



**East Herts Council**

**Confidential Reporting Code**

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## **1. Introduction**

- 1.1 East Herts Council is committed to the provision of the highest quality services for the benefit of the local community and seeks to strive to the best possible standards of openness, probity and accountability.
- 1.2 Although the Council has set in place rules, regulations, quality standards and procedures to ensure the highest standard of conduct and commitment to services, it recognises that malpractice can occur.
- 1.3 The Council is not prepared to tolerate any such malpractice in the performance and delivery of its service.
- 1.4 On an annual basis, all employees receive a letter from the Chief Executive, reminding them that they need to declare any pecuniary and non-pecuniary interests. The letter also refers to what they should do if they suspect any malpractice amongst their colleagues or other officers connected with the Council, including external providers and agencies.
- 1.5 The Public Interest Disclosure Act (1998) puts the onus on employers to ensure they have a confidential reporting code in place. This view is endorsed by the LGA and the Audit Commission. This policy is based on advice provided by the LGMB, I&DeA, LGA and Audit Commission on best practice models used by other local authorities. It will also be reflected in the code of conduct for local government employees.

## **2. Aim of the Code**

- 2.1 The aim of the code is to provide employees with the opportunity without fear of recrimination to disclose any allegations of malpractice within the Authority, any impropriety or breach of procedure or any deficiency in the delivery of the service.

2.2 An employee should have the opportunity to report any instances where they have a reasonable belief that one or more of the following has occurred:

- conduct where there is a criminal offence or breach of law,
- disclosures related to miscarriages of justice,
- dangerous procedures risking health and safety, including risks to the public and other employees,
- damage to the environment,
- the unauthorised use of public funds,
- fraud and corruption,
- sexual or physical abuse of clients; or
- other unethical conduct.

### **3. Scope of the Code**

3.1 East Herts Council and all people employed by the Council are committed to ensure any allegations of malpractice etc will be investigated. If any malpractice is proven, it is in the public interest that they are corrected and any relevant sanctions are applied.

3.2 East Herts Council will ensure that all reports of malpractice are investigated and that employees are assured that processes are in place to protect them from harassment or bullying, directly or indirectly, should they report any such instances. The Council shall also ensure all employees who raise allegations in good faith will have no repercussions even if the alleged incident/s are not proven. However, allegations deemed to be malicious or raised for personal gain may lead to disciplinary action. It is also a disciplinary offence to deter or victimise staff from raising valid concerns.

3.3 All reports, verbal or written, will be treated in confidence. Should further details be required during the investigation, support will be provided through the Internal Audit Section and/or the Human Resources Section. Individuals can also seek support from the recognised trades union.

3.4 Members of the public, contractors, Council suppliers and other organisations who have business dealings with the Council, are encouraged to raise any issue that concerns them regarding malpractice.

3.5 The policy statement covers any malpractice by:

- any employee of East Herts Council
- any member of East Herts Council
- any contractor, supplier or consultant of East Herts Council in the course of their work for the Council
- members of the public.

#### 4. Concerns involving Fraud and Corruption

4.1 Financial Procedures require each Director to notify the Chief Executive, the Director of Internal Services, the Section 151 Officer and the Head of Internal Audit immediately of any irregularity or suspected irregularity involving fraud and corruption. The Chief Executive or Director should subsequently confirm the specific details in writing.

4.2 All irregularities and suspected irregularities involving fraud and corruption will ultimately need to be notified to the Chief Executive, the Director of Internal Services, the Section 151 Officer and the Head of Internal Audit. The Monitoring Officer should also be consulted where concerns involve potential breach of law or miscarriage of justice.

Initial notification will be dependant on who is suspected and where the irregularity has occurred. Reporting lines are shown below, but should there be any doubt, the Head of Internal Audit should be consulted.

<b>Concern</b>	<b>First point of Notification</b>
About a Member	Monitoring Officer
About an outside organisation	Director
In your Division	Director
In another Division	Chief Executive
About your Director	Chief Executive
About Chief Executive	Director of Internal Services
About benefit claimant	Benefit Fraud Officer

Initial Concerns may be raised verbally or in writing. Staff who wish to make a written concern are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

- 4.3 The Chief Executive, the appropriate Director, the Director of Internal Services, the Section 151 Officer and the Head of Internal Audit will appraise each other of the presence of an irregularity or suspected irregularity involving fraud or corruption at the earliest opportunity.

## **5. Investigation Process for Fraud and Corruption**

- 5.1 The Director of Internal Services will determine the method and resources to be utilized to investigate any identified or suspected fraud or act of corruption.
- 5.2 Depending upon the nature of the irregularity, the Internal Audit section will work closely with management and other agencies such as the police, to ensure all matters are investigated thoroughly and reported upon.
- 5.3 The Chief Executive and Directors are expected to deal swiftly and firmly with those who attempt or commit fraudulent and corrupt acts.
- 5.4 The Council will normally wish the police to be made aware of and to independently prosecute offenders where fraud and corrupt acts are discovered. Any decision to notify the Police will be taken by the Chief Executive in consultation with the Director of Internal Services and the appropriate Director. In the absence of the Chief Executive a decision to refer to the Police can be made by the Director of Internal Services in consultation with the appropriate Director.
- 5.5 The Head of Benefits Services will arrange for the investigation of all cases of suspected benefit fraud perpetrated by external claimants. The Head of Benefits Services will advise the Director of Internal Services and the Head of Internal Audit in writing of all benefit fraud cases valued £2,500 or greater and of the action taken in respect of the fraud.

- 5.6 Where benefit frauds are committed by staff or there is suspected or proven collusion between benefits staff and the claimants then the Head of Benefits Services will advise the Director of Internal Services in writing of the irregularity who will instigate a review of the case by the Internal Audit Section.

## **6. Other Concerns**

- 6.1 All other concerns should initially be raised with an individual's Line Manager. If the Line Manager is involved in the allegation, the issue should be raised with a more senior officer, in their division.
- 6.2 Employees should prepare a written note of their concern and agree the format with their Line Manager and Director.
- 6.3 A trade union or other representative can also be invited to attend any interview you might arrange with your Line Manager or any follow up meeting you might be asked to attend following your allegation.
- 6.4 The written note should include:

Background and history of your suspicions of the types of malpractice or other incidents. The reasons for your suspicion with relevant times, dates etc. Details of specific incidents and the impact on individuals, the work of the Council or the reputation of the Council.

## **7. Investigation process for Other Concerns**

- 7.1 An Individual making allegations should contact their Line Manager to clarify the details of the alleged incident that has occurred or is suspected.
- 7.2 A report should be submitted outlining the allegations as described earlier in this policy document.
- 7.3 The Line Manager or Director or the Chief Executive will seek advice from Internal Audit and/or Legal and/or Human Resources and determine if the matter needs internal investigation or to be referred to external auditors or the police etc. Protocols for reporting to the Police will be followed as in paragraph 5.4. Any decision to notify the External Auditor will be taken by the Chief Executive in

consultation with the Director of Internal Services and the appropriate Director. In the absence of the Chief Executive a decision to refer a matter to the External Auditor can be made by the Director of Internal Services in consultation with the appropriate Director.

- 7.4 The Chief Executive will respond to your note within ten working days and will let you know:
- How s/he intends to deal with the allegation;
  - Set a provisional timetable for investigation;
  - Inform you if any initial investigations are underway;
  - Remind you of the support mechanisms available; and
  - Agree to keep you informed of progress etc.
- 7.5 Following initial investigations, the Chief Executive having sought advice might deem that any further action is unnecessary.
- 7.6 The Chief Executive will consider whether it is necessary to inform external bodies or to proceed internally. External investigation could result in case closure or internal corrective action. You will be kept informed on progress.
- 7.7 Should the Chief Executive deem that internal corrective action is necessary, the Council's disciplinary procedures, where appropriate, will commence against the officer/s involved.

## **8 Confidentiality**

- 8.1 The Council will respect the confidentiality of the complainant where confidentiality is requested. However, it may be necessary for the originator to be called as a witness at a later date.

## **9 Anonymous Allegations**

- 9.1 The Council encourages all allegations to have names put to them whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

## **10 Further Action**

- 10.1 All staff are encouraged to raise concerns through the above internal procedures, but they may also approach the Council's External Auditor and/or the charity Public Concern at Work.  
Tel: 0207 404 6609.



- 10.2 For reporting Benefit Fraud you can use our 24 hour freephone service 0800 373 852, or fill in our on-line fraud reporting form and submit (anonymous).
- 10.3 Should you feel that the result of the investigation is unsatisfactory, you can take the matter further through your Union, external regulatory bodies, Citizens Advice Bureau etc.

*This policy statement will be subject to review to ensure its Currency*

**AUD/CKG  
Human Resources Committee 05.07.07.**