

# TELFORD & WREKIN COUNCIL

## SPEAK UP POLICY - NOVEMBER 2016

### 1. INTRODUCTION

- 1.1 Employees, members, volunteers, school governors, partners, contractors and suppliers<sup>1</sup> are often the first to realise that there maybe something wrong within the Council. However, they may not express their concerns because they may feel that speaking up would be disloyal to their colleagues or would affect their relationships with the Council. They may also fear harassment or victimisation. In these circumstances, they may feel it easier to ignore their concerns rather than report what may just be a suspicion of malpractice.
- 1.2 The Council prides itself on having an open and honest culture and is committed to the highest possible standards of probity, accountability and transparency. In line with this commitment we encourage people raising concerns about any aspects of the Council's work to come forward and voice those concerns internally. The Council will be fully supportive and minimise/manage any difficulties that may be experienced as a result of raising a concern (see paragraphs 4.7 and 5.3).
- 1.3 This policy supports the Council's Anti-Fraud and Corruption Policy and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable people raising concerns to raise them within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
- 1.4 This policy operates alongside other specific "Whistleblowing" investigation procedures developed for example in Child Protection.

### 2. WHO DOES THIS POLICY APPLY TO?

- 2.1. The Council's Speak Up Policy applies equally to all of the following groups:
- Council employees (including part time and temporary staff).
  - Agency staff working for the Council.
  - Members
  - School governors
  - Council contractors and suppliers.
  - Organisations working with the Council under partnership arrangements.
  - Volunteers/work experience/work placements

### 3. AIMS OF THIS POLICY

- 3.1 This policy is intended to provide you with an avenue to raise concerns **within** the Council safely. The policy aims to:
- \* Encourage you to feel confident and supported when raising concerns and to question and act upon concerns about malpractice
  - \* Encourage you to raise these concerns as soon as they arise so that appropriate action can be taken
  - \* Provide safe avenues for you to raise those concerns within the Council including anonymously and where appropriate to receive feedback on any action taken;
  - \* Allows you to take the matter further if you are dissatisfied with the Council's response; and

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<sup>1</sup> Defined for the rest of this policy as "people raising concerns".

- \* Reassure you that if required we will take action to protect you from reprisals or victimisation for speaking up for the benefit of the Council and in the public interest.

3.2 There are existing procedures in place to enable employees to lodge a grievance relating to their employment. As Local Government employees, each member of staff has a responsibility to report wrongdoing using the procedures designed to manage such matters. It is important that employees recognise the distinction between work related issues and those external to their employment. Whilst the Speak Up process can be used to raise possible wrongdoing outside the employees immediate work area, it should not be used to promote particular campaigns. Similarly, if the process is activated employees should not publicise allegations to other elected members or officers as this may restrict investigation or be viewed as a malicious act.

3.3 If your concern relates to any internal procedure or act which affects your employment directly, then this should be raised through the Council's grievance procedure.

#### 4. AREAS COVERED BY THE POLICY

4.1 This policy is intended to cover concerns that fall outside the scope of other procedures as outlined in 1.4, 3.2 and 3.3. The types of concerns include:

- \* Conduct which is an offence or a breach of the law (including possible fraud and corruption)
- \* A failure to comply with a statutory or legal obligation (e.g. Equality Act 2010, Data Protection Act etc.)
- \* Improper or unauthorised use of public funds or other funds
- \* A miscarriage of justice
- \* Maladministration, misconduct or malpractice
- \* Endangering of an individuals health and safety
- \* Damage to the environment
- \* Sexual, physical or verbal abuse of clients/pupils/colleagues
- \* Any other unethical conduct or improper conduct (including bullying or harassment).
- \* Evasion of data/information security procedures
- \* Discrimination of any kind
- \* Deliberate concealment of any of the above

4.2 The overriding concern should be that it would be in the Council's and public interest for malpractice to be corrected and, if appropriate, sanctions applied. Therefore, you can report any concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council under the Speak Up Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known/established standards or the standards you have experienced and believe the Council subscribes to.
- Is against the Council's Constitution and policies.
- Amounts to improper conduct.

4.3 The policy is subject to any relevant legislation (including the Public Interest Disclosure Act 1998) and specifically will operate within the requirements of the Data Protection Act 1998, the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000. This policy provides a general outline of the governing legislation in this area for guidance purposes only and should not be regarded as a complete or authoritative statement of the law.

## 5. HOW TO RAISE A CONCERN

- 5.1 Employees, volunteers and partners should raise concerns within the Council with either:-
- The Investigations Team ([investigations@telford.gov.uk](mailto:investigations@telford.gov.uk)) or anonymously in writing (Ground Floor, Wing A, Darby House) or Speak Up hotline 383115 (see 5.8 below).
  - Your Manager, Head of Establishment or Headteacher
  - The Council's Monitoring Officer<sup>2</sup>
  - Trade Union representative
- 5.2 School Governors should raise concerns with the Director of Children's and Adults Services, Assistant Director: Education & Corporate Parenting, the Investigations Team or the Monitoring Officer.
- 5.3 Contractors and suppliers should raise concerns with the SDM Corporate & Vulnerable People Procurement & Brokerage, Investigations Team or the Monitoring Officer.
- 5.4 Members' should raise concerns with the Monitoring Officer. If the concern is in respect to the action of a member under the Code of Conduct for Members, the concern raised maybe referred to the Standards Committee.
- 5.5 Concerns can also be raised by using the Council's Everyday App which includes options for raising concerns in relation to fraud. Just use the link -
- [http://www.telford.gov.uk/info/20221/everyday\\_telford/215/everyday\\_telford](http://www.telford.gov.uk/info/20221/everyday_telford/215/everyday_telford)
- 5.6 If the concern is in respect to professional conduct then the personnel outlined in 5.1, 5.2 and 5.3 should be contacted, as appropriate.
- 5.7 If the concern is connected with your direct line manager/supervisor then the Investigations team are experienced and independent from your service are and can advise or your Human Resources Officer will be able to help.
- 5.8 The Speak Up hotline (383115) is a confidential service where you can leave a message anytime and the message will be followed up by the professionally trained Investigations team. It is up to you if you wish to leave contact details or not.
- 5.9 The earlier you inform us of your concern and the more detail you give us; the easier it will be for us to take action but we will look into all matters reported under this policy.
- 5.10 You may prefer in order to maintain your anonymity to invite your trade union or representative to raise a matter on your behalf and they should be directed to the Investigations Team (as outlined in 5.1).

## 6. HOW THE COUNCIL WILL RESPOND

- 6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- \* Be investigated by an appropriately skilled and experienced officer, knowledgeable in the area concerned e.g. Corporate Investigation Team, Human Resources, the Council's Monitoring Officer, independent Service Area Manager;
  - \* Be referred to the Police;
  - \* Be referred to the external Auditor or Ombudsman;

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<sup>2</sup> The Council's Monitoring Officer is the Assistant Director: Governance, Procurement & Commissioning

\* Form the subject of an independent inquiry.

- 6.2 In order to protect all individuals and the Council, an initial assessment will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection, child exploitation or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for further investigation.
- 6.3 For referrals that have contact details these will be acknowledged within 3 working days and feedback will be provided at an appropriate time. Generally investigators will not need to contact you during the investigation process but if further information is required from you then contact will be made in an appropriate and discreet manner (this could be by telephone or by a meeting at an agreed neutral location).
- 6.4 The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern and provide any appropriate support including the Council's confidential Counselling Service. For instance, if you are required to give evidence in disciplinary or criminal proceedings, the Council will advise you about the procedure. Within internal proceedings you will have the option of asking someone else to represent you.
- 6.5 The Council accepts that you need to be assured that the issues you have raised have been properly dealt with. We will therefore try, subject to any legal constraints, to inform you of the outcome of any investigation if contact details are provided.
- 6.6 You may withdraw from the process at any stage, although your involvement may still be required in certain circumstances such as ongoing disciplinary or legal proceedings relating to the matter concerned. If you do wish to withdraw you or your representative must inform the person with whom you raised the initial concern and the investigating officer. You will be requested to provide a reason/(s) for your withdrawal.
- 6.7 If you withdraw from the process on-going investigations into the issues arising from your concern may continue dependent on the nature of the issues and the results of the investigation findings at that time.
- 6.8 The person against whom the concern has been raised will be informed if and when appropriate (subject to current HR procedures). This person will also be supported in an appropriate manner and will be informed, as appropriate, in respect to the investigation.

## 7. SAFEGUARDS

### **Harassment or Victimisation**

- 7.1 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. The Council will not tolerate harassment or victimisation as outlined in its "Dignity at Work Policy" and will take action to protect you when you raise a concern in the public interest.
- 7.2 This does not mean that if you are already the subject of disciplinary, capability or redundancy procedures, that those procedures will be halted as a result of speaking up. Equally any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you. There will be no come back if a disclosure has been made in the public interest and the individual reasonably believes that the information disclosed is substantially true. Individuals will be listened to and, where necessary, given support.

## Confidentiality

- 7.3 The Council will endeavour to maintain confidentiality where possible, but this cannot be guaranteed. Depending on the nature of the concern in order to undertake proper investigation confidential information may have to be shared with a third party, including the party or parties subject of the concern. If we have your contact details you will be informed if this is necessary.
- 7.4 In addition, depending on the nature of the concern the police or a regulator may need to be involved. Any statement made by you may be required as part of the evidence in internal or external proceedings and there may be circumstances where this could be submitted anonymously, if requested.

## Untrue Allegations

- 7.5 If you make an allegation which you reasonably believe to be in the public interest, but it is not confirmed by the investigation, no action will be taken against you.
- 7.6 If, however, as an employee, volunteer or partner you make malicious or vexatious allegations, action (including disciplinary<sup>3</sup>) may be taken against you.
- 7.7 Malicious or vexatious allegations made by contractors and suppliers will be dealt with by the appropriate member of the Senior Management Team and Procurement, in conjunction with the Council's Legal Advisors.
- 7.8 Malicious or vexatious allegations made by an elected member will be considered by the Monitoring Officer and will be dealt with under the appropriate procedures.

## 8. HOW THE MATTER CAN BE TAKEN FURTHER

- 8.1 This policy is intended to provide you with a mechanism by which you can raise your concerns **within** the Council. Where you have provided contact details the Council hopes you will be satisfied with the response you receive. If you are not satisfied with the response you receive you should contact the Managing Director with the reasons why.
- 8.2 If you feel it is right to take the matter outside the Council you should be aware of not disclosing confidential information<sup>4</sup>. The following are possible contact points:
- \* Your local Council member (if you are an employee or volunteer and live in the area of the Council) – if you are not sure who it is, you can contact Member Services on 380110 or use the Council's internet site.([www.telford.gov.uk](http://www.telford.gov.uk))
  - \* The external auditor (KPMG) on 0121 335 2440
  - \* Relevant professional bodies or regulatory organisations
  - \* The Ombudsman – 0300 061 0614 ([www.lgo.org.uk](http://www.lgo.org.uk))
  - \* The Health & Safety Executive
  - \* Your solicitor
  - \* The Police
  - \* Public Concern at Work\* - 020 7404 6609 ([www.pcaw.org.uk](http://www.pcaw.org.uk))
  - \* Trade Union/Professional Association – details are available from Human Resources

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<sup>3</sup> If disciplinary action is taken then dependent upon the circumstances of the malicious/vexatious allegation a charge of gross misconduct may be deemed appropriate.

<sup>4</sup> Advice can be obtained from Information Governance or the Monitoring Officer.

\* - Public Concern at Work is an independent charity which provides free advice for persons who wish to express concern about fraud and other serious malpractice.

## 9. THE RESPONSIBLE OFFICER

- 9.1 The Managing Director has overall responsibility for the maintenance and operation of this policy and will report, as necessary, through the Audit Committee, to the Council.
- 9.2 Other useful contacts with respect to this policy are the Investigations Team, Audit, IG, Insurance & Investigation Services SDM, Monitoring Officer, your Human Resources officer and your Trade Union or other representative.