

Staffordshire County Council			Policy Handbook				
Reference Number	HR 99	Approved By	Draft 1	Issue	01	Date	08/01/04
Policy Title	Whistleblowing						

Introduction

This policy enables you to report, confidentially, serious concerns about any aspects of the Council's work which you suspect involves criminal behaviour or other specific forms of malpractice – damage to the environment, for example, or action that threatens health and safety.

Provided that you act in good faith, and that you have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur, you can disclose your concerns, using this procedure, and be protected by law from victimisation or dismissal.

The law in question is the Public Interest Disclosure Act, which came into force in 1999. Although not strictly required by the Act, the Council's internal procedures give effect to it. The Council believes that having internal procedures is in everyone's interest.

Eligibility

This policy, like the Act, covers all employees of the Council, contractors, agency staff and the Council's partners, formal and informal.

Provisions

This policy describes the circumstances in which concerns can be reported confidentially or 'disclosed', and the conditions which must be met if the protection offered by the Act is to apply.

Making a Disclosure

To make a disclosure either telephone or write to one of the Contact Officers listed in Appendix A. If writing, mark the envelope: 'PIDA – Strictly Private

and Confidential'. Do not e-mail Contact Officers, as e-mail is not a secure medium and must not be used.

The Contact Officer will acknowledge receipt of your disclosure in writing, within 5 working days. They will also gather further information if need be, including by personal interview, at which you can be accompanied by an official of your trade union or professional association, or by a fellow employee. When the precise nature of the malpractice has been established your disclosure may be referred to the Monitoring Officer for a decision re: further action. The Monitoring Officer will determine what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

Throughout the process the Contact Officer will keep you informed on progress and (subject to legal constraints) the eventual outcome.

Further Appeal

If at the end of the process you, or any other person covered by the Act, are not satisfied with how a disclosure has been dealt with, you may refer to one of the regulatory bodies/other external agencies whose details are listed in Appendix B. As with internal disclosure, before referring to one of these bodies you should consider: do I honestly and reasonably believe that my concerns are well founded and that any allegations I am about to make are substantially true?

Legal Protection

Exceptionally, the Act offers protection in respect of disclosures made to people or bodies not listed in Appendix B but only when, all things considered, it is reasonable to do this and the disclosure is not made for personal gain. In addition, one of the following must apply:

- The matter must have been raised already with the employer and/or relevant regulatory body; or
- You reasonably believed that you would be victimised if you raised the matter internally; or
- There is no relevant regulatory body, and you reasonably believed that evidence was likely to be concealed or destroyed.
- Your concern is of an "exceptionally serious" nature, which is for you to determine.

Confidentiality

The Council will treat your disclosure in confidence, and only reveal your identity if absolutely necessary (e.g. if required in connection with legal action).

Responsibilities

The Council's Monitoring Officer has overall responsibility for this policy and will decide on the action to be taken in respect of all disclosures.

Contact Officers in Directorates are the first point of contact for 'whistleblowers', and are responsible for keeping them informed regarding the progress and outcome of any investigation.

HR units can offer advice and provide training.

Unions and professional associations can also support and assist their members.

Regulators and other external bodies can deal with concerns in specified circumstances.

Frivolous/Malicious Claims

If you make a disclosure which the Council considers is frivolous, malicious, or made for personal gain this may result in disciplinary action being taken against you.

Victimisation

Anyone who harasses or victimises someone who makes a protected disclosure will be subject to disciplinary action.

Further Advice and Information

This policy document is for general guidance only. If you need any further advice about how this policy applies to you please contact your manager or your **HR Representative in the Shared Service Centre**

If you belong to a recognised trade union or professional association you can get support and assistance from them or if you prefer to seek independent, external advice this can be obtained from the charity Public Concern at Work or the Audit Commission at:

Public Concern at Work
Suite 306
16 Baldwins Gardens
London EC1N 7RJ
Helpline: 020 7404 6609
E-mail: helpline@pcaw.co.uk

Audit Commission
1 Vincent Square
London SW1P 2PN
Telephon: 020 7828 1212
E-mail: enquiries@audit-commission.gov.uk

Further background information on this topic is also available on the following Websites:

www.dti.gov.uk

www.acas.org.uk

www.lg-employers.gov.uk

www.audit-commission.gov.uk

www.pcaw.co.uk

Other contacts

Please note that the County Council takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.

This information can be made available in a range of formats and languages, including Braille and large print. If this would be useful to you or someone you know, please contact your Directorate HR Manager.