



WHISTLEBLOWING CHARTER

TONBRIDGE & MALLING BOROUGH COUNCIL
WHISTLEBLOWING CHARTER
A confidential reporting policy for all Councillors, employees and contractors

1 Introduction

- 1.1 Tonbridge & Malling Borough Council is committed to developing a culture where it is safe and acceptable for all its employees, including employees of providers and partners, and stakeholders to raise their concerns about what is happening at work.
- 1.2 This covers unlawful conduct, financial malpractice, dangers to the public or environment or avoidable losses. Avoidable losses arise from fraud, error, mismanagement or dishonesty.
- 1.3 The Whistleblowing Charter gives you the opportunity to have your concerns heard and investigated in confidence and without fear of reprisal. Our charter has been developed in accordance with the **Enterprise & Regulatory Reform Act 2013**. The Act was introduced to ensure that concerns raised by employees are dealt with at an early stage and in an appropriate manner, including protection for the employee.
- 1.4 We recognise that employees are often the first to notice that something is seriously wrong within the Council. We want all employees to feel confident about voicing and acting on concerns they may have about service provision, malpractice, conduct of officers, Councillors or anyone acting on behalf of the Council.

2 Aims of the Charter

- 2.1 The charter aims to:
- encourage you to feel confident about raising concerns and to question and act on those concerns
 - provide a way for you to raise concerns and receive appropriate feedback on any action taken
 - confirm that all concerns raised will be examined and the Council will assess what action should be taken
 - reassure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in good faith
 - provide ways for you to take the matter further if you are dissatisfied with the Council's response.

3 What does the Charter cover

3.1 Malpractice, abuse and wrongdoing can cover a whole range of issues but we have listed examples here for your guidance:

- any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel)
- health and safety risks, including risks to the public as well as to other employees (e.g. faulty electrical equipment)
- damage to the environment (e.g. pollution)
- the unauthorised use of public funds (e.g. expenditure for improper use)
- possible fraud and corruption (e.g. housing benefit fraud)
- inappropriate or improper conduct (e.g. abuse of power, bullying/harassment)
- serious failure to comply with appropriate professional standards (e.g. National Code of Local Government Conduct)
- breach of Council or statutory codes of practice or the Council's standing orders (e.g. Tonbridge and Malling Staff Code of Conduct)
- discrimination on the grounds of race, colour, creed, ethnic or national origin, disability, age, sex, sexual orientation, marital status or class
- abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect)
- other unethical conduct.

3.2 Many of the above areas will represent inevitably an avoidable loss, which affects our service delivery.

3.3 The charter does NOT apply to raising grievances about an employee's personal situation and, thus, does not replace existing procedures for personal differences or conflicts. If you have concerns in this area you should consult with the Council's Grievance Policy or your immediate manager.

4 Who can use the Charter?

4.1 The charter applies to **the actions or behaviours of** all Council employees, contractors and suppliers including agency staff, and those who provide services under contract to the Council such as refuse collection workers.

4.2 You are encouraged to raise your concerns provided that:

- you make the disclosure in good faith
- you **reasonably** believe that the information or any allegation is **in the public interest**.

4.3 The Council will not tolerate false or malicious allegations or the victimisation of any employee who has raised a concern in good faith. **It recognises that co-workers are personally liable for acts of victimisation, and will take all reasonable steps to prevent this happening.**

4.4 Raising a matter maliciously that you know to be untrue or the victimisation of any employee may result in disciplinary action.

4.5 The Council will also to seek to minimise the effect on employees who have had a false or malicious allegation made against them.

5 How can I raise my concern?

5.1 The earlier you express your concern, the easier it is to take action. As a first step, you should raise any concern you have with your immediate manager or their superior, orally or in writing.

5.2 If you feel that you have an issue that you cannot raise with your manager then you should contact one of the following: -

- any assistant director or chief officer;
- a Personnel officer;
- the Chief Executive or head of service;
- the Chief Internal Auditor;
- the Audit Manager ;or
- the Fraud Investigation Manager

5.3 The Chief Internal Auditor is the main point of contact for staff wishing to report an incident using the whistleblowing procedure. In his absence the Audit Manager or Fraud Investigation Manager will be the point of contact. They will ensure that the matter is investigated.

5.4 You can call the Chief Internal Auditor on 01732 876086 or by email to david.buckley@tmbc.gov.uk. The Audit Manager is Katey Arrowsmith who can be contacted on 01732 876085 or by email at katey.arrowsmith@tmbc.gov.uk and the Fraud Investigation Manager is James Larkin who can be contacted on 01732 876337 or by email at james.larkin@tmbc.gov.uk . All calls are treated in the strictest confidence.

6 How will the Council respond?

6.1 The Council's response will depend on the nature of the concern that has been raised. In all instances the Council will:

- record and acknowledge your concern and refer the matter for investigation within three days of receiving the report;
- respect your confidentiality – your identity will not be disclosed to anyone without your consent;
- assess your concerns to determine further action;
- let you know what enquiries have been made;
- tell you whether further investigations will be made and if not, why not; and
- inform you of the final outcome of the inquiry.

6.2 Depending on the nature of the issue raised, the Council may:

- request more information or evidence from you;
- investigate through an internal audit;
- undertake disciplinary action;
- launch an independent enquiry; or
- refer the matter to the police.

7 Can I take the matter further if I'm not satisfied?

7.1 In the first instance, we encourage all employees to raise their concern within the Council. If you are unhappy with the process or outcome of an investigation you can

7.2 contact one of the following organisations or any organisation that you feel will be able to deal with your concerns:

- the Audit Commission's Public Interest Disclosure Line: 020 7630 1019;
- the independent charity Public Concern at Work: 020 7404 6609;
- Unison whistleblowing hotline: 0800 597 9750; or
- Grant Thornton (external auditor) 01293 554 071

7.3 If taking a concern outside the Council, employees should not disclose any Confidential information unless they are doing so in accordance with the Whistleblowing Charter.

8 Responsible officer

8.1 The Chief Internal Auditor is responsible for the supervision and co-ordination of all fraud matters, including the maintenance and operation of this policy. A record of concerns raised and the outcomes is maintained by him.

9 Review and Approval of this Policy

9.1 The Audit Committee will receive annual reports of all matters raised under the Charter. The Charter will be reviewed annually by the Audit Committee and recommended to the General Purposes Committee for approval.