

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**CONFIDENTIAL REPORTING CODE**  
**“WHISTLEBLOWING”**

**1. Preamble**

- 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 Tonbridge & Malling Borough Council is committed to the highest possible standards of openness, probity and accountability. 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.
- 1.3 The Council is committed to creating a safe workplace for its employees and for visitors to its premises. It takes very seriously any actions or practices that create a risk to the health and safety of staff or visitors and will take appropriate action to address any unacceptable practices that are reported. It should be remembered that employees have a legal responsibility to assist in maintaining a safe working environment and individual members of staff as well as their managers could face severe criminal penalties for serious breaches of this duty. The Council also requires equal vigilance from its contractors and their employees.
- 1.4 It is recognised that most cases will have to proceed on a confidential basis.
- 1.5 This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. Employees are protected by law under the Public Interest Disclosure Act 1998, as long as the rules set out in the Act are complied with. This Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or having to go outside the Council to raise these concerns.
- 1.6 The Code applies to all employees, agency staff and those contractors working for the Council. It also covers suppliers. It is incorporated into the Council's Anti-Fraud and Corruption Policy, but it should be noted that the code covers action on a range of issues as illustrated in paragraph 2.2.
- 1.7 These procedures are in addition to the Council's complaint procedures and other statutory reporting procedures applying to some departments. Managers are responsible for making staff, contractors and members of the public aware of the existence of these procedures.

1.8 This Code has been discussed with the relevant trade unions and professional organisations and has their support.

## **2. Aims and scope of this code**

2.1 This Code aims to:

- encourage you to report concerns you have about practices within the Council
- reassure you that your concerns will be dealt with in confidence
- feel confident in raising concerns and to question and act upon concerns about practice
- tells you how to raise your concerns and how you will receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- 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. The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures. These concerns include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- discrimination issues
- sexual or physical abuse of clients, or
- other unethical conduct.

2.3 Thus, 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 Code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or

- is a dangerous practice that could lead to risk of injury; or
- amounts to improper conduct.

2.4 This Code does not replace the corporate complaint procedure.

### **3. Safeguards**

#### ***Harassment or Victimisation***

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees, agents and contractors.
- 3.2 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.
- 3.3 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 in good faith.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4. Confidentiality**

- 4.1 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.

### **5. Anonymous allegations**

- 5.1 This Code encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.2 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

### **6. Untrue allegations**

- 6.1 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.

## **7. How to raise a concern**

- 7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Director of Finance, Monitoring Officer, or the Chief Internal Auditor.
- 7.2 Concerns will be raised in writing using the attached form. Staff who wish to make a written report are invited to use the following format-
- the background and history of the concern (giving relevant dates)
  - the reason why you are particularly concerned about the situation.
- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 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
- 7.5 Obtain advice/guidance on how to pursue matters of concern from:

Name	Job Title	Telephone Ext.
David Hughes	Chief Executive	01732 876002
Sharon Shelton	Director of Finance	01732 876092
Julie Beilby	Monitoring Officer	01732 876382
David Buckley	Chief Internal Auditor	01732 876086

- 7.6 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.
- 7.7 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.

## **8. How the Council will respond**

- 8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 All suspected or detected fraud, corruption or impropriety will initially be investigated by the Chief Internal Auditor who will report the outcome of his findings to the Chief Executive.

8.3 Where appropriate, other matters raised may:

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

8.4 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. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

8.5 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.

8.6 Within ten working days of a concern being raised, the person dealing with the concern will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

8.7 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.

8.8 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

8.9 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.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. The Responsible Officer**

9.1 The Chief Executive has overall responsibility for the maintenance and operation of this Code. He maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

## **10. How the matter can be taken further**

10.1 This Code 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:

- the external auditor
- Audit Commission Disclosure Line 0207 630 1019
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary Organisation e.g. Concern at Work 0207 404 6609
- the police.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

## **11. CONCLUSION**

11.1 The Council has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments, in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation or related responsibilities.

11.2 To this end, the Council maintains a continuous overview of such arrangements and, in particular, through its Director of Finance, its Financial Procedural Rules, various Codes of Conduct and Financial Practice, Accounting Instructions and audit arrangements.

11.3 This Policy Statement will be subject to review to ensure its currency.

**CONFIDENTIAL REPORTING CODE - REPORT OF A CONCERN**

Give a description of the concern including any serious risk to persons or property.

Give details of the information that you have relating to the concern e.g. what evidence do you have that gives rise to your concern.

Have you previously raised this concern? If so, with whom and what action was taken?

Please give details about yourself - 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.

Name.....

Contact details.....

I understand that this concern is being raised under the Council's Confidential Reporting Code and have read and understood the Code.

Signed..... Date.....