

# **BRAINTREE DISTRICT COUNCIL**

## **WHISTLEBLOWING POLICY**

Revised June 2009

## **“WHISTLE-BLOWING”**

### **INTRODUCTION**

Braintree District Council is committed to the provision of the highest quality services for the residents and businesses of the District and to full accountability for those services. Whilst the Council has set in place rules, regulations, quality standards and procedures to ensure that the highest standards of conduct and commitment to service are observed, malpractice and wrongdoing may occur. Braintree District Council is not prepared to tolerate any such malpractice or wrongdoing in the performance of its staff, Members or Contractors.

The greatest deterrent to malpractice or wrongdoing is the probability that such malpractice or wrongdoing will be reported and investigated vigorously, that those who are responsible for it will, in appropriate cases, be punished and that the matter will be promptly remedied. This Policy Statement is therefore, intended as a clear and unequivocal statement that, whenever and wherever any such malpractice or wrongdoing by the Council, its Members, any of its employees, or by any of its contractors or suppliers, is identified by or reported to the Council, it will be swiftly and thoroughly investigated and rectified, and that the Council will also investigate means of ensuring that such malpractice or wrongdoing can be prevented for the future.

This “Whistle-Blowing” Policy is intended to supplement, rather than to replace the existing procedures whereby employees of the Council and members of the public may already raise complaints or matters of genuine concern with the Council. It is, therefore, designed to provide a channel for those instances where the person reporting the matter feels that, for any reason, they cannot use these existing complaints procedures.

**If you make an allegation in good faith, but it is not confirmed by the investigations, no action will be taken against you.**

### **EXISTING COMPLAINTS PROCEDURES**

Braintree District Council has a commitment to open government and accountability, and has the following existing procedures for receiving and investigating complaints. Complainants are encouraged to make use of these existing procedures, wherever practicable:

- a) Braintree District Council encourages anyone with a genuine complaint or concern about Council services to contact the Manager directly responsible for that service
- b) Members of the public are encouraged to raise any matters of concern with their local Councillor, who can assist in identifying the best point of contact for reporting the matter or can pursue the matter directly with the Service concerned.

- c) Members of the public may also raise a matter with the Cabinet Member, who is responsible for the service concerned. These Councillors will have a sound knowledge of the services provided and the standards to which those services should be provided and can pursue the matter directly with the manager concerned.
- d) In addition, the Council has three Senior Officers who have particular legal responsibilities for the monitoring of the Council's activities. These Senior Officers are as follows: -

- **Allan Reid:** Chief Executive :  
Head of Paid Service, responsible for the overall management and direction of the Council, and for ensuring that its services are satisfactorily resourced. Telephone (01376) 551414 Ext. 2000.
- **Chris Fleetham:** Corporate Director:  
Chief Financial Officer, responsible for the financial management, probity and audit of the Council. Telephone (01376) 551414 Ext. 2800.
- **Sharon Lowe:** Head of Law and Governance:  
Monitoring Officer responsible for the legal probity and the proper democratic processes of the Council. Telephone (01376) 551414 Ext. 2629.

Employees and members of the public are encouraged to contact the appropriate Senior Officer direct and to raise any complaint or concern within their particular responsibilities.

- e) Braintree District Council has appointed a Scrutiny Manager, who has responsibility to investigate any complaints received directly or referred by the Chief Executive, by a Councillor, or by any Service of the Council. To handle and settle any complaints received against the Council from the public and to supervise the Council's Complaints procedures and to report to the Council annually on the handling of complaints throughout the Council. The Scrutiny Manager has a right of access to the Chief Executive and to all Directors and Officers of the Council in order to investigate any complaint, and the power to recommend a settlement in appropriate cases.

**Scrutiny Manager - Steve Bore -telephone (01376) 551414 Ext. 2003.**

All investigations will be handled so as to comply with relevant legislation.

#### **“Whistle-Blowing” Officer**

It is, however, appreciated that there may be occasions when an employee of the Council or a member of the public feels unable to use one of the above existing procedures, for example when the “Whistle-Blower” feels that they can only raise the matter anonymously. Braintree District Council has

therefore appointed a “Whistle-Blowing” Officer, with the following instructions:

- a) To receive and record any complaints under this policy.
- b) To ensure the confidentiality of any “Whistle-Blowing” complainant who requests that their complaint be treated in confidence.
- c) To investigate promptly, using the most appropriate resources available, any “Whistle-Blowing” complaint, and to respond directly to the complainant (where not anonymous) on its completion, with a right of access to the Chief Executive and all Councillors', Directors and employees of the Council and to all documents and records of the Council.
- d) To report to the appropriate Senior Officer [ listed in (d) above] where investigations identify a serious cause for concern within the responsibilities of that Senior Officer, and to recommend to that Senior Officer the use of any relevant statutory powers or duties of the Senior Officer. Where the complaint relates to the conduct of one of these Senior Officers, the Whistle Blowing Officer shall report to the Chief Executive. Where the complaint relates to the Chief Executive, the report shall be to the Leader of the Council.
- e) To report in the post-holders' own right, as appropriate, to the Chief Executive, Director(s) concerned, Corporate Management Board, the Council, or any Committee of the Council.
- f) In accordance with the procedures of the Councils Standards Committee, the Whistle Blowing Officer shall refer such matters as necessary in the name of the whistle blowing officer to the Head of Law and Governance, as the councils Monitoring Officer, acting as agent for any person wishing to make an anonymous complaint regarding a member.
- g) To recommend and in conjunction with the Chief Executive or the Head of Law and Governance to settle appropriate action (including a payment where appropriate) to resolve a complaint or recompense a complainant.
- h) To report annually to the Chief Executive and to the Members of Braintree District Council on the conduct of this “Whistle-Blowing” policy, including any resources required to satisfactorily carrying out the duties as “Whistle-Blowing” Officer.
- i) To refer the matter to the Council's external auditor for their action on behalf of the complainant if they are dissatisfied at conclusion that the matter has been handled properly.

<p style="text-align: center;"><b>Whistle Blowing Officer –Trevor Wilson– telephone on (01376) 551414 Ext. 2801 or (01376) 557801</b></p>
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Or the Whistle Blowing Officer can be contacted in writing using a sealed envelope marked "Private & Confidential " addressed as:

Head of Finance  
Braintree District Council  
PO Box 7399  
Causeway House  
Braintree CM7 9WE  
F.A.O: IA

A confidential informal discussion may be held before an official complaint is made.

### **Employee Co-Operation**

In many cases it is the employees of the Council, who are likely to be in the best position to learn of any malpractice or wrongdoing within the Council, and to identify that any particular action or proposal falls below the proper and professional standards which the Council and its customers are entitled to expect. Braintree District Council expects the fullest co-operation of all its employees in securing the highest standards of service to the residents and businesses of its District. That means that, where employees of the Council are aware of, or seriously suspect, malpractice or wrongdoing in the Council's services, the Council will expect them to report such malpractice or wrongdoing. Where employees fail reasonably to report such malpractice or wrongdoing, they become themselves complicit in that malpractice or wrongdoing, and Braintree District Council regard failure by an employee to report such malpractice or wrongdoing, or the serious suspicion of it, as a serious disciplinary matter.

### **Prevention of Recriminations, Victimisation, Harassment or Detrimental actions:**

Any reporting system will be of little effect if those who should report fear that, as the result of making their report, they may experience recriminations, victimisation, harassment or detrimental actions.

The Council will therefore not tolerate any attempt on the part of any employee, Councillor, Council contractor or supplier to apply any sanction or detriment to any person who has, **in good faith**, reported to the Council any serious and genuine concern that they may have at any apparent malpractice or wrongdoing.

The Council will treat any such recrimination, victimisation, harassment or detrimental action by any employee of the Council as gross misconduct. The Human Resources Manager will monitor every case and instigate disciplinary

proceedings should there be cause to consider there to be recrimination, victimisation, harassment or detrimental action against the “whistle-blower”.

Where any such recriminations, victimisation, harassment or detrimental actions are undertaken by any contractor or supplier of the Council, the Council will regard that as a serious breach of contract and will take appropriate action not only to stop that recrimination, victimisation, harassment or detrimental actions, but also to make an example to deter others from following that course, which will also include future contractual relations with the party concerned.

Where such recriminations, victimisation, harassment or detrimental actions are undertaken by any recipient of a Council service, the Council will regard this as a breach of the conditions, under which that service is provided, and will consider whether the service can continue to be supplied in that manner.

### **What is Malpractice or Wrongdoing?**

Malpractice and wrongdoing will include the following. This is not, however, a comprehensive list but is intended to illustrate the sorts of issues which may be raised under the “Whistle–Blowing” policy:

- a) Any unlawful act, whether criminal or a breach of civil law.
- b) Maladministration, as defined by the Local Government Ombudsman.
- c) Breach of any statutory Code of Practice.
- d) Breach of, or failure to implement or comply with Standing Orders or with any policy determined by the Council or any Committee or Sub-Committee of the Council.
- e) Any failure to comply with appropriate professional standards.
- f) Fraud, corruption or dishonesty.
- g) Actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property.
- h) 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 or would otherwise seriously prejudice the Council.
- i) Abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose.
- j) Discrimination in the Council's employment or services.
- k) Any other matter you consider you cannot raise by any other procedure.

## **Who does this Policy Statement Cover?**

This policy statement covers any malpractice or wrongdoing by:

- a) Any employee of Braintree District Council.
- b) Any Councillor of Braintree District Council; and
- c) Any contractor, supplier or consultant of Braintree District Council, in the course of their work for the Council.

## **Confidentiality**

Braintree District Council will do its best to respect the confidentiality of any “Whistle-Blowing” complaint received where the complainant requests confidentiality.

However, it will be easier to investigate and verify complaints if the complainant is prepared to give his / her name. It must be appreciated that the investigation process may reveal the source of the information and a statement by the complainant may be required as part of the evidence being gathered.

## **Anonymous Allegations**

This policy encourages complainants to put their names to their allegations. Concerns expressed anonymously are less persuasive, but they will be considered at the discretion of the Whistle blowing Officer. In exercising the discretion, the factors to be taken into account would include: -

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources

## **False and Malicious Allegations**

Braintree District Council is proud of its reputation as a Council with the highest standards of probity. It will therefore ensure that adequate resources are put into investigating any complaints that it receives.

**If you make an allegation in good faith, but it is not confirmed by the investigations, no action will be taken against you.**

The Council will view very seriously any false or malicious allegations which it receives, and will regard the making of any false or malicious allegations by any employee of the Council as a matter of gross misconduct.

Officers suffering from malicious complaints, whether written or spoken from the public or outside organisations will be supported by the Council in accordance with its policy on the matter.

Details of malicious allegations will be forwarded to the person complained about.

### **Further Information**

For further information about this “Whistle-Blowing” Policy, contact

Trevor Wilson, Head of Finance on (01376) 551414. Ext. 2801, or direct on (01376) 557801,

Or

Lesley Day, Audit, Insurance & Risk Manager on (01376) 551414. Ext 2821, or direct on (01376) 557821