

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES¹

INTRODUCTION

1. Employees are often the first to realise that there may be something seriously wrong within the Board. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Board. They may also fear harassment or victimisation and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The Board expects employees, and others that it deals with, who have concerns about any aspect of the Board's work, to come forward and voice those concerns. The word 'whistle-blowing' in this procedure refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.
3. This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage, it is intended to encourage and enable concerns to be raised with the Board, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998 employees of the Board who speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

AIMS AND SCOPE OF THIS PROCEDURE

4. This Procedure aims to:
 - encourage employees to feel confident in raising concerns in those cases where they do not wish to use the normal reporting routes within their departments
 - provide alternative avenues for raising concerns
 - ensure that responses to concerns are made
 - reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in good faith.
5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This procedure is intended to cover concerns that fall outside the scope of other procedures and include:
 - conduct which is an offence or a breach of law
 - disclosures related to miscarriages of justice
 - health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
 - damage to the environment

¹ For the purposes of this procedure, employees includes volunteers as far as it applies to them.
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- the unauthorised use of public funds including fraud and corruption
 - sexual or physical abuse
 - other unethical or unprofessional conduct
 - notification of any suspicions of price-fixing cartels providing services/goods to the Board
6. The Board fully understands that employees who are members of a Trades Union recognised by the Board may, in the first instance, wish to seek advice and guidance from their Union on the application of this Procedure (see paragraph 22).
7. Any concerns that an employee has about any aspect of service provision, or the conduct of employees or members of the Board or others acting on behalf of the Board, can be reported under this Procedure. This may be about something that:
- makes an employee feel uncomfortable in terms of apparent non adherence to known standards
 - appears to be contrary to the requirements of the Board's Financial and Contract Regulations and Codes of Conduct
 - falls below established standards of practice
 - may amount to improper conduct
 - appears to be an attempt to mislead.

HARASSMENT OR VICTIMISATION

8. The Board recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person who is the subject of the complaint. However, if employees state the truth they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
9. The Board will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees when they raise a concern in good faith.
10. Any investigation into allegations of potential malpractice will be separate from any grievance, disciplinary or redundancy procedure that already affects an employee. Equally, any investigation will not be influenced by any such procedures involving an employee.

CONFIDENTIALITY

11. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full investigation of the concerns raised.

ANONYMOUS ALLEGATIONS

12. In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are much less powerful. Anonymous concerns and allegations will therefore be investigated at the discretion of the Director or the Chairman.
13. 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 factual evidence.

UNTRUE ALLEGATIONS

14. If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

HOW TO RAISE A CONCERN

15. Employees who wish to raise a concern should do so verbally or in writing (marked 'Confidential') to the Director or the Responsible Finance Officer.
16. Employees who wish to make a written statement/report are invited to set out:
 - the background and history of the concern (giving relevant dates)
 - the reason why there is particular concern about the situation
17. Although employees are not expected to prove, beyond doubt, the truth of an allegation they will need to demonstrate that there are reasonable grounds for their concerns.

HOW THE BOARD WILL RESPOND

18. The Director, in consultation with the Chairman, and the Monitoring Officer and Finance Officer as appropriate, will decide how best to respond to concerns. The matters raised may:
 - be investigated by management, internal audit, or through the disciplinary process
 - be referred to the Police.
 - be referred to the District Auditor
 - form the subject of an independent inquiry.
19. 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 Board will have in mind is the public interest.

20. Within 10 working days of a concern being raised, the Director or the Finance Officer will write to the employee concerned at their private address:-
 - acknowledging that the concern has been received
 - indicating how he proposes to deal with the matter
 - telling the employee whether any initial enquiries have been made
 - telling the employee whether further investigations will take place and, if not, why not
21. If the matter is subject to further investigation the employee will be kept informed of the progress and will be told of the timescale for the investigation. The amount of contact between the officers considering the issues and the employee having a concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Board will seek further information from the employee raising the concern.
22. A representative of a Trades Union recognised by the Board, a work place colleague, a family member or friend may accompany an employee during any stage of an investigation conducted under this Procedure.
23. The Board will take steps to minimise any difficulties that may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings, the Board will arrange for them to receive advice about the procedures involved.
24. The Board accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

THE RESPONSIBLE OFFICER

25. The Director has overall responsibility for the maintenance and operation of this Procedure. He will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not endanger confidentiality.

HOW THE MATTER CAN BE TAKEN FURTHER

26. This Procedure is intended to provide employees with an avenue within the Board to raise concerns. The Board hopes employees will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Board, the following are possible contact points:
 - the Health & Safety Executive
 - the Environment Agency
 - the District Auditor/Audit Commission
 - a Trades Union

- the Serious Fraud Office
- a relevant Voluntary Organisation
- Her Majesty's Revenue and Customs
- the Police
- the Charity Commission
- the organisation known as 'Public Concern at Work' (tel: 0207 404 6609)

27. If an employee does decide to take the matter outside the Board, they must ensure that they do not disclose to a third party any of the Board's confidential information. If the employee is in any doubt, they are strongly advised to seek the confidential advice of the Board's Monitoring Officer before taking any action to ensure that they do not inadvertently put themselves in a position where they will be criticised.

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