



**TRAFFORD**  
**COUNCIL**

# **Confidential Reporting Code**

<b>Date of issue</b>	<b>Description of changes</b>
April 2013	Contact details updated.
September 2009	Revised to include a reference to IT systems using Council data.
September 2004	Revised to include guidance for managers.
2000	Initial document approved.

## Confidential Reporting Code

### 1. The Council's Policy Statement

- 1.1 Trafford Council is committed to the highest possible service and ethical standards in public life and all of its practices. 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 speak out about their concerns.

### 2. Introduction

- 2.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not want to speak up about concerns because they feel it would be disloyal to their colleagues or to the Council. They may also believe they might be victimised or harassed. It may be easier to ignore the concern rather than report it especially if it is only a suspicion that something may be happening.
- 2.2 This document makes it clear that you can speak out without fear of victimisation, or any discrimination, or disadvantage. The Confidential Reporting code is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 2.3 It is important that employees raise issues of concern so that they can be investigated. The Council expects employees to use this procedure and to feel confident that if they are genuinely concerned about a matter they raise, they will be dealt with fairly and sensitively.
- 2.4 Nothing in the code takes away the rights of an individual which are provided for in the Public Interest Disclosure Act 1998. The Act itself directs workers towards raising the matter internally in the first place and where there is an internal "whistleblowing" procedure such as this, to use it.

## Confidential Reporting Code

- 2.5 The Confidential Reporting Code is intended to cover any major concerns you may have that fall outside the scope of existing internal procedures. These concerns include the following items 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.
  - Incorrect usage of any of the council owned IT systems and those owned by a third party using council data.
  - That information on any of the above has been, is being or is likely to be, concealed
- 2.6 If something is troubling you which you think we should know about or look into, please use this policy. If, however you are aggrieved about your personal position, please use the Grievance Policy, which you can get from your manager or trade union representative. This Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.
- 2.7 Trafford Council recognises employees may wish to seek advice and be represented by their Trade Union officers when using the provisions of this code, and acknowledges and endorses the role Trade Union officers play in this area.
- 2.8 The code applies to all employees as well as those contractors working for the Council on Council premises, for example, agency staff, builders, drivers, independent consultants, trainees, and volunteers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

## Confidential Reporting Code

- 2.9 This code has been discussed with the relevant trade unions and has their support.
- 2.10 This code aims to: -
- Encourage you to feel confident about raising serious concerns and to question and act upon concerns about practice
  - Provide avenues for you to raise those concerns and receive feedback on any action taken
  - Ensure that you receive a response to your concerns and that you are aware of how to follow them up 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.

## 3. Our Assurances to you

### Your Safety

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of its employees. The Council recognises that deciding whether or not to report a concern can be very difficult. If you raise a genuine concern under this policy you will not be at risk of losing your job or suffer any form of retribution as a result.
- 3.2 Provided you have acted in good faith it does not matter if you are mistaken. This assurance is not extended to anyone who maliciously raises a matter that they know to be false.
- 3.3 Furthermore you have protection under the law (Public Interest Disclosure Act 1998) and in certain circumstances can take a complaint to an Employment Tribunal if you are treated unfairly at work as a result of a serious disclosure made in good faith.

### **Your Confidence**

- 3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) of anyone raising a genuine concern. If you want to raise a concern in confidence under this policy and ask for your identity to be protected, it will not be disclosed without your consent.
- 3.5 If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed at a disciplinary hearing or if the police

## Confidential Reporting Code

need to be called in), we will discuss with you whether and how we can proceed.

### 4. **Anonymous Allegations**

4.1 If you do not tell us who you are it will be much more difficult for us to look into the matter. This code encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

4.2 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.

### 5. **Unproven / Untrue Allegations**

5.1 If you make an allegation in good faith, which cannot be confirmed by the investigation, no action will be taken against you. It will be the responsibility of the Monitoring Officer to ensure there are no reprisals against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary rules and procedures will be used.

### 6. **How to Raise a Concern**

#### 6.1 Step 1

If you have a concern about malpractice, please raise it with your supervisor or manager. This may be done either verbally or in writing. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

#### 6.2 Step 2

If you feel unable to raise the matter with your supervisor or manager, please raise the matter with your Head of Service. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

#### 6.3 Step 3

If these channels have been followed and you still have concerns, or if you feel that you cannot discuss it with any of the above, please use one of the following alternatives: -

## Confidential Reporting Code

- Contact one of the designated officers given in Section 11 by telephone or in writing.
  - If you are unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) they can give you free confidential advice on how to raise a concern about serious malpractice at work.
- 6.4 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.
- 6.5 You may wish to consider discussing your concern with a work 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.
- 6.6 You may invite a Trade Union representative or work colleague to be present during any meetings or interviews in connection with the concerns you have raised.
- 6.7 The earlier you express the concern the easier it is to take action.
- 6.8 Where concerns are raised, whether in writing or otherwise, an initial interview, which will be confidential, will be arranged to ascertain the area of concern. At this stage you will be asked if you wish your identity to be disclosed. You will be reassured about protection from possible reprisals or victimisation. You will also be asked whether or not you wish to make a formal statement. In either case, a brief summary of the interview will be written, which will be agreed by both parties.
- 6.9 All concerns will be reported to the Chief Executive who will be responsible for the commission of any further investigation. If exceptionally the concern involves the Chief Executive this report will be made to the Leader of the Council who will decide how the investigation will proceed. This may include an external investigation.

## 7. Councillors

- 7.1 If a Councillor has a concern raised with them, by an employee, then the Councillor will refer the matter directly to the Monitoring

## Confidential Reporting Code

Officer, who will ensure that it is dealt with in accordance with this policy.

7.2 If a Councillor has a concern about an employee then they should raise the matter with the appropriate Head of Service. If they feel unable to raise the matter with the Head of Service then they should contact the Monitoring Officer.

7.3 If an employee has a concern about a Councillor then this should be raised with the Monitoring Officer.

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

8.1 A Designated Officer will be appointed and they will formally respond to your concerns in all cases.

8.2 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.

8.3 Where appropriate, the 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.

8.5 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.

8.6 Within ten working days of a concern being raised, the Designated Officer, will write to you:

- acknowledging that the concern has been received
- indicating how the matter will be dealt with
- giving an estimate of how long it will take to give you a final response
- telling you whether any initial enquiries have been made, and

## Confidential Reporting Code

- 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 yourself will depend on the nature of the matter raised, the potential difficulties involved and how clear the information provided is. If necessary, the Designated Officer will ask for further information from you.
- 8.8 Where any meeting is arranged (this can be off-site if you wish) you can be accompanied by a union representative or a colleague.
- 8.9 The Designated Officer will take steps to help you as much as possible to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary proceedings they will arrange for you to receive advice about the procedure.
- 8.10 The Council accepts that you need to know that the matter has been properly addressed. Therefore, subject to legal constraints, you will be informed about the investigation and its outcome.

## 9. **The Monitoring Officer**

- 9.1 The Monitoring Officer is the Director of Legal and Democratic Services and has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a way 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 policy 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 where you will be able to obtain advice about the protection given under the Public Interest Disclosure Act 1998:
- The Council's External Auditor
  - Your trade union
  - Citizens' Advice Bureau

## Confidential Reporting Code

- Relevant professional bodies or regulatory organisations i.e. Health and Safety Executive, utility regulators
- Relevant voluntary organisation
- The police.
- You can also get independent, confidential advice from the charity Public Concern at Work on: [www.pcaw.org.uk](http://www.pcaw.org.uk) or by telephoning 020 7404 6609

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

## 11. Designated Officers

11.1 The following are the 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