

REIGATE & BANSTEAD BOROUGH COUNCIL

WHISTLE-BLOWING POLICY

This policy applies to all those who perform work for our Council:

- Directors and Chief Officers
- Full and part-time employees
- Contractors and sub-contractors
- Agency staff
- Work experience or other trainees

For simplicity, this group of individuals is termed Staff.

The following arrangements set out our policy and procedures with regard to “whistle-blowing” in the workplace, and provide protection to Staff who make disclosures to the Council. Whistle-blowing is the confidential disclosure by Staff of any wrong-doing that they may encounter in the workplace.

This policy is fundamental to the professional integrity of the Council and reinforces the value that the Council places on Staff to be honest and respected members of their individual professions. The policy provides the Council with a mechanism to manage risk whilst offering whistle-blowers protection from victimisation, harassment or disciplinary procedure.

POLICY

The fundamental elements of the policy are:-

1. **Protection** – all staff are protected from victimisation, harassment or disciplinary action as a result of any disclosure where the disclosure is made in good faith and is not made maliciously or for personal gain.
2. **Anonymity** – the identity of the whistle-blower will be protected at all stages in any internal matter. Whilst the Council can provide internal anonymity, it cannot guarantee that this will be retained if external legal action flows from the disclosure. The Council is not accountable for maintaining anonymity where the whistle-blower has told others of the alleged misdemeanour.
3. **Encouragement** – the Council encourages those who suspect wrong-doing to report it, as this helps perpetuate the integrity of the Council, even if the suspicion proves unfounded.

QUALIFYING DISCLOSURES

The policy applies to all disclosures deemed to be “qualifying disclosures”. A qualifying disclosure is the term used to identify the categories of information which Staff will be able to disclose to a suitable person without fear of reprisal, provided the disclosure is made in good faith.

A qualifying disclosure is defined as one which shows one or more of the following:-

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject, including breach of employment contract or professional regulations.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Disclosure of other wrong-doing is also covered by this policy where it is of general malpractice, gross misconduct, breach of the Council’s Constitution, breach of Audit Regulations or breach of the codes of conduct of all relevant professional institutions.

PROCEDURE

Depending on the matter to be disclosed, the disclosure should always be reported confidentially in the first instance to:

- Any Director or Chief Officer
or
- Our Internal Auditors, Deloitte & Touche (Geoff Drake 0776 993 6590)
or
- Our External Auditors, Baker Tilly (Andrew Lovett 0207 405 2088)

The whistle-blower should make it clear that the disclosure is being made within the terms of this policy. This is in order that the recipient realises and takes the necessary action both to investigate and to protect the identity of the individual.

Whilst the Council encourages whistle-blowers to identify themselves, anonymous calls will be taken seriously and fully investigated. The Audit Commission also operates a dedicated telephone number – 0207 630 1019 and qualifying disclosures may be made by phoning this number.

Any disclosure will be investigated fully, including interviews with witnesses and other parties involved.

The possible outcome may be:-

- Disciplinary action against the wrongdoer if the result of the investigation corroborates the disclosure
- No action if the allegation proves to be unfounded
- Disciplinary action against the whistle-blower if the claim is found to be malicious or otherwise in bad faith

The Council will always keep the whistle-blower informed of the progress and outcome of any investigation, within the constraints of maintaining confidentiality or observing legal restrictions.

Should the member of staff making the disclosure be unhappy with the manager investigating the allegation, action may be taken by way of the RBBCS Dignity at Work Procedure, further details of this can be obtained from Personnel.

These arrangements apply to disclosures to both the Council and an appropriate third party. Appropriate third parties are the Police, Tax Authority, or similar appropriate public regulator. Staff can also approach the independent group “Public Concern at Work” for confidential and impartial advice, telephone number 0207 404 6609.

A table of contact numbers is set out below for ease of reference:-

Internal Auditors, Deloitte & Touche, Geoff Drake	0776 993 6590
External Auditors, Baker Tilly, Andrew Lovett	0207 405 2088
Audit Commission Fraud Line	0207 630 1019
Public Concern at Work	0207 404 6609
RBBC Benefit Fraud Line	01737 276483