



East Herts Council Confidential Reporting Procedure (Whistleblowing)

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Leadership Team
Audit and Governance Committee

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Introduction

All of us at one time or another have concerns about what is happening at work. Usually these are easily resolved. However' when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to co-workers, managers or to the Council or that you may get in trouble at a later stage if your concerns prove to be unfounded and your co-workers or manager(s) find out it was you who raised the concern. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

East Herts Council is committed to running the organisation in the best way possible and to do so we need your help. The council has introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concerns you may have about unlawful conduct, financial malpractice or dangers to the public or the environment, at an early stage, in the right way and, if you request it, in confidence. Rather than wait for proof, the council would prefer you to raise the matter when it is still a concern.

If something is troubling you which you think the council should know about or look into, please use this Policy. If you have concerns about vulnerable persons then please report it following our [Safeguarding Policy](#). If, however' you wish to make a complaint about your employment or how you have been treated' please use the [Grievance Policy](#). This Whistleblowing Policy is primarily for concerns where the interests of others or of the council itself are at risk.

If in doubt – Report it!

Our Assurance to You

Your safety

The Leadership Team is committed to this policy. If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith it does not matter if you are mistaken. Of course the council does not extend this assurance to someone who maliciously raises a matter they know is untrue.

Your confidence

The council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However the council recognises that you may nonetheless want to raise a concern in confidence under this Policy. If this is the case please say so at the outset. If you ask the council to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where the council is not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court) the council will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for the council to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

With these assurances we hope you will raise your concern openly.

If you are unsure about raising a concern you can get independent advice from Protect (formerly Public Concern at Work. See contact details under the Independent Advice section).

How to raise a concern

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, the council asks that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

If you have a concern about malpractice, the council hopes you will feel able to raise it first with your Line Manager or Head of Service. This may be done verbally or in writing.

Step Two

If you feel unable to raise the matter with your manager or Head of Service for whatever reason, please raise the matter with the Head of Legal and Democratic Services:

James Ellis, Head of Legal and Democratic Services
01279 502170
james.ellis@eastherts.gov.uk

Please say if you want to raise the matter in confidence so that appropriate arrangements can be made.

Step Three

If you still have concerns, or if you feel that you cannot discuss with an East Herts Council employee, please contact the Shared Internal Service delivered by Hertfordshire County Council. (East Herts Council is a partner.)

Simon Martin, Audit Manager, Shared Internal Audit Service (SIAS)
01483 845510 simon.martin@hertfordshire.gov.uk

How the Council will handle the Matter

Once you have reported your concern, the council will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. The council will tell you who will be handling the matter, how you can contact them and what further assistance it may need from you. If you ask, the council will write to you summarising your concern and setting out how we propose to handle it. You should respond if the council has misunderstood the concern or there is any information missing.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, the council asks that you say so at the outset. If the council thinks your concern falls more properly within the [Code of Conduct for Employees](#), or another relevant policy or procedure, you will be told.

While the purpose of this policy is to enable the council to investigate possible malpractice and take appropriate steps to deal with it, the council will give you as much feedback as it properly can. If requested, the council will confirm its response to you in writing. Please note however that the council may not be able to tell you the precise action it takes where this would infringe a duty of confidence owed by us to someone else.

Although the council cannot guarantee that it will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help to achieve this.

Some concerns may be best reported or handled by other means:

- Most concerns about health and safety on council property are best addressed through the council's Safety Committee. Concerns can be raised through managers, the council's Health and Safety officer or your Union.
- Housing Benefit fraud should be reported to the Department for Work and Pensions at <https://www.gov.uk/report-benefit-fraud>

Independent advice

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact:

- Your Union. (Your Union representative may be able to provide assistance) ; or
- The independent charity **Protect** on 020 3117 2520. Their lawyers can talk you through your options and help you raise a concern about malpractice at work.

External contacts

The council hopes this policy gives you the reassurance you need to raise your concern internally but the council recognises that there may be circumstances where you can properly report a concern to an outside body' such as a Key Regulator. This option should be used as last resort but provided you are acting in good faith, the council would rather you raised a matter with the appropriate regulator than not at all.

Your rights to raise such concerns are established within the Public Interest Disclosure Act 1998. The charity Protect or your union will be able to advise you on the circumstances in which you can safely contact an outside body.

Listed here are the Regulators most likely to be linked to Local Government: it is not exhaustive and a full listing can be found on the PCaW website.

- Health and Safety Executive - Health and safety matters
Tel: 0845 345 0055 www.hse.gov.uk/workers/whistleblowing
- Environment Agency - Environment matters
Tel: 0800 807060 www.environment-agency.gov.uk
- The Commissioners for her Majesty's Revenue & Customs - Tax related matters e.g. VAT
Tel: 0900 595 000 customs.confidential@hmrc.gov.uk
- Information Commissioner - Compliance with data protection or FOI
Tel: 01625 545700 www.informationcommissioner.gov.uk
- External Auditors EY LLP
400 Capability Grn, Luton LU1 3LU Tel: 01582 643000
- Serious Fraud Office
<https://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption/>

- NSPCC
<https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/report/>
- Your MP
<https://members.parliament.uk/FindYourMP>

or

- The Hertfordshire Shared Anti-Fraud Service (SAFS)
Direct Dial: 01483 844705 e-mail: Nick.Jenning@hertfordshire.gov.uk

Review

This Policy will be reviewed every three years by the Head of Legal and Democratic Services.