final response
  - d) Telling you whether any initial enquiries have been made, and
  - e) Telling you whether further investigations will take place and if not, why not.
- 9.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 9.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a work colleague.
- 9.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 9.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will inform you of the outcome of any investigation.
- 9.10 Appendix A attached shows how the Council will manage any concerns raised.

## **10. THE RESPONSIBLE OFFICER**

- 10.1 The Town Clerk has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report to the Council.

## **11. HOW THE MATTER CAN BE TAKEN FURTHER**

- 11.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- a) The external auditor
  - b) Your trade union
  - c) Your local Citizens Advice Bureau
  - d) Relevant professional bodies or regulatory organisations
  - e) A relevant voluntary organisation
  - f) The police
  - g) Public Concern at Work
- 11.2 If you do take the matter outside the Council you should ensure that you do not disclose confidential information.

**PATH OF COMPLAINT**