

BURY COUNCIL ANTI-FRAUD AND CORRUPTION STRATEGY

Whistleblowing Policy

Arrangements for the General Public

Introduction

- 1.1 Bury Council is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the council is keen that any activity which falls below these standards is reported to the council in order that it can be dealt with promptly. The council, whilst making every effort to deal fairly and honestly in providing public services, acknowledges that there may be occasions when members of the public suspect that there is something seriously wrong regarding the activities of the council or the council is suffering from some form of corruption or fraud.
- 1.2 The council recognises the need to encourage all members of the community with concerns about any aspect of the council's work to come forward and voice those concerns. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public, including council service recipients, or the environment, it can be difficult to know what to do.

Specific examples could include:

- a criminal offence (e.g. fraud, corruption etc.) may have or has been committed;
- a miscarriage of justice has been or is likely to occur;
- abuse/harassment of a service recipient or council employee is taking place. Note where a child or vulnerable adult is the recipient of such treatment "Safeguarding" procedures could apply, please note these alternate procedures also adhere to the principles of this strategy.
 - For adult safeguarding contact 0161 253 5151 or email adultcareservices@bury.gov.uk.
 - For child safeguarding (aged under 18), please contact 0161 253 5678 or email childwellbeing@bury.gcsx.gov.uk .
- Unethical conduct and actions deemed unprofessional or inappropriate; This could include for example, Officers or Councillors attempting to use their position to influence political or professional practices or decisions, or could include breaches of regulations requiring School Governors to 'act with integrity, objectivity and honesty and in the best interests of the school' and breaches of the ethical standards expected of public office holders;
- public funds are being used in an unauthorised manner;
- the environment has been or is likely to be damaged;
- the council's own rules have been or are being breached;
- abuse (e.g. physical or verbal) of a service recipient or council employee is taking place;

- discrimination towards a service recipient, (e.g. disability, race, gender).
- 1.3 Concerns or allegations which fall within the scope of individual schools should normally be referred for consideration direct to the school's Chair of Governors.
- 1.4 You, as a member of the public, may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may also fear you may not be taken seriously, even ridiculed, or be victimised in some way. You may decide to say something but find that you are not sure how to raise the issue or are not sure what to do next.
- 1.5 The council has introduced this 'Whistleblowing Policy – Arrangements for the General Public', specifically to enable you, as a member of the public, to raise your concerns about suspected malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for definite proof. This Whistleblowing Policy is intended to encourage and enable you, as a member of the community, to be able to communicate serious concerns with the council rather than overlooking a problem.
- 1.6 If something is troubling you, which you think we should know about, or look into, please use this policy. Don't ignore the concern. **If in doubt – raise it!**

Scope and objectives

Scope

- 2.1 This policy is provided for use by anyone who is not an employee of the council (employees have their own policy). This includes any:
- member of the public;
 - local councillors
 - other local authorities
 - council service:
 - consultants
 - contractors
 - customers
 - partners
 - providers
 - recipients
 - suppliers
- 2.2 It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other council procedures where more appropriate procedures are available, for example complaints about service delivery (please see the Council's Complaints Procedure).

Objectives

- 2.3 The objectives of this policy are to encourage you as a member of the public to:
- feel confident about raising serious concerns;
 - feel reassured that, if you raise any concerns reasonably believing them to be true (i.e. "Whistleblow") and in the public interest, your concerns will be taken seriously and you will be protected from harassment or victimisation;
 - have a range of ways in which to raise concerns and to receive appropriate feedback on any action taken;
 - ensure that you receive an appropriate response from the council to the concerns you have raised and, if not satisfied, show how you may take the matter further if you are dissatisfied with the response.

Safeguards

Harassment or victimisation

- 3.1 The council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The council will not tolerate victimisation and will take appropriate action to protect you when you raise a concern reasonably believing them to be true and in the public interest.

Confidentiality

- 3.2 The council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed (information relating to the investigation will be strictly controlled on a need to know basis). Should you ask us to protect your identity by keeping this confidential, we will not disclose it without your consent or unless we are required to do so by a Tribunal, Court of Law or an Act of Parliament (such as the Freedom of Information Act). If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence) we will discuss with you whether and how we can proceed.

Concerns raised anonymously

- 3.3 This policy strongly encourages you to put your name to your concern. Concerns expressed anonymously will be much more difficult for us to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the council.
- 3.4 In exercising discretion, the factors to be taken into account will include the:
- seriousness of the issues raised;
 - credibility and plausibility of the concern; and
 - likelihood of confirming the allegation from the available sources.

How to raise a concern directly with the council

4.1 As a first step, you should normally raise concerns with the council's Chief Internal Auditor. An alternative would be to contact the Director of the service area involved. 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 management of the particular service area is involved then, alternatively, the following individuals can be contacted as an alternative to the Chief Internal Auditor or Director.

- Chief Executive –
Geoff Little, Tel: 0161-253 5102
Email: G.Little@bury.gov.uk
- Section 151 Officer, Tel: 0161- 253 5002
Email: PALocalities@bury.gov.uk
- Assistant Director - Legal and Democratic Services – Jayne Hammond, Tel: 0161-253 5002
Email: J.M.Hammond@bury.gov.uk
- Head of Financial Management / Chief Internal Auditor– Andrew Baldwin, Tel: 0161-253 5034 Email: A.Baldwin@bury.gov.uk
- Assistant Director of Resources and Regulation (HR and OD) – Tracy Murphy, Tel: 0161 253 7775
Email: T.E.Murphy@bury.gov.uk

All the above Officers can also be contacted at Bury Town Hall, Knowsley Street, Bury, BL9 0SW.

Alternatively, you can call the dedicated Whistleblowing telephone number on 0161 253 6446 or email: Whistleblowing@bury.gov.uk.

Please say if you want to raise the matter in confidence so the person you contact can make appropriate arrangements.

4.2 Concerns are better raised in writing. You are 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. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

4.3 The earlier you express the concern the easier it will be to take appropriate action.

4.4 Although you are not expected to prove the truth of your raised concern, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

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 be:
- investigated internally;
 - referred to the Police;
 - referred to the council's External Auditor.
- 5.2 In order to protect individuals and the 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) 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 council will contact you to:
- acknowledge that the concern has been received;
 - indicate, in overall terms, how it proposes to deal with the matter.
- 5.5 The amount of contact between you and the council officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from you.
- 5.6 The council will take steps to minimise any difficulties, which you may experience as a result of raising a concern.
- 5.7 The council accepts that you need to be assured that the matter has been properly addressed and as such, where possible, the council will provide information in this regard.

How the matter can be taken further

- 6.1 This policy is intended to provide you with a means in which to raise concerns directly with the council and to give you the reassurance you need to raise such matters in this manner.
- 6.2 The council hopes you will be satisfied with the response of the council. If you are not, or if you feel, for whatever reason, you cannot raise the matter directly with the council then possible alternative points of contact points include:
- any Member of the Council
 - any Member of the Governing Body (in the case of any issue relating to a school)
 - external auditor (Mazars) (telephone 0161-238 9200)
 - relevant trade unions, professional bodies or regulatory organisations
 - your solicitor e.g. UNISON, Ofsted, Care Quality Commission

- the Police

'We would rather you raised a matter with an appropriate regulator or outside body than not at all.'

The Responsible Officer

- 7.1 The Chief Executive has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Chief Internal Auditor will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Chief Executive and the Council, where appropriate.
- 7.2 The Policy will be reviewed on regular basis to ensure that it remains up to date and effective.