

Peak District National Park Authority



Confidential Reporting/Whistle-Blowing Policy

May 2008 – Amended October 2012, October 2013, November 2015

Confidential Reporting/Whistle-Blowing Policy

1. Introduction

- 1.1 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Authority encourages employees, contractors and others with serious concerns about any aspect of the Authority's work to come forward and voice those concerns.
- 1.2 This Policy is intended to encourage and enable people to raise serious concerns within the Authority rather than overlooking a problem or "blowing the whistle" outside. This Policy provides a framework for concerns to be raised 'in-house' and in the public interest without fear of victimisation, subsequent discrimination or disadvantage.
- 1.3 The Authority recognises that certain cases will have to proceed on a confidential basis so that the position of the 'whistleblower' can be protected.
- 1.4 The policy and procedure takes account of the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, which are incorporated into the Employments Rights Act 1996. These Acts protect employees making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Policy has been consulted with the relevant trade union and the Staff Committee and has their support.

2. Aims of this Policy

- 2.1 This Policy aims to:
- encourage employees to feel confident in raising concerns and to question and act upon their concerns;
 - provide avenues for employees to raise these concerns and receive feedback on any action taken;
 - allow employees to take the matter further if they are dissatisfied with the Authority's response; and
 - reassure them that they will be protected from reprisals or victimisation for whistleblowing in the public interest in accordance with this procedure.
 - avoid malicious and vexatious allegations
- 2.2 This Policy is intended to cover concerns that fall outside the scope of other procedures, and include the following:
- failure to comply with a legal obligation to which a person is subject (this may include breaches of statutory codes of practice);
 - conduct which is an offence or a breach of the law;
 - conduct that is contrary to the Authority's Standing Orders or Policies or procedures (this may include conduct that falls below established standards or practice);
 - conduct that is in breach of the employee code of conduct;

- showing undue favour over a contractual matter or to a job applicant;
- disclosures relating to possible miscarriages of justice;
- conduct that endangers the health and safety of other employees and/or members of the public;
- conduct that involves damage to the environment;
- the unauthorised use of public funds;
- suspected fraud or corruption.

2.3 The above does not represent an exhaustive list of areas covered by this Policy. Any serious concerns that employees may have about any aspect of service provision or the conduct of employees or Members of the Authority or others acting on behalf of the Authority can be reported under this Policy, although they may be investigated under other appropriate procedures.

3. Application and Scope

3.1 This Policy applies to all employees including contract, casual, seasonal, volunteers and temporary staff and agency workers. Where appropriate it also applies to contractors working for the Authority on Authority premises and suppliers.

3.2 This Policy is in addition to and distinct from the Authority's Complaint's Procedure that provides a facility to those not employed by the Authority (e.g. service users, and members of public) to raise any concerns.

3.3 This Policy is not intended to cover concerns that can be progressed under existing Human Resource procedures. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. Where an employee's concerns relate to their own employment, either in terms of the treatment afforded to them or their terms and conditions of employment these should normally be raised through the Grievance procedure or appropriate Appeals procedures.

4. Safeguards against harassment or victimisation

4.1 The Authority is committed to good practice and high standards and wants to be supportive of all its employees.

4.2 The Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the matter that gives rise to the concern. If concerns are raised in the public interest, there will be nothing to fear because employees will be doing their duty to the employer and to those for whom they are providing a service.

4.3 Employees raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise or disclose issues in the public interest.

4.4 The Authority will not tolerate harassment or victimisation and will take such action as is necessary to protect employees when they raise concerns in the public interest under this Policy. The Authority will not tolerate colleagues who mistreat, bully or harass a whistleblower, such behaviour may lead to disciplinary action.

5. Confidentiality

- 5.1 The Authority will use its best endeavours to protect an employee's identity when he/she raises a concern and does not want his/her identity disclosed.
- 5.2 If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the Authority will arrange for them to receive advice and support.

6. Anonymous allegations

- 6.1 This Policy provides safeguards for employees who raise concerns. Employees are encouraged to put their names to any allegation. A concern expressed anonymously is much less powerful and it is often difficult to gather sufficient evidence and check its reliability. In most cases it will be possible to keep one's identity confidential without being anonymous.

7. Rights and Responsibilities of Employees

- 7.1 All employees are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management channels.
- 7.2 Employees are expected to report concerns as soon as they arise and avoid any unnecessary delay in doing so.
- 7.3 Other than raising concerns in the public interest, employees are not required to 'prove' the truth of any allegation. However, a complainant will need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.
- 7.4 When any meeting or interview is arranged employees may be accompanied by a trade union official or a workplace colleague.

8. How to raise concerns

- 8.1 As a first step, employees should normally raise concerns with their immediate manager, Assistant Director or Director. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. For example, if an employee believes that the manager for their area of work is involved in the matter they intend to raise, or believes that the matter may not be dealt with properly, the concern may be raised directly with the relevant, Assistant Director (Mary Bagley, Jane Chapman, or Rachel Gillis), Director (Ruth Marchington or John Scott), the Chief Executive (Sarah Fowler) or the Monitoring Officer (the Head of Law, Andrea McCaskie).
- 8.2 All concerns of a financial nature should be raised first with the Chief Finance Officer (the Head of Finance, Philip Nayler) or the Monitoring Officer (the Head of Law, Andrea McCaskie) or the Internal Auditor (Ian Moton, Veritau).
- 8.3 Preferably concerns must be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the employee's particular concern. If an employee feels that they are not able to raise the concern in writing at this point they may personally raise the matter with the appropriate officer. However, at some stage the employee may be requested to put the concerns in writing although this may be done through the employee's representative.

8.4 Employees can obtain advice and guidance on how matters of concern may be pursued from:

- The Monitoring Officer (the Head of Law)
andrea.mccaskie@peakdistrict.gov.uk – 01629 816358
- The Deputy Monitoring Officer (the Democratic Services Manager) in the absence of the Monitoring Officer (the Head of Law);
jason.spencer@peakdistrict.gov.uk – 01629 816344
- The Chief Finance Officer (the Head of Finance);
philip.naylor@peakdistrict.gov.uk – 01629 816366
- The Head of Human Resources.
theresa.reid@peakdistrict.gov.uk – 01629 816283

9. How the Authority will respond

9.1 Within ten working days of a concern being received, the Authority will write to the employee:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling the employee whether any initial enquiries have been made, and
- telling the employee whether further investigations will take place, and if not, why not.

9.2 Employees will also be provided with details of support available which will include access to counselling facilities.

9.3 The action taken by the Authority will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the external or internal auditor;
- form the subject of an independent inquiry or
- be referred to the Police.

9.4 In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant senior officer to decide whether an investigation is appropriate and if so, what form it should take and which procedure is appropriate for the circumstances. The overriding principle which the Authority will have in mind is the public interest.

9.5 In deciding whether or not to investigate an allegation the Authority will take account of all relevant factors which will include:

- the seriousness of the issues raised;

- the credibility of the concern; and
 - the likelihood of confirming the allegation from other attributable sources.
- 9.6 Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.
- 9.7 The amount of contact between the officers considering the issues and the complainant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 9.8 The Authority will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, the Authority will provide the necessary advice about the procedure and give whatever practical support that is possible.
- 9.9 The Authority accepts that employees need to be assured that the matter has been properly addressed and will ensure this happens.
- 9.10 Subject to legal and confidentiality constraints, employees will normally receive feedback about the outcomes of any investigations within ten working days of the conclusion of the investigation.
- 9.11 The Monitoring Officer (the Head of Law), in conjunction with the Director or Assistant Director who has responsibility for the relevant department of the Authority, will be responsible for monitoring the outcome of the concerns raised through this Policy.

10. Taking the concerns externally

- 10.1 This Policy is intended to provide employees with an avenue to raise concerns within the Authority. The Authority hopes that employees will be satisfied with any action taken under this Policy.
- 10.2 There may be circumstances where an employee considers that they need to raise the matter externally. This may be because, for example, the need to involve the appropriate external regulatory body or the employee considers that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be or has been covered up.
- 10.3 If an employee takes the matter outside the Authority confidential information should not be disclosed. The Public Interest Disclosure Act 1998 does not provide blanket protection and could leave employees vulnerable to disciplinary or other action if they disclose confidential information in circumstances not covered by the Act.
- 10.4 To qualify for the protection afforded by the Public Interest Disclosure Act 1998 an employee must ensure that any disclosure is protected within the meaning of the Act and that it complies with a set of specific conditions which vary according to whom the disclosure is made.
- 10.5 If employees feel it is right to take the matter outside the Authority, the following are possible contact points:
- the external auditor;
 - the Police;

- an external regulatory authority;
- employee's relevant professional bodies or regulatory organisation;
- employee's trade union;
- employee's solicitor;
- a relevant voluntary organisation; or Public Concern at Work.

10.6 If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.

11. The Officer Responsible

11.1 The Monitoring Officer (the Head of Law), has overall responsibility for the maintenance and operation of this Policy. A record of all concerns raised and the outcomes will be maintained. The Officer will report as necessary on the operation of the Policy, but not on individual cases, to the Audit, Resources and Performance Committee.

Adopted by the Authority 23rd May 2008 (Minute38/08) – Amended October 2012 and October 2013. Amended November 2015 by Audit Resources and Performance Committee (minute 67/15)