

EXBOURNE WITH JACOBSTOWE **PARISH COUNCIL**

Confidential Reporting Policy.

This document sets out Exbourne with Jacobstowe Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

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POLICY STATEMENT

This Policy is a formal, strategic level document and provides a 'statement of intent' about how the Parish Council will comply with the legislation and directives of its subject matter. This is a mandatory document and does not allow for variation of practice. It is relevant to all staff and council members including volunteers and third-party contractors. Non-compliance with this Policy may result in disciplinary action

It provides a corporate framework and is supported by a number of Parish Council procedures and guidelines. It will be reviewed every year unless there are changes in legislation, directive or agreed variation by full council.

INTRODUCTION

Employees are often the first to realise that there may be something seriously wrong within the Parish Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Exbourne with Jacobstowe Parish Council is committed to the highest possible standards of openness, transparency and accountability. In line with that commitment it expects employees and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage.

This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle" outside. The policy applies to all employees and those contractors working for the Council on Council premises or property, (e.g. contractors). It also covers suppliers and those providing services under a contract with the Council in their own premises, (e.g. grounds maintenance contractor). Staff and Elected Members are responsible for making service users aware of the existence of these procedures.

This policy aims to:

- encourage individual staff members to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for individual staff members to raise those concerns and receive feedback on any action taken;
- ensure that individual staff members receive a response to concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure individual staff members that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they made any disclosure in good faith.

There are existing procedures in place to enable staff members to lodge a grievance relating to their employment.

Any Safeguarding concern which staff members or individuals may have about abuse, neglect or a lack of care of children and adults with care and support needs should be reported directly to Care Direct on 0345 1551 007 or email csc.caredirect@devon.gov.uk or if there is an immediate risk / emergency the police should be called on 999.

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This Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- other unethical conduct.

Any serious concerns that individuals 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 can be reported under the Confidential Reporting Policy. This may be about something that:

- makes individual staff members feel uncomfortable in terms of known standards, their experience or the standards they believe the Council subscribes to;
- is against the Council's Standing Orders and policies;
- falls below established standards of practice;
- amounts to improper conduct.

This policy does not replace the Council's Code of Conduct

DUTIES

The Parish Clerk (as Proper Officer of the Council) has overall responsibility for the maintenance and operation of this policy and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger individual confidentiality) and the Parish Clerk will report as necessary to the Council.

SAFEGUARDS: HARASSMENT OR VICTIMISATION

The Council is committed to good practice and high standards and wants to be supportive of employees. The Council recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because you will be doing your duty to their employer and those for whom you are providing a service. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff members.

CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal identities if so wished. At the appropriate time, however, staff members may need to come forward as a witness.

ANONYMOUS ALLEGATIONS

This policy encourages staff to put their name to allegations whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

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UNTRUE ALLEGATIONS

If a staff member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against individuals.

If, however, a staff member makes any allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against that staff member.

HOW TO RAISE A CONCERN

As a first step, staff member(s) should normally raise concerns with the Parish Clerk. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If the matter concerns the Parish Clerk, individual staff members should approach the Chairman of the Council. Concerns may be raised verbally or in writing. Staff wishing to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are concerned about the situation.

The earlier staff members express any concern the easier it is to take action. Although staff members are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. For advice or to raise a concern, either verbally or in writing, employees can raise issues confidentially with the Parish Clerk; however, if you feel you cannot follow this route, for whatever reason, they can contact the Chairman of the Council. Staff members may invite their trade union or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

HOW THE COUNCIL WILL RESPOND

The Council will respond to individual concerns. Do not forget that testing out any concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by internal audit, or through the disciplinary process;
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The overriding principle which the Council will have in mind is the public interest.

Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person to whom a staff member passed on their concern will respond in writing:

- acknowledging that the concern has been received;
- indicating how the Parish Council proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- updating individuals whether any initial enquiries have been made;
- supplying updated information on staff support mechanisms;
- updating if further investigations will take place and if not, why not.

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The amount of contact between the officers considering the issues and staff members will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

If necessary, the Council will seek further information from the staff member who made the initial report. Where any meeting is arranged, off-site (if requested by a staff member), individuals can be accompanied by a union representative or work colleague.

The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if individuals are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for individuals to receive advice about the procedure.

The Council accepts that staff members need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform individuals of the outcome of any investigation.

TAKING THE MATTER FURTHER

This policy is intended to provide staff members with an avenue within the Council to raise concerns. The Council hopes individual staff members will be satisfied with any action taken. If they are not satisfied, and they feel it is right to take the matter outside the Council, the following are possible contact points:

- a trade union;
- the local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police.

If individuals do take the matter outside the Council, they should ensure that they do not disclose confidential information. They should check and obtain advice with their trade union (ALCC) or Society of Local Council Clerks (if they are a member) regarding this.