

Introduction

As an employee, worker or a Member of the Council, you are often the first to realise that there could be something seriously wrong with the way we are operating. This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without the fear of adverse consequences.

The Council is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage Council employees, workers and Members, who have legitimate concerns about any aspect of the Council's work, to come forward and voice those concerns through accessible channels rather than overlooking the issues or discussing them externally. Making your disclosure under this policy will enable the Council to address any risks as early as possible.

It is recognised that the option to maintain your confidentiality is vital to encouraging you to make your disclosure, and the Council will always seek to protect the anonymity of those that come forward. This policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection when you raise a legitimate concern in the public interest.

As an employee of a contractor of the Council or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The Council is committed to encouraging all individuals, including non Council employees to raise serious concerns with the Council. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as Council employees and workers.

Aims and Scope of the Policy

This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in the public interest; and
- allow you to take the matter further if you are dissatisfied with the Council's response.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the Council. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures and which involve an issue in the public interest; although the Council reserves the right to determine which procedure is appropriate.

What is a 'concern'?

Concerns to be reported under this policy may relate to something which involves an issue in the public interest and which you have reasonable belief to be true, for example where:

- A criminal offence has been committed, is being committed or is likely to be committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- Something is against the Council's Contract Procedure Rules, Financial Procedure Rules or other policies;
- Something falls below established standards or practice;
- Something amounts to improper conduct, including serious misuse or abuse of authority;
- A miscarriage of justice has occurred, is occurring or is likely to occur;
- The health and safety of any individual had been, is being or is likely to be endangered;
- The environment has been, is being or is likely to be damaged;
- Gross waste or mismanagement of funds has occurred, is occurring or is likely to occur; or
- The information tending to show any of the above is being or is likely to be concealed.

If your concern is regarding;

- the safeguarding of children and young people, please call 0113 222 4403 during office hours and the Social Care Emergency Duty team on 0113 240 9536 out of normal office hours.
- the safeguarding of vulnerable adults, please call 0113 222 4401 (Minicom: 0113 222 4410) during office hours and 0113 240 9536 at all other times.
- suspected [Benefits Fraud](#) it should be reported to the specialist Benefits Fraud Investigations Team by email to lbs.control@leeds.gov.uk, calling the free phone number 0800 915 6661 or writing to Investigation unit, Selectapost 15, Leeds, LS2 8BA.

Safeguards

Protection from reprisal

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing.

This does not mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.

If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact Internal Audit.

Confidentiality

The Council treats the details of all whistleblowers in confidence and will do its best not to divulge your identity and ensure that your name is not revealed without your consent. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and in some circumstances a statement by you may be required as part of the evidence.

Anonymous Allegations

Allegations can be made anonymously. However, this policy encourages you to provide your name and contact details when making your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.

Anonymous allegations will be considered wherever possible at the discretion of the Council. The factors to be taken into account when determining whether to proceed with an investigation in such a cases would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other, attributable sources

Untrue Allegations

If you make an allegation in the public interest and which you had a reason to believe was true, but the allegation is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation which you could not have reasonably believed was true, disciplinary action may be taken against you.

How to Raise a Concern (Dos and Don'ts)

DO NOT ignore the concern. It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the Council with an opportunity to address the associated issues as early as possible.

DO report your suspicions in line with this policy to your line management, the relevant service management, or to Internal Audit using the contact details provided below. The decision on who to report your suspicions to will depend on the seriousness and sensitivity of the issues concerned, and who is thought to be involved in the malpractice. For example, if you believe that management is involved then Internal Audit can give advice and guidance on how the matter can be pursued.

DO make an immediate note of your concerns and deal with the matter promptly.

The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.

Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, but not limited to;

- the background and history to the case;
- the reason why you are particularly concerned;
- any specific details available including names, dates, times and places;
- details of any particular conversations that support the concerns;
- details any personal interest that you may have in the matter; and
- how you think that things may be put right, if possible.

DO NOT be afraid of raising your concerns, and if a manager, DO be responsive to staff concerns.

We want to encourage people to voice any reasonably held suspicions to help us develop a culture of openness, honesty and accountability. All concerns should be treated sensitively and seriously, and be subject to the necessary investigation and follow up communication where possible. If you are a manager receiving a concern you also need to make sure you send details of all referrals to Internal Audit for monitoring and action.

DO NOT approach or accuse any individuals directly or tell anyone about your suspicions other than those with the proper authority.

If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed.

Concerns should not be discussed with others who are not involved in an appropriately structured investigation. Doing so may leave you open to accusations of making slanderous or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the Council even if there is no evidence of any wrongdoing.

DO NOT try to investigate the matter yourself.

There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the investigation as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, you should contact Internal Audit for advice.

All referrals made will be treated in the strictest of confidence and you may invite your trade union or professional association to raise a matter on your behalf.

Concerns can be raised by the following methods:

Whistleblowing hotline (0113) 247 4645 (dedicated hotline answered by a member of the Internal Audit team or an answerphone).

E-mail concerns@leeds.gov.uk

In writing Internal Audit, 3rd Floor West, Civic Hall, Leeds, LS1 1JF

How the Council Will Respond

The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally, (this is the most likely option)
- be referred to the Police;
- be referred to the external auditor;
- form the subject of an independent inquiry; or
- any combination of the above

In order to protect individuals and the Council, initial enquiries will be made to decide whether to investigate and, if so, in what form. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, where practicable, the Council will write to you:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place and, if not, why not.

The amount of contact between yourself and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

The Council will take steps to minimise any difficulties that 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 advise you about the procedure.

The Council acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

How the Matter can be Taken Further

This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following (overleaf) are possible contact points.

Your local Council Member (if you live in the area of the Council)	A list of Council Members is available from Members Services (0113) 2243206 or on <u>the internet at</u> <u>http://democracy.leeds.gov.uk/mgMemberIndex.aspx?bcr=1&lccnavid=100004 200033 358</u> .
Customer Complaints and Compliments	Complete the <u>on-line form</u> on the internet, call 0113 222 4405, (minicom users 0113 222 4410) or post to: Freepost RLZR-ELTX-RUEH Leeds City Council PO Box 657, LS1 9BS
The external auditor-KPMG Leeds	0113 231 3000
Public Concern at Work (independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)	020 740 46609 <u>www.whistle@pcaw.org.uk</u>
Relevant professional bodies, regulatory organisations or your union	
Your solicitor	
The Police	

If you do take the matter outside the Council, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please check with Internal Audit about this.