

## Speaking Up About Wrongdoing: Arrangements for the Public



### How do I raise a concern?

Ring the Whistleblowing Hotline ☎ [03000 414500](tel:03000414500)

Or

### Email / Write

- [fraud@tmbc.gov.uk](mailto:fraud@tmbc.gov.uk)
- Audit Assurance Manager  
Tonbridge & Malling Borough Council, Gibson Building, Gibson Dr,  
Kings Hill, West Malling ME19 4LZ

Or

Contact a senior officer directly. A list of officers can be found in Annex 1 or on our website or by telephoning Customer Services on 01732 844522

### What information should I provide?

- Background and history of the concern.
- Names, dates and places where possible,
- The reason why you are particularly concerned about the situation

You are not expected to prove the truth of your raised concern. You will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

The earlier you express the concern the easier it will be to take appropriate action.

## 1. Introduction

- 1.1. Tonbridge & Malling Borough Council is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment, the Council is keen that any activity which falls below these standards is reported to the Council, in order that it can be dealt with promptly. The Council, whilst making every effort to deal fairly and honestly in providing public services, acknowledges that there may be occasions when members of the public suspect that there is or may be something wrong regarding the activities of the Council which needs prompt action to correct it.
- 1.2. The Council recognises the need to encourage anyone with concerns about any aspect of the Council's work to come forward and voice those concerns. Usually, these are easily resolved. However, when these are about unlawful conduct, financial malpractice or dangers to the public, people or the environment, it can be difficult to know what to do. Specific examples could include:
- A criminal offence (e.g., fraud, theft, bribery, corruption etc.) may have or has been committed
  - A miscarriage of justice has been or is likely to occur
  - The health or safety of an individual has been or is likely to be endangered
  - Public funds are being used in an unauthorised manner
  - The environment has been or is likely to be damaged
  - The Council's own rules have been or are being breached
  - Abuse (e.g., physical or verbal) of someone receiving a council service, or council employee is taking place, and
  - Someone receiving a Council service is being discriminated against (e.g., on the grounds of disability, race, gender).
- 1.3. The Council has created this Policy, 'Speaking Up About Wrongdoing: Arrangements for the Public', specifically to enable you, as a member of the public, to raise your concerns about suspected malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for definite proof. This Policy is intended to encourage and enable you to be able to communicate serious concerns with the council rather than overlooking a problem.
- 1.4. If something is troubling you, which you think we should know about, or consider, please use this policy.

**Don't ignore the concern. If in doubt – speak up!**

## **2. Scope and objectives**

### **Scope**

2.1. This policy is provided for use by anyone who is not employed by the council (staff have their own policy). This includes any:

- Member of the public
- Elected councillors
- Other local authorities
- Council service:
  - Consultants
  - Contractors
  - Customers
  - Partners
  - Providers
  - Recipients
  - Suppliers

2.2. It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other council procedures, where these are available and more appropriate, for example complaints about service delivery (please see the Complaints Procedure on the Council's website).

### **Objectives**

2.3. The objectives of this policy are to encourage you as a member of the public or someone who engages with TMBC to:

- Feel confident about raising serious concerns
- Feel reassured that, if you raise any concerns and reasonably believe them to be true (i.e., "Whistle blow"), your concerns will be taken seriously
- Have a range of ways in which to raise concerns and to receive appropriate feedback on any action taken
- Ensure that you receive an appropriate response from the council to the concerns you have raised and, if not satisfied, show how you may take the matter further if you are dissatisfied with the response.

## **3. Safeguards**

### **Harassment or victimisation**

3.1. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of possible reprisals. The Council will not tolerate victimisation and will act to prevent this when you raise a concern.

## Confidentiality

3.2. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed (information relating to the investigation will be strictly controlled on a need-to-know basis). However, it is not easy for the Council to act on concerns that are made anonymously. If you ask us for your identity to be kept confidential, we will not disclose it without your consent or unless we are required to do so by a Tribunal, Court of Law or an Act of Parliament. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence), we will discuss with you whether and how we can move forward.

## Concerns raised anonymously

3.3. This policy strongly encourages you to put your name to your concern. Concerns expressed anonymously will be much more difficult for us to consider 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 Council.

3.4. In exercising discretion, the factors considered will include the:

- Seriousness of the issues raised
  - Credibility and plausibility of the concern
  - Likelihood of confirming the allegation from the available sources.
  - How to raise a concern directly with the council
  - As a first step, you should normally call the Whistleblowing Hotline, 03000 414500.
  - You can also raise your concern directly with the Council's Audit Assurance Manager, the Head of Paid Service, Section 151 Officer, or relevant Senior Manager of the service area involved. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management of the service area is involved then, alternatively, the following individuals can be contacted.
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- **Director of Central Services & Deputy Chief Executive** – if the wrongdoing is about standards of behaviour
  - **Audit Assurance Manager** - if the wrongdoing is thought to be illegal
  - **Director of Finance & Transformation** – if the wrongdoing is about improper payments
  - **Counter Fraud Manager** – if the wrongdoing is a fraud
  - **Chief Executive** - if the wrongdoing is a children's safeguarding issue
  - **Chief Executive** - if the wrongdoing is an adult safeguarding issue

3.5. Please say if you want to raise the matter in confidence, so the person you contact can make appropriate arrangements.

3.6. Specific contact details for Council officers can be found on our web site [www.tmbc.gov.uk](http://www.tmbc.gov.uk) or by ringing Customer Services on. Key officer contacts appear in Annex one below, along with several external contacts in Annex 2.

3.7. Concerns are better raised in writing. If you choose to do this, you should write:

- An email to [fraud@tmbc.gov.uk](mailto:fraud@tmbc.gov.uk) or,
- A letter to the Audit Assurance Manager, Tonbridge & Malling Borough Council, Gibson Building, Gibson Dr, Kings Hill, West Malling ME19 4LZ

3.8. You are invited to set out:

- The background and history of the concern
- Names, dates and places where possible, and
- The reason or reasons why you are particularly concerned about the situation

If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

3.9. Further advice and guidance on what to do if the matter relates to the safeguarding/financial abuse of children or adults can be found in:

- [Protecting children - Kent County Council](#)
- <https://www.kent.gov.uk/leisure-and-community/consumer-protection/Spot-the-signs-of-financial-abuse>
- [TMBC Safeguarding Policy & Reporting Procedure](#)

**The earlier you express the concern the easier it will be for the Council to act.**

3.10. You are not expected to prove the truth of your concern, but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

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

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

- Investigated internally
- Referred to the police
- Referred to the council's external auditor; or
- Form the subject of an independent enquiry

4.2. To protect individuals and the Council, initial enquiries will be made to decide what form an investigation should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will

normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

4.3. Within ten working days of a concern being received, the Council will contact you to:

- Acknowledge that the concern has been received
- Indicate, in overall terms, how it proposes to deal with the matter

4.4. The amount of contact between you and the Council officers 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, they may contact you for further information.

4.5. The Council will take steps to minimise any difficulties which you may experience because of raising a concern.

4.6. The Council accepts that you need to be assured that the matter has been properly addressed and will inform you of the action it is taking or has taken.

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

5.1. This policy is intended to reassure you and provide clear information to help you raise concerns in confidence and directly with the Council.

5.2. We hope you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with the Council then possible alternative points of contact points are listed at Annex 2. Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

## **6. The responsible officer**

6.1. The Director of Central Services has overall responsibility for the maintenance and operation of this Policy for the public. The Monitoring Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which will protect your confidentiality) and will report as necessary to the Chief Executive and the council, where appropriate.

6.2. The policy will be reviewed on a regular basis to ensure that it remains up to date and effective. The review will be carried out by:

- Director of Central Services & Deputy Chief Executive
- Audit Assurance Manager
- Counter Fraud Manager

Responsible Officer: Director of Central Services & Deputy Chief Executive

Date: 08 November 2021 Review Date: November 2023

## Annex 1 – List of key contacts

<b>Directorate</b>	<b>Contact Name</b>
<b>Chief Executive</b>	<b>Julie Beilby</b>
<b>Director Street Scene, Leisure &amp; Tech Services</b>	<b>Robert Styles</b>
<b>Director of Central Services &amp; Deputy Chief Executive</b>	<b>Adrian Stanfield</b>
<b>Director of Finance &amp; Transformation</b>	<b>Sharon Shelton</b>
<b>Director of Planning, Housing and Environmental Health</b>	<b>Eleanor Hoyle</b>
<b>Audit and Assurance Manager</b>	<b>Richard Benjamin</b>
<b>Counter Fraud Manager</b>	<b>James Flannery</b>

## Annex 2 – External Contacts

Contact Details (External Organisations)	Details
Grant Thornton The Council's external auditors	Address: 30 Finsbury Square, London, EC2A 1AG Tel no. 020 7383 5100 <a href="https://www.grantthornton.co.uk/contact-us/">https://www.grantthornton.co.uk/contact-us/</a>
The Local Government and Social Care Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH E-mail: <a href="mailto:advice@lgo.org.uk">advice@lgo.org.uk</a> Web: <a href="http://www.lgo.org.uk">www.lgo.org.uk</a> Tel no. 03000 061 0614
The Equalities and Human Rights Commission	Address: FREEPOST Equality Advisory Support Service FPN4431 Email: <a href="mailto:correspondence@equalityhumanrights.com">correspondence@equalityhumanrights.com</a> Web: <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a> Tel no. 0808 800 0082
The Health and Safety Executive (Regional Office)	Address: Health and Safety Executive, International House Dover Place Ashford Kent TN23 1HU : Web: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a> Tel no. 0845 345 0055
The Environment Agency (Regional Office)	Address: National Customer Contact Centre PO Box 544 Rotherham S60 1BY E-mail: <a href="mailto:enquiries@environmentagency.gov.uk">enquiries@environmentagency.gov.uk</a> Web: <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a> Tel No. 0370 850 6506
Citizens Advice Bureau	Please refer to web for local information Web: <a href="http://www.citizensadvice.org.uk/">www.citizensadvice.org.uk/</a>
Police	Please refer to web for local information Web: <a href="http://www.kent.police.uk">www.kent.police.uk</a> Tel No. non emergencies 101
Your local councillors (if you live in Kent)	Web site: <a href="http://www.kent.gov.uk">www.kent.gov.uk</a>
Protect – Free Confidential Whistleblowing advice	Tel No: 020 3117 2520 Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>
List of Prescribed People and Bodies	Website: <a href="https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies">https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies</a>