

NEWRY & MOURNE DISTRICT COUNCIL

NOTES ON WHISTLE BLOWING POLICY

Why Newry & Mourne District Council should have a Whistleblowing Policy.

Most employees have concerns from time to time about the way that things are being done within the Council. The majority of these concerns are easily resolved but some may require further investigation. Employees may be worried about raising such concerns either because they have no real proof or because they feel that it would be disloyal to do so. By putting in place a policy committing the Council to protecting whistle blowers from any kind of reprisal and making it clear to employees how to raise concerns in a responsible manner, the Council has a better chance of finding out about potentially serious problems at an early stage.

The Public Interest Disclosure Act 1998 makes provision about the protection that whistle blowers are entitled to expect from the Council.

A whistle blowing policy is basically a promise to employees that they will not put themselves at risk by raising concerns about malpractice.

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WHISTLE BLOWING POLICY

Introduction

1. The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor or unacceptable practice and misconduct and can do so safely.

2. The purpose of this policy is therefore to promote responsible whistle blowing about issues where the interests of others, including the public, or of the Council itself are at risk. Such issues might include the following :

- a criminal offence
- fraud
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of information tending to show circumstances of this kind.

3. The exception is where the issue concerns something relating to an employee's personal position, when it would be more appropriate to use the agreed grievance procedure.

4. An employee raising a concern will not be expected to produce unquestionable evidence to support the case; this is the responsibility of the Council once it has been alerted to a potential problem. All that is required is that the employee has a genuine doubt and that the concern is raised in good faith. It is in the Council's interests to hear of suspicions at the earliest possible opportunity.

Safety and confidentiality

5. A whistle blower will not be regarded as a "sneak" or "trouble maker"; the Council recognises that a whistle blower usually only comes to a decision to express a concern after a great deal of thought. Provided the concern is raised in good faith, the employee will not be at risk of losing his or her job or suffering any form of reprisal for coming forward. It is unimportant whether the suspicion proves to be unfounded or real. If it is established that the information provided was not given in good faith, then the employee responsible may be subject to the agreed disciplinary procedures. The Council will not tolerate the harassment or victimisation of anyone

who raises a genuine concern and will deal with any such occurrences under the disciplinary and/or harassment procedure.

6. However, no such assurance will be offered to an employee who maliciously raises a matter which s/he knows to be untrue. This will be regarded as misconduct and will be dealt with through the disciplinary procedure.

7. The Council recognises that the situation may be such that an employee does not wish his or her identity to be made known during the course of an investigation. In such circumstances the Council will do everything possible to protect the employee's identity and will not disclose it without the employee's consent. If it proves impossible to resolve the matter without revealing the whistle blower's identity, the investigating officer will discuss with the employee whether and how to proceed. In a very few cases it may not be possible to ensure complete confidentiality, for example, if legal proceedings take place at a later stage, but the Council will do everything possible to support and protect the employee.

8. Reports submitted anonymously will be considered but it will be much more difficult for the investigating officer to look into the matter and resolve the problem. Employees are therefore encouraged to put their name to reports and assist the investigating officer as much as they can.

Procedure for reporting concerns

9. Any employee who wishes to raise concerns under this policy should speak to or put their concerns in writing to one of the following nominated officers:

- The Chief Executive.
- The Director of Finance.
- The Director of Administration.
- The Assistant Director of Administration (Personnel)
- The Equality Officer

If the employee does not wish his/her identity to be made known, this should be stated at the first possible opportunity so that appropriate arrangements can be made.

10. The nominated officer will note the key points of the concern and check that the employee has a copy of this Whistle Blowing Policy. S/he will also assure the employee about complete confidentiality.

11. S/he will then refer the concern to a designated investigating officer who has responsibility for concerns raised under this policy and hand over any written materials. The confidentiality of the employee who raised the concern will still be

maintained. The Clerk and Chief Executive, The Director of Finance, or the Director of Administration shall decide who the designated investigating officer shall be, which will be dependent on the nature of the situation.

12. The investigating officer will decide what action to take, whether to initiate an internal investigation or a more formal inquiry or take alternative appropriate action. The investigating officer will inform the employee who raised the concern about the action to be taken, in writing if this is requested.

13. The investigating officer may ask the employee how s/he thinks the matter might best be resolved. If the employee has any personal interest in the matter, it is essential that this is made known to the investigating officer at the outset. If the investigating officer thinks the matter should be pursued through the grievance procedure instead of through this policy, s/he will advise the employee accordingly.

14. If an investigation is undertaken, the investigating officer will keep the employee informed about what is happening, as far as possible. Again, if requested, these reports will be made in writing. In some cases it may not be possible to report the precise action taken to the employee as, for example, this might infringe someone else's confidentiality.

External contacts

15. There may be occasions when it is more appropriate for the employee to raise the concern with someone outside the organisation. If the employee believes that this is preferable, s/he can raise their concerns with one of the following:

- The employee may wish to initially speak to an independent charity called Public Concern at Work – Telephone - 020 7404 6609
- Where an employee is a member of a Trade Union, s/he may wish to speak to their Shop Steward or full time Union representative.
- The Ombudsman's Office, 33 Wellington Place, Belfast – Telephone 028 9023 3821 or 0800 34 34 24 (freephone)
- The Local Government Auditor, 106 University Street, Belfast – Telephone – 02890251000
- The Health & Safety Executive, 83 Ladas Drive, Belfast – Telephone – 028 9024 3249

