

Human Resources



Confidential Reporting Code



Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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1 Introduction

Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within Durham County Council (the council). However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear the threat of harassment or victimisation and in these circumstances they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

The council is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.

This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.

This Code applies to all employees except for school-based employees, where schools need to give consideration to their own procedures.

The Code also applies to those contractors working for the council on council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing Services under a contract within the council in their own premises, for example, care homes.

The Code is recommended as good practice to all other groups associated with the council who have the discretion in their employment to adopt our policies. Apart from schools, this will include such groups as voluntary sector organisations.

These procedures are in addition to the council's complaints procedures and other statutory reporting procedures applying to some Services. If asked, employees should make service users aware of the existence of these procedures.

This Code has been discussed with the relevant trade unions and professional organisations and has their support.

2 Aims and scope of the code

2.1 Aim of the code

This Code aims to:

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

2.2 Scope of the code

There are existing procedures in place to enable you to lodge a grievance relating to your own employment (see section 2.3 below). The Confidential Reporting Code is intended to cover major concerns that are in the public interest 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
- negligence
- breach of internal policies/procedures including breach of the code of conduct
- conduct likely to affect the reputation of Durham County Council
- unauthorised disclosure of confidential information
- possible fraud and corruption
(NB. The council's counter fraud and corruption strategy is also accessible on the Intranet and Extranet)
- sexual or physical abuse of children and/or vulnerable young people/adults
- other unethical conduct
- conflict of interest
- inducements and offers of hospitality
- offers and requests for sponsorship from and to suppliers
- deliberate concealment of the above matters

Thus, any serious concerns that you have about any aspects 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 Code.

This must be about something that is in the public interest which may:

- make you feel uncomfortable in terms of known standards, your experience or the standards you believe the council subscribes to;
or
- is against the council's constitution and policies;
or
- falls below established standards of practice;
or
- amounts to improper conduct.

2.3 Other procedures

This Code covers concerns outside of the following areas and does not replace the following procedures.

2.3.1 The council's complaints procedure

Complaints by an individual customer or group of customers about the standard of service, actions or lack of actions by the council should be managed under the council's complaints procedure.

The council deals with two main types of complaint:

- **Statutory.** A complaint which arises from the duties placed on a local social services authority to provide assessments and care services under the provisions of relevant adult and children's social care legislation. The process for managing such complaints is prescribed in Regulations.
- **Non-Statutory.** All other complaints.

The council's service standards for dealing with non-statutory complaints are:

- Acknowledge all complaints within 2 working days;
- Respond to stage 1 complaints within 10 working days
- Respond to stage 2 complaints within 20 working days.

After exhausting stage 2 of the complaints process, a complainant may obtain advice on pursuing their case through the Local Government Ombudsman.

2.3.2 Financial Procedure Rules and Financial Management Standards

Under the council's financial procedure rules Chief Officers and Heads of Service are ultimately responsible to the council for ensuring that financial procedures are correctly applied and observed by staff and contractors providing services on the council's behalf. They are also responsible for reporting any known breach or suspected breach of procedures or any failures of financial controls to the Chief Finance Officer. In practice the

Head of Finance – Corporate Finance or the Head of Finance – Financial Services should be notified of any such incident.

The Chief Internal Auditor and Corporate Fraud Manager (the Head of Internal Audit) must be notified immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the council's property of resources.

2.3.3 Arrestable offences

In any case where a Corporate Director has reason to believe that an employee of the council may have committed an arrestable offence, the Corporate Director of Resources or representative must be informed and where it is considered an arrestable offence has occurred, the Corporate Director of Resources or representative will inform the police.

2.3.4 Grievance procedure

The Council's Grievance Policy is designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly and in a fair and reasonable manner. The Grievance procedure exists to provide a mechanism for employees to raise concerns that are not covered by other procedures. Further information on the policy and the type of issues that can be raised as a grievance can be found in the [Grievance Policy](#).

If it is unclear which procedure the employee wishes to pursue, the manager should seek advice from the Human Resources, Advice and Guidance Team.

2.3.5 Contract Procedure Rules

The Contract Procedure Rules (CPRs) provide the framework for procurement activity across the Council setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity. They apply to all Service groupings across the council.

The CPRs should not be seen in isolation, but rather as part of the overall regulatory framework of the council as set out in the Constitution.

The content of these CPRs is supported by additional guidance and documentation contained in the Advice Centre within the 'Procurement and Purchasing' section of the council's intranet.

All procurement procedures must:

- realise value for money by achieving the optimum combination of whole life costs and quality of outcome;
- be consistent with the highest standards of integrity;
- operate in a transparent manner;
- ensure fairness in allocation of public contracts;
- comply with all legal requirements including European Union (EU) treaty principles;

- support all relevant council priorities and policies including the Medium Term Financial Plan, and
- comply with the council's Corporate Strategy for Commissioning and Procurement, and the Sustainable Commissioning and Procurement Policy.

If you become aware that there has been a breach of the contract procurement rules you can report such a breach using the Confidential Reporting Code.

3 Safeguards

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 you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.

The council will not tolerate any harassment or victimisation [including informal pressures] and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements.

Employees must therefore not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

On very rare occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. At the appropriate time, however, you may need to come forward as a witness.

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

5 Anonymous allegations

This Code encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously can be more difficult to investigate. When considering an investigation into an anonymous complaint, the following will be taken into consideration:

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

6 Untrue allegations

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7 How to raise a concern

As a first step, you should normally raise concerns with your immediate manager or their superior. This can be done verbally or in writing. Wherever possible concerns should be made in writing direct by the person raising the concerns using the template attached.

The completed form should then be reviewed by the manager to whom the concern has been raised and any points of clarity or additional information noted following any discussion with the person raising the concern.

The completed form should then be sent to the Chief Internal Auditor and Corporate Fraud Manager by the service manager.

The Chief Internal Auditor and Corporate Fraud Manager will log the concern for monitoring purposes and in consultation with the service manager, and any other relevant officers, agree how the concern should be investigated.

In certain circumstances, you may feel unable, or it may not be appropriate, to raise your concerns with your immediate line manager due to the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If this is the case, the concern can be reported direct to one of the following officers using the same form:

- Head of Service
- Corporate Director, Resources
- Assistant Chief Executive
- Chief Executive
- Chief Internal Auditor and Corporate Fraud Manager (Head of Internal Audit).

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Advice/guidance on how to pursue matters of concern may be obtained from:

Colette Longbottom Head of Legal and Democratic Services	☎ 03000 269 732 email: colette.longbottom@durham.gov.uk
Kim Jobson Head of Human Resources	☎ 03000 267 308 email: kim.jobson@durham.gov.uk
Don McLure Corporate Director, Resources	☎ 03000 261 945 email: don.mclure@durham.gov.uk
Paul Bradley Chief Internal Auditor and Corporate Fraud Manager	☎ 03000 269 645 email: paul.bradley@durham.gov.uk
Darren Knowd Corporate Procurement Manager	☎ 03000 265416 email: darren.knowd@durham.gov.uk

Alternatively, you may wish to seek advice from a person independent of the council. In this case you should contact the council's **External Auditors, Mazars**:

Catherine Banks Senior Manager	☎ 03000 267452 (County Hall) 0191 3836317 (Rivergreen) email: Catherine.Banks@mazars.co.uk
Cameron Waddell Director	☎ 0191 3836314 e-mail: Cameron.Waddell@mazars.co.uk Address: The Rivergreen Centre, Aykley Heads, Durham, DH1 5TS ☎ 020 7404 6609

Or alternatively concerns can be raised at:

Public Concern at Work	<p>Address: Public Concern at Work Suite 306, 16 Baldwin Gardens, London, EC1N 7RJ.</p> <p>Website: www.pcaw.co.uk email: helpline@pcaw.co.uk (helpline) email: whistle@pcaw.co.uk (enquiries)</p>
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You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two [or more] of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8 How the council will respond

The council will respond to your concerns. Following the recording of the concern, either directly by the 'whistleblower' or the line manager to whom it was reported, the completed form should then be immediately forwarded to the Chief Internal Auditor and Corporate Fraud Manager for logging and monitoring purposes.

The Chief Internal Auditor and Corporate Fraud Manager is independent and has unlimited access to any officer, member or information within the council and, in consultation with the appropriate officer, can agree the most appropriate way of investigating the concern.

Where appropriate, the matters raised may:

- be investigated by management, 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 principles, which the council will have in mind, are your well-being and the public interest. Concerns or allegations that fall within the scope of specific procedures [for example, child protection or discrimination issues] 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 with whom you have raised your concerns will respond to you in writing:

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

A copy of the response will be forwarded to the Chief Internal Auditor and Corporate Fraud Manager for monitoring purposes.

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, the council will seek further information from you. However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.

Should a manager believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the relevant person(s) for a decision to be made as to whether such a course of action is both necessary and proportionate.

Important:

Managers must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the Council's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy – a copy of this is available on the intranet. Failure to do so may infringe Human Rights and render the Council liable to legal action.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative or a friend.

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

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

9 The responsible officer

The Corporate Director - Resources has overall responsibility for the maintenance and operation of the Code. The Corporate Director – Resources, via the Chief Internal Auditor and Corporate Fraud Manager, will maintain a record of concerns raised, appoint investigating officers, monitor the progress and record the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit Committee.

10 Further information

10.1 How the matter can be taken further

This Code is intended to provide you with an avenue within the council to raise concerns. The council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the council, the following are possible contact points:

- the council's External Auditors, Mazars
- your local Citizens' Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- the independent whistleblowing charity Public Concern at Work – telephone 020 7404 6609 or further details are available at www.pcaw.co.uk

If you do take the matter outside the council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

10.2 Reporting documentation

The following document can be downloaded from the intranet by clicking 'Strategies, Policies and Procedures' under the 'popular pages' column.

A	Confidential Reporting Code Form
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10.3 Review of the policy

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate following necessary consultation with the trade unions.

The Audit Committee will review the effectiveness of this policy and recommend any material changes required.

10.4 Equality and diversity

The council's vision is of an Altogether Better Durham comprising two key components of an Altogether Better Place which is Altogether Better for People. Within this vision are three key equality objectives, set out in the Single Equality Scheme, to provide high quality accessible services to all, be a diverse organisation and work with others to promote equality countywide. These objectives apply both in the delivery of services and in relation to the council's employment practices. The council is committed to including equalities in everything that it does. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating a diverse workforce and community.


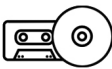

10.5 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the Human Resources Advice and Guidance Team using the following contact details on the next page.

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)
 polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
 বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
 Français (French) Türkçe (Turkish) Melayu (Malay)

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