

TRAFFORD COUNCIL CONFIDENTIAL REPORTING POLICY

Guidance Note

1. PURPOSE

- 1.1 This guidance note is to assist Managers and line managers in dealing with any matters raised by members of staff under the Trafford Council's Confidential Reporting Policy.

2. SCOPE OF THE POLICY

- 2.1 The Confidential Reporting Policy is intended to cover any major concerns that fall outside the scope of existing internal procedures and is to be used for serious and / or sensitive issues. These concerns include the following, but this list is not exhaustive: -
- A criminal offence has been committed, is being committed or is likely to be committed
 - Suspected fraud or corruption
 - Breach of the Council's Code of Conduct for Employees/Members
 - Showing undue favour over a contractual matter or to a job applicant
 - Malpractice or ill treatment of a client/customer by a member of staff
 - Repeated ill treatment of a client/customer, despite a complaint being made
 - Disregard for legislation, particularly in relation to health and safety at work
 - The environment has been or is likely to be, damaged
 - Serious breach of the Finance Procedure Rules or Contract Procedure Rules.
 - That information on any of the above has been, is being or is likely to be, concealed
 - Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), should be referred for consideration under those procedures.
- 2.2 These procedures do not refer to members of the public making complaints; they should always be referred to the Corporate Complaints procedure.

TRAFFORD COUNCIL CONFIDENTIAL REPORTING POLICY

Guidance Note

3. PROCEDURE

- 3.1 Disclosures can be made either in person, by letter, e-mail or by telephone call.
- 3.2 Where concerns are raised, initially to a Manager or line manager by a witness to an event, an initial interview, which will be confidential, should be arranged with the informant to ascertain the area of concern.
- 3.3 It is essential that informants are treated as witnesses and are reassured about protection from possible reprisals or victimisation. The Council will not tolerate any harassment or victimisation (including informal pressures) of anyone raising a genuine concern. Where a person makes a disclosure in good faith and they reasonably believe the information and any allegation it contains to be substantially true, they are entitled to protection under the law (Public Interest Disclosure Act 1998).
- 3.4 This protection includes unlimited compensation if they suffer any detriment in their employment. Further information on the protection afforded under PIDA can be obtained from Public Concern at Work: - www.pcaw.org.uk
- 3.5 When arranging a meeting you should offer to meet off-site if necessary and notify the witness that a union representative or work colleague can accompany them to any meetings about the issue, if they wish.
- 3.6 If, during the interview, the witness requests that the source of the allegations is not to be revealed to work colleagues at this stage, then this must be respected
- 3.7 The witness should be asked if any other staff member can substantiate the allegation and whether the witness believes they would be prepared to come forward.
- 3.8 After the initial discussion with the employee, write a brief summary of the interview, which should be agreed by all parties, ensuring that all points raised are included. The summary should be signed and dated by all those present at the interview. Do not investigate the incident.
- 3.9 If, in your opinion as the Manager or line manager you feel that an investigation is not needed, the reasons for not proceeding should be put into writing and communicated back to the employee making the original

TRAFFORD COUNCIL CONFIDENTIAL REPORTING POLICY

Guidance Note

complaint. They should also be informed that if they still have concerns they can:

- Contact one of the designated officers given in Section 6 by telephone or in writing.
- Obtain confidential advice from the independent charity Public Concern at Work on 020 7404 6609 or at: - whistle@pcaw.org.uk
Their lawyers give free confidential advice on how to raise a concern about serious malpractice at work.

- 3.10 All disclosures received should be reported immediately to the Monitoring Officer who maintains a record of all concerns raised under this policy.
- 3.11 A copy of all of the documents, together with the reasons for not proceeding with an investigation, if applicable, should be forwarded to the Monitoring Officer without delay.
- 3.12 The Monitoring Officer will review the documents and will appoint as necessary a Designated Officer who will advise on the most appropriate way in which an investigation will be conducted. The Designated Officer will, within 10 working days of receipt of a case being raised under this policy, contact you and acknowledge that the concern has been received and indicate how the matter will be dealt with.
- 3.13 The Designated Officer will be the point of contact for all other queries raised about the case.

4. **ANONYMOUS ALLEGATIONS**

- 4.1 It is possible that in some cases an anonymous letter or telephone call is received.
- 4.2 There is a possibility that the handwriting on an unsigned letter may be recognised, but the informant's desire to remain anonymous should be respected.
- 4.3 From the details contained in the letter a decision should be made as to whether the concern raised is worth investigating in more detail. Where an unsigned letter is received the details of the complaint should be summarised and forwarded to the Monitoring Officer. A copy of the original letter should be attached to this summary.

TRAFFORD COUNCIL CONFIDENTIAL REPORTING POLICY

Guidance Note

- 4.4 If it is decided that the disclosure does not require further investigation, the reasons for not investigating should be recorded on the information forwarded to the Monitoring Officer.
- 4.5 Some employees are likely to raise concerns via an anonymous telephone call. In taking details of the concern then as much information as possible should be obtained. It is felt unlikely that the caller will leave a telephone number to ring back. If possible an arrangement should be made for the caller to call back at an arranged time to discuss their concerns further.
- 4.6 There is a possibility that the voice of the caller may be recognised. If the witness wishes to remain anonymous this should be respected in all cases.
- 4.7 It is possible that after the first telephone call, enough details were not obtained in order to investigate the concern properly. In the time available before the next arranged contact, consider what further information would be helpful and try to get these further details during the next telephone call.
- 4.8 Details of the concern should be recorded in writing. After the initial discussion(s) it should be decided whether the concern is worth investigating in more detail. Do not carry out an investigation.
- 4.9 A copy of the written record should be forwarded to the Monitoring Officer and if, in your opinion as Manager or line manager you consider that it should not be investigated further, then the reasons for not progressing should also be recorded and included in the information sent.
- 4.10 If the witness calls back they should be informed of the action taken. If the decision not to progress with an investigation has been taken and they still have concerns, they should be told that they can: -
- Contact one of the designated officers given in Section 6 by telephone or in writing.
 - Obtain confidential advice from the independent charity Public Concern at Work on 020 7404 6609 or at whistle@pcaw.org.uk they can give free confidential advice on how to raise a concern about serious malpractice at work.

TRAFFORD COUNCIL CONFIDENTIAL REPORTING POLICY

Guidance Note

5. RETENTION OF RECORDS

- 5.1 All information and records relating to the disclosure should be retained on an individual file. These records are likely to be used in a formal hearing and all notes should be signed and dated.
- 5.2 All information and records should be kept in a secure location and only released to the relevant Designated Officer or to the Monitoring Officer.
- 5.3 If no further action is taken within six months of the disclosure being reported to the Monitoring Officer, all personal data should be destroyed confidentially. Statistical information on the number and type of concerns raised should be retained to inform local performance indicators.

6. DESIGNATED OFFICERS

- 6.1 All disclosures must be reported to the Monitoring Officer, who will be responsible for the commission of any further investigation. The Monitoring Office will appoint a Designated Officer to be responsible for each concern raised under this policy.
- 6.2 The following are Designated Officers: -

Director of Human Resources	Tel: 912 1586 / 3844
Head of Legal Services	Tel: 912 4879
Director of Finance	Tel: 912 4238
Audit and Assurance Manager	Tel: 912 1323

7. THE MONITORING OFFICER

- 7.1 The Monitoring Officer is the Director of Legal and Democratic Services and has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer maintains a record of all concerns raised and the outcomes and will report as necessary to the Chief Executive and the Council.