

South Tyneside Council's whistleblowing policy 'Speak Out'

South Tyneside Council's whistleblowing policy through which concerns can be raised about possible fraud, crime, danger or other serious risks that could threaten service users, employees, the public or the Council's reputation.

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Change History

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2	May 2010	Corporate Assurance Manager and Head of Internal Audit		Audit Committee, June 2010
3	September 2012	Corporate Internal Audit Manager		Audit Committee, December 2012
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Whistleblowing

In this policy, whistleblowing means the raising of a concern within the workplace that has come to the attention of an employee during the course of their work, about a danger, risk, malpractice, or wrongdoing which affects others. This policy aims to encourage employees and others to come forward and voice their concerns without fear of adverse consequences. Whistleblowing law¹ provides protection for workers who feel they are being treated less favourably because they have blown the whistle.

Introduction

1. South Tyneside Council is committed to the highest possible standards of openness, probity and accountability and seeking continuous improvement in service delivery. Integrity is one of our core values; this means we will do the right thing whatever the circumstances. We encourage our employees (including agency, voluntary, temporary, trainee or apprentice employees), elected members, contractors and suppliers and their employees and partners who may have concerns about any aspect of the Council's work to come forward and voice those concerns to us.
2. Employees are often the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking out 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 their concern.

Speaking - Out Champions

3. The Council will appoint colleagues to act as Speaking-Out Champions who will support the delivery of this Policy across the Council.

Who does this policy apply to?

4. The policy applies to all employees, contractors and partners working for the Council, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example South Tyneside Homes. It also applies to elected members, but in a limited way set out below. The Council will seek to ensure that as part of its procurement processes this Policy is brought to the attention of such external contractors, suppliers and service providers (described in this policy as "Contractors").
5. The legal protection that workers have does not apply to elected members, and this is because their status is far more closely aligned to that of an employer rather than a worker. The intention of the legislation was to enable workers to speak out without worrying about the potential consequences on their livelihood. The nature of the office of councillor means that it falls outside of the scope of the legal protection, but the Council's policy aims to ensure that elected members do not receive any less favourable treatment because of whistleblowing.
6. This policy, would however, apply to an elected member who, for example, is also an employee of a partner organisation of the Council, and who raised a concern in their capacity as an employee of that partner organisation. This policy and the law would provide that whistleblower with protection from any adverse consequences affecting their employment.
7. These procedures are in addition to the Council's complaints procedures, grievance

¹ Public Interest Disclosure Act 1998, Employment Rights Act 1996 and the Enterprise and Regulatory Reform Act 2013

22. Relevant information is likely to include:

- the reason why you are concerned
- the background or history of the concern
- names of officers or members involved
- specific dates and places of events
- details of when and how you first became aware of the concern
- the extent to which you have personally witnessed or experienced the problem and
- any documentary evidence which supports your disclosure (although you should not undertake your own investigation before reporting the concern –

- Blocking access to resources
- Informal pressure on employees to retract or change their report

28. You can also get independent, confidential advice from your Trade Union or from the charity Protect (formerly called Public Concern at Work) if you are uncertain as to whether a particular concern should be reported as whistleblowing or if you feel you have suffered detrimental treatment.

Anonymous Reports

29. Concerns expressed anonymously make investigation more difficult. It is also more difficult to establish if concerns are credible and makes it harder protect you or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Director of Governance and Corporate Affairs. The Council encourages you to put your name to your concern wherever possible, given the protections set out in this Policy.

30. In exercising the discretion, the factors to be considered would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from named sources.

Untrue, vexatious or malicious allegations

31. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. However, if you knowingly make a malicious or vexatious allegation or make an allegation that you know or believe to be untrue, disciplinary or other action may be taken against you.

What happens after the whistle has been blown and how will the Council respond?

32. Your disclosure will always be acknowledged in writing unless you have made it anonymously. The action taken by the Council will depend on the nature and seriousness of the concern. The matters raised may:

- be investigated internally
- be referred to the External (e6nt)2 (r)17 (1 Tf.46 (l)6 (T)5 (h)10c 0.006 Tw 8.55 0 Td[(an)-)2 (i)6

- telling you whether further investigations will take place, and if not, why not.
35. The amount of contact between the investigating officer 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 investigating officer will seek further information from you. When any meeting is arranged with the investigating officer you have the right if you so wish to be accompanied.
 36. The investigating officer will aim to complete internal investigative work within [20] working days of their appointment but this will depend on the type and scope of the investigation. If it will take longer than this, they will let you know and provide an updated estimate of when they expect to complete the investigation. If your concern is to be investigated by an external investigator, it is likely to take longer. Again, you will be kept informed and given an estimate of when it will be completed.
 37. The Council understands that you need to be assured that the matter has been properly addressed. Subject to any legal constraints, you will receive feedback about the outcome of any investigation. The need for confidentiality may prevent you from being given specific details of the investigation or any action taken as a result.
 38. The Council will provide you with support and assistance throughout. Please feel free to contact the

Appendix 1: 'Speak Out' Report Form

Report made under the Council's 'Speak Out' policy to:	(Give the name and job title of officer to whom the report is being made)
Your name:	(You are encouraged to insert your name, but may chose not to – the recipient of the form will attempt to preserve confidentiality)
Your Service or Team:	
Concerns reported:	(Give full details of the background to the concern; names, dates and places; and the reasons why you are concerned. Attach a separate sheet if necessary.)
Date:	
Signed: (if employee's name appears above)	