

PUBLIC INTEREST REPORTING CODE

1. Preamble

1.1 Employees are often the first to realise that there may be something seriously wrong within the County Council. However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues or to the Council.

1.2 They may also fear harassment or victimisation or some other impact on their future careers. In these circumstances it may seem easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.3 Although this policy is written for employees, the County Council recognises that it may be applicable to other individuals or groups at any given time. These procedures will apply equally and with equal confidentiality to volunteers, agency workers and secondees from other organisations.

1.4 The code is intended to provide a forum for individual employees to raise issues of concern where they reasonably believe, in good faith, that an act or acts of malpractice have occurred in the Council. It does not provide a forum for individuals to raise issues of concern about their own employment, for which there are other procedures, and it should be used only to raise concerns that might be of a wider public interest.

1.5 Concerns may be that malpractice:

- is unlawful; or
- is against the Council's Standing Orders, Policies or Financial Regulations; or
- falls below established standards or practice; or
- amounts to improper conduct or misconduct

1.6 For the purpose of this policy malpractice means:

- criminal offences
- breach of contract (except an alleged breach of the complainants contract)
- negligence (except an alleged breach of duty towards the complainant)
- miscarriage of justice

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS		Date EIA Undertaken	20 th April 2011	
Policy Owner	Greta Needham, Head of Law & Governance		Page 1 of 9		

- a danger to health, safety and welfare of the employees, service users, the public or the environment
- the abuse of public funds
- sexual or physical abuse of service users
- any act of discrimination (except an alleged act of discrimination against the complainant.)
- breach of public or administrative law
- an attempt to cover up any of the above

1.7 The above lists are not exhaustive, and further advice can be taken from the HR Advisory Service if you are unclear as to whether the policy is appropriate to your particular circumstances.

1.8 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious and reasonably held concerns about malpractice within the Council to come forward and voice these concerns.

1.9 It is recognised that in certain cases the person raising the concern will wish to proceed on a confidential basis. This policy document makes it clear that wherever possible, confidentiality will be respected and the staff member raising the concern will be kept informed at all times as to progress of the issue.

1.10 This policy is intended to encourage and enable staff to raise serious concerns within the Council in order that they can be properly and quickly investigated.

1.11 This policy will be fully discussed with the relevant trade unions and is intended to encourage their support in relation to the principles and offer support to individuals should they require this.

1.12 This policy represents the formal arrangements that exist to deal with concerns, but in the first instance you may wish to raise the matter informally with someone in the organisation that is sufficiently close to the potential area of concern to understand the issue.

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS		Date EIA Undertaken	20 th April 2011	
Policy Owner	Greta Needham, Head of Law & Governance		Page 2 of 9		

2. Aims and Scope of this Code

2.1 This policy aims to :-

- provide an opportunity for you to raise concerns and receive feedback on any action taken.
- allow you to take the matter further if you are dissatisfied with the County Council's response,
- reassure you that you will be protected from reprisals or victimisation for confidential reporting where you have a reasonable belief in the accuracy of the allegations, your complaint is made in good faith, and you otherwise follow this code.
- put in place relevant support measures for you as an individual during the process

2.2 There is a specific Grievance Procedure in place to enable you to lodge concerns relating to your own employment. There is also the Bullying and Harrassment Policy and our Equalities Policies. This Confidential Reporting Code is intended to cover concerns that fall outside the scope of other procedures and in some instances to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure. Advice on the most appropriate procedure to follow can be sought from the HR Advisory Service.

3. Safeguards

3.1 Harassment or Victimisation

3.1.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.

3.1.2 It is accepted by the County Council that staff may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This is **not** the case, and those raising genuine and reasonably held concerns, in good faith, may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.

3.1.3 If you are personally already the subject of disciplinary or redundancy procedures for other reasons, confidential reporting will not halt these procedures but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS		Date EIA Undertaken	20 th April 2011	
Policy Owner	Greta Needham, Head of Law & Governance		Page 3 of 9		

3.2 Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

3.3 Anonymous Allegations

3.3.1 The County Council accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind you are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the County Council.

3.3.2 In exercising the discretion, the factors to be taken into account would include:-

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources in the face of a flat denial from the accused person.

3.4 Untrue Allegations

3.4.1 If you make an allegation in good faith, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

3.4.2 Equally, if malicious or vexatious allegations are made against you, the County Council will ensure that you are fully supported and that appropriate disciplinary action is taken against the person making such allegations.

4. How to Raise a Concern

4.1 As a first step, you should normally raise concerns with your immediate manager, or their superior if you feel uncomfortable in discussing the issue with someone working in close proximity to you.

4.2 Additionally, a network of Public Interest Reporting Advisers has been established and these Advisers are listed at Appendix 1. In some instances, where you do not feel able to raise the concern with the relevant manager, you should approach the Public Interest Reporting Adviser direct.

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS			Date EIA Undertaken	20 th April 2011
Policy Owner	Greta Needham, Head of Law & Governance			Page 4 of 9	

- 4.3 You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that any member(s) of senior management is involved, you should approach the Chief Executive or the Strategic Director, of the Resources Group. In cases of financial impropriety you should approach the Head of Finance, Resources Group. This process ensures that all members of the paid staff are included within the scope of this Code.
- 4.4 Once initial concerns have been raised, it will be important to translate these into writing. You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.
- 4.5 The earlier you express the concern the easier it is to take action.
- 4.6 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you have acted in good faith (for example, that you are not pursuing a grudge.)
- 4.7 Advice and guidance on how matters of concern may be pursued can be obtained from:-
- the HR Advisory Service
 - the appropriate Public Interest Reporting Adviser (as shown at Appendix A)
 - any HR Business Partner
- 4.8 You may invite your trade union or professional association to raise a matter, on your behalf and they can be invited to participate in any future discussions between yourself and the Investigating Officer.

5. How the Council will Respond

- 5.1 The action taken by the Council will depend on the nature of the concern. The matters raised may (without prejudice to paragraphs 5.2 – 5.8):-
- be referred to the Internal Auditor (in the cases of financial impropriety)
 - be referred to the Police immediately where allegations of criminal conduct such as fraud or child abuse are apparent
 - be referred to the External Auditor
 - form the subject of an independent inquiry by a nominated body outside of the County Council

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS		Date EIA Undertaken	20 th April 2011	
Policy Owner	Greta Needham, Head of Law & Governance		Page 5 of 9		

- 5.2 In order to protect individuals and the County Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 Within ten working days of a concern being received, the County Council will write to you:
- acknowledging that the concern has been received
 - indicating how it proposes to deal with the matter and where possible who the investigating officer(s) will be
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made and ;
 - telling you whether further investigations will take place and, if not, why not
- 5.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.6 When any meeting is arranged with you, you have the right if you so wish to be accompanied by a representative from your trade union or professional association, or a workplace colleague.
- 5.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern in good faith. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.
- 5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive feedback and information about the progress and outcomes of any investigations.

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS		Date EIA Undertaken	20 th April 2011	
Policy Owner	Greta Needham, Head of Law & Governance		Page 6 of 9		

6. How the Matter can be taken Further

6.1 The Code is intended to provide you with an opportunity to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points. However, all previous internal steps must already have been exhausted.

- your local Warwickshire County Council member (if you live in the area of the Council)
- the External Auditor
- relevant Professional Bodies or Regulatory Organisations
- your Solicitor
- the Police

6.2 If you do take the matter outside the Council, you need to ensure that you do not disclose information which is either confidential or exempt from disclosure. This means that you must not, for example, disclose confidential committee reports, other confidential documents or confidential information that relates to clients and customers. If you are not sure whether information is considered to be confidential, you should check with one of the contact points listed at 4.7.

7. The Responsible Officer

7.1 The Strategic Director (Resources Group) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the County Council.

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS			Date EIA Undertaken	20 th April 2011
Policy Owner	Greta Needham, Head of Law & Governance			Page 7 of 9	

APPENDIX 1

LIST OF PUBLIC INTEREST REPORTING ADVISERS

Adult Health & Community Services

Elaine Cook, Carer's Development Officer

Tel: 01926 745142

Internal Email: Elaine Cook/SS/WarksCC

External Email: elainecook@warwickshire.gov.uk

Angela Sharif, Redesign Support Officer

Tel: 01926 746979

Internal Email: Angela Sharif/SS/WarksCC

External Email: angelasharif@warwickshire.gov.uk

Community Protection

Gary Phillips, Deputy Chief Fire Officer

Tel : 01926 423231 (Internal from Shire Hall 753204)

Internal Email : Gary Phillips/FR/WarksCC

External Email : garyphillips@warwickshire.gov.uk

Children, Young People & Families

Liz Holt, Head of Children's Strategic Commissioning

Tel : 01926 742473

Internal Email : Liz Holt /ED/WarksCC

External Email : lizholt@warwickshire.gov.uk

Environment & Economy

Graeme Fitton, Head of Transport for Warwickshire

Tel : 01926 412046

Internal Email : Graeme Fitton/PT/WarksCC

External Email : graemefitton@warwickshire.gov.uk

Resources

Steve M. Smith, Head of Property

Tel : 01926 412352

Internal Email : Steve M Smith/Project Manager/PS/WarksCC

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS		Date EIA Undertaken	20 th April 2011	
Policy Owner	Greta Needham, Head of Law & Governance		Page 8 of 9		

External Email : stevesmithps@warwickshire.gov.uk

Date of Issue :	1 st July 2011	Next Review :	Dec 2011	Last Review :	June 2011
Last Reviewed by	Paul Fairweather / Richard Maddison, HRAS			Date EIA Undertaken	20 th April 2011
Policy Owner	Greta Needham, Head of Law & Governance			Page 9 of 9	