

## Introduction

It is important to the Council that any fraud, misconduct or wrong doing is reported and properly dealt with. All employees have a duty to report any malpractice as outlined in the Employee Code of Conduct.

## Aims of the Policy

The policy has been developed to demonstrate the Council commitment to the none tolerance and elimination of malpractice.

It provides a clear framework to enable employees to raise concerns within the Council / School without fear of victimisation, discrimination or disadvantage rather than seeking a resolution to the problem outside the Authority.

## Scope

The policy applies to all employees, contractors, suppliers, elected members, agency staff working for the Council on Council premises or carrying out duties for the Council.

### School Based Employees:

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

### To be read in conjunction with:

Employee Code of Conduct  
Members Code of Conduct  
Corporate Complaints Policy  
Grievance Procedure  
Disciplinary Code  
Equal Opportunity Policy  
Bullying and Harassment  
Data Protection Act 1998  
All Wales Child Protection procedures  
Anti fraud and corruption strategy policy statement  
Whistleblowing management guidance

## OUTLINE

This policy seeks to:

1. Ensure that serious concerns are properly raised and addressed
2. Deter serious malpractice
3. Promote accountability throughout the Council / School
4. Avoid crisis management and public criticism
5. Support individuals in challenging bad practice without fear of recrimination, victimisation or harassment.

The policy does not cover:

1. An individual employment grievance. This should be referred to the Council's / School's Grievance Policy or other policies such as the Equal Opportunities Policy or the Bullying and Harassment Policy.

Health and Safety Matters: All employees have a legal obligation to report to a manager any work situation which represents a risk or danger to the Health and Safety of Council employees, colleagues or members of the public

## WHAT IS A QUALIFYING DISCLOSURE?

The term 'qualifying disclosure' is used to describe information about any wrongdoing that an employee or other person may come across. It may be something that has happened, is happening or could happen in the future.

It could be in relation to:-

1. A criminal offence
2. A breach of legal obligations
3. A miscarriage of justice (criminal or civil not include the Council internal procedures)
4. A danger to the Health and Safety of any person
5. Damage to the environment
6. Deliberate covering up of any information tending to show any of the above matters
7. Financial irregularity and concern

Examples of serious concerns that fall under this policy could include:

1. Mal-administration, as defined by the Public Services Ombudsman for Wales (for more information please refer to [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk))
2. Breach of or failure to implement or comply with any policy determined by the Council / School.
3. Failure to comply with appropriate professional standards.
4. Corruption or Fraud.
5. Actions likely to cause physical danger to any person, or to give rise to a risk of significant damage to property.
6. Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost or loss of income to the Council / School or would otherwise seriously prejudice the Council / School.
7. Abuse of power, or the use of Council's / School's powers for any unauthorised or ulterior purpose.
8. Unfair discrimination in the Council's / School's employment practice or in the delivery of services.
9. Unsafe working practices, which could result in an adverse effect on the health & safety or welfare of an whistleblower, their colleagues, the general public or service users, which have not been dealt with adequately.
10. Physical, sexual, or other abuse or harassment. This may involve an employee, a child or a vulnerable adult.
11. Failure to rectify or take reasonable steps to report a matter likely to give rise to a significant and avoidable cost or loss of outcome to the Council / School
12. Actions that could be considered as serious abuse of Council / School time. This might include serious abuses involving internet usage, email, clocking systems, flexi systems, time sheets, unauthorised meetings, unauthorised work, use of council vehicles etc.

NOTE: This list is intended to illustrate the types of issues which may be raised, it is not comprehensive.

## **SAFEGUARDS**

The Council / School recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the malpractice. Those who make an allegation in the public interest should have nothing to fear as they will be doing their duty to their employer, colleagues and the public.

The Council / School will not tolerate harassment or victimisation, including any detriment or bullying by other employees against a whistleblower, and if this occurs the action may result in disciplinary action being taken against such employees.

Those who express their concern in the public interest but their allegation is not confirmed by the investigation should not fear reprisal, as no action will be taken against them. If however, allegations are made which subsequently prove to have a malicious intent, then the matter will be treated seriously and could result in disciplinary action.

## **EXPRESSING DISCLOSURES IN CONFIDENCE**

Whilst a qualifying disclosure is expected to have substance, it is not expected that the employee raising the disclosure will need to prove it is true. It is the responsibility of the investigating manager/officer.

All disclosures will be treated in confidence and every effort will be made to keep the identity confidential where the individual requests this.

In some circumstances, it may be necessary for the person to be prepared to come forward as a 'witness'. Should this be necessary then every effort will be made to limit the contacts with the whistleblower to maintain the level of confidentiality.

## **ANONYMOUS DISCLOSURES**

This policy encourages individuals to put their name to the concern whenever possible. Disclosures expressed anonymously are much less powerful but will be considered at the discretion of the responsible manager/officer.

The provisions of the Data Protection Act 1998 must be observed during the process, particularly in disclosure, use and processing of personal information.

## PROCEDURE

### STEP ONE

Disclosures are best raised in writing by completing the [Whistleblowing Report Form](#), otherwise the person can telephone or meet the appropriate manager. Where the disclosure relates to the manager it is appropriate to raise the issue with a Senior Manager / Headteacher.

Individuals may be accompanied by their Trade Union representative or work colleague to any meetings/interviews.

Within 10 days of a disclosure being received, the manager will write to the person raising the issue, acknowledging that the disclosure has been received and indicating how the Council / School proposes to deal with the matter and an estimation of how long it will take to provide a final outcome.

Regular support and contact will continue to be provided and support will be reviewed as and when appropriate.

On conclusion of any investigation, the individual will be told the outcome of the investigation and what action has been done/proposed. If no action is to be taken, the reason for this will be explained. In addition matters raised may:

1. Be referred to the Police
2. Be referred to the External Auditor
3. Form the subject of an independent inquiry
4. Some concerns may be resolved agreed action without the need for investigation

Should it be found that the matters raised fall within an alternative policy the individual will be made aware that the matter is being forwarded to the appropriate person within the Council / School.

In the case of any information which is raised in the course of a disciplinary investigation, the Investigating Officer will investigate this in line with the Council's / School's Disciplinary Code. If the information is disclosed after a decision has been made to hold a disciplinary hearing and is raised by way of defence, the relevant disclosure will form part of the consideration of the Disciplining Officer / Disciplinary panel.

If the disclosure concerns a health and safety issue then the Investigating Officer may take steps to protect the health, safety and well-being of any person or to protect the property of the Council / School or of any person for whom the Council / School has a statutory duty of care, and to secure that such action is taken.

Where the relevant failure is alleged to be that of the Disciplining Officer then the matter shall be referred to the Head of People and Transformation who shall determine to process to be followed. In schools the Chief Education Officer and Head of People and Transformation would advise the Chair of Governors of the process to be followed

### STEP TWO

If the individual is unhappy with the response, outcome or the handling of the issue, the matter should be raised with a Senior Manager / Headteacher (or Chair of Governors where the outcome has been provided by the Headteacher), adopting the grievance procedure as the most appropriate mechanism.

## STEP THREE

Where the individual believes there is a need to take the matter outside the Council / School, they should ensure they do not disclose confidential information unless that disclosure is privileged and relevant to the concern raised. Anyone proposing external disclosure should seek independent legal advice or contact the Public Concern at Work organisation. See [Contact List for external reporting](#). In addition Legislation sets out a number of bodies to which qualifying disclosures (Concerns) can be made:

1. HM Revenue & Customs [www.hmrc.gov.uk](http://www.hmrc.gov.uk)
2. Financial Services Authority [www.fsa.gov.uk](http://www.fsa.gov.uk)
3. Office of Fair Trading <http://oft.gov.uk>
4. Health and Safety Executive [www.hse.gov.uk](http://www.hse.gov.uk)
5. Environment Agency [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## EMERGENCY SITUATIONS

If the individual believes that the malpractice must be dealt with immediately either because it concerns a health and safety issue or concerns children or vulnerable adults, immediate contact should be made to a manager on the list below. The risk or the urgency should be explained in sufficient detail and accuracy to ensure that the person receiving the report understands what the harm or risk is and whom or what needs to be protected.

The written disclosure should be completed as quickly as possible following a verbal report being made.

### Normal Working Hours

1	Contact Manager	If not appropriate go to 2
2	Contact Senior Manager / Headteacher	If not appropriate go to 3
3	Contact Human Resources	01633 656656

### Contacts for reporting special disclosures relating to:

Disclosure about	Contact	Details
Members	Monitoring Officer(Head of Law & Standards)	01633 656656
Governors or Governing Bodies	Chief Education Officer	01633 656656
Children	Designated Complaints Officer for Social Services	01633 656656 (office hours)
Child in a school	Chief Education Officer	01633 656656
Vulnerable Adults	Principal Officer – POVA	01633 656656