

Notice of Meeting

Personnel Committee

Wednesday, 30 October, 2013 at 11.00am
in Meeting Room F2 Council Offices
Market Street Newbury

Date of despatch of Agenda: Tuesday, 22 October 2013

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser / Denise Anns on (01635) 519045 / 519486

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Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: Councillors Peter Argyle, David Betts, Tony Linden, Mollie Lock (Vice-Chairman), Andrew Rowles and Quentin Webb (Chairman)

Substitutes: Councillors David Allen, Jeff Beck, Jeff Brooks and Adrian Edwards

Agenda

Part I	Page No.
1. Apologies for Absence To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of the Committee held on 19 February 2013 and 14 May 2013.	1 - 8
3. Declarations of Interest To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Whistleblowing Policy and Procedure <i>Purpose: To seek approval of the revised Whistleblowing Policy and Procedure.</i>	9 - 28
5. Update on Progress with Apprenticeships <i>Purpose: To inform Members of the progress made in the employment of apprentices, and of plans for the future to be approved by Management Board.</i>	Verbal Report
6. The Recruitment Toolkit <i>Purpose: To provide a verbal update on the tools available to recruiting managers within the Council, including assessment centres and psychometric testing, and training provided in recruitment skills.</i>	Verbal Report
7. Date of Next Meeting	

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

PERSONNEL COMMITTEE

**MINUTES OF THE MEETING HELD ON
TUESDAY, 19 FEBRUARY 2013**

Councillors Present: Peter Argyle, Tony Linden, Mollie Lock (Vice-Chairman), Andrew Rowles and Quentin Webb (Chairman)

Also Present: Jane Milone (Human Resources Manager), Robert O'Reilly (Head of Human Resources), Councillor Adrian Edwards and Moira Fraser (Democratic Services Manager)

PART I

13. Minutes

The Minutes of the meeting held on 20 December 2012 were approved as a true and correct record and signed by the Chairman.

The Chairman welcomed the members of staff and trade union representative who were attending the meeting to listen to the debate on the Market Supplement Review paper. It was also noted that Councillor Adrian Edwards was attending the meeting even though he was not required to substitute for any of his colleagues. He would therefore not be taking part in the voting on any of the items.

14. Declarations of Interest

Councillors Argyle, Linden, Lock, Rowles and Webb declared an interest in Agenda Items 5 and 7, but reported that, as their interest was personal and not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Argyle, Linden, Lock, Rowles and Webb declared that they had been lobbied on Agenda Items 5 and 7.

15. Statutory Pay Policy Statement

The Committee considered a report (Agenda Item 4) concerning the Council's Pay Policy Statement which would come into effect on the 01 April 2013. Jane Milone in introducing the item reported that the Council was required to publish the statement in order to comply with s38 of the Localism Act 2011 and the Code of Practice for Local Authorities on Data Transparency in relation to remuneration and responsibilities of senior officers.

Ms Milone explained that this was the second time the policy had been presented to the Personnel Committee.

Members considered the report and agreed to recommend it to full Council for approval.

RESOLVED that the report would be recommended to full Council (05 March 2013) for approval.

16. Market Supplement Review

(Councillors Argyle, Linden, Lock, Rowles and Webb declared a personal interest in Agenda item 5 by virtue of the fact that the members of staff affected by the proposed abolition of market supplements were known to them. As their interest was personal and not a disclosable pecuniary interest they determined to take part in the debate and vote on the matter. The Councillors also noted that they had been lobbied on this item).

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The Committee considered a report (Agenda Item 5) which sought approval for the abolition of the Market Supplement Policy from 01 April 2014. Officers reported that if approved no new market supplements would be paid after the 19 February 2013 and existing market supplement payments would cease on 31 March 2013.

The Chairman announced that in accordance with paragraph 7.12.4 of the Constitution he would like to suspend standing orders in order to allow a member of staff and a representative of the trade unions to address the Committee. Once the addresses had been received standing orders would be reinstated and a debate on the general principles would be undertaken in the public meeting. Members would then discuss confidential matters under Part II. The Committee voted to approve this proposal.

Robert O' Reilly in introducing the report noted that market supplements had originally been introduced to increase the salary of individuals in particular jobs where it had been difficult to recruit to or retain employees in order to meet service needs. With a change in the economic climate it was no longer deemed necessary to continue to pay the enhancements in order to meet service needs.

Officers were concerned that the Council might be the subject of an equal pay challenge should these payments continue in the current job market. The concern was based on the fact that 70% of the Council's workforce was female and only 24% of those in receipt of market supplements were female.

A consultation exercise had been undertaken with those affected by the removal of the market supplement payments (this included members of staff as well as their managers) and the key issues that had emerged were:

- these employees were loyal and 'would go the extra mile' and this might not be the case if the payments were removed;
- the payments had been received for so long that the employees had come to regard them as a permanent part of their remuneration package;
- employees losing the supplements would suffer financial hardship.

Robert O' Reilly in responding to these concerns stated that as the additional payments were expressly referred to in their terms and conditions any implied permanence could not be substantiated. The Council had a duty to be fair to all employees and they could therefore not consider the financial situations of these individuals. If employees were being asked to undertake duties above those that could be expected of them this should be addressed by taking the job descriptions through the Job Evaluation process.

Councillor Peter Argyle queried whether these employees were informed at the time of their appointment that this was a temporary arrangement. Officers confirmed that they were.

Councillor Mollie Lock asked if any of the supplements had been removed historically. Officers explained that none had been removed but that at least four of the payments had been reduced since their inception.

Councillor Quentin Webb queried whether the market supplements were paid to all employees doing the same job or whether it was paid only to specific individuals. Officers explained that the market supplements would have to be paid to all employees doing the same job. Officers also informed Members that where employees were being paid market supplement because of the overtime they were working this should be addressed by paying them overtime or an honoraria as appropriate. These payments should not be paid under the auspices of a market supplement. Members were reminded that any overtime payments would have to be authorised by the manager before the additional hours were worked.

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Councillor Tony Linden noted that a number of Trading Standards Officers had transferred over from Wokingham and he queried how the TUPE rules would impact on their payments. Mr O' Reilly explained that under TUPE regulations all existing terms and conditions transferred over with staff had to be retained. The terms and conditions of these employees stated that their payments were not permanent and could be withdrawn following consultation at the Council's discretion.

Councillor Adrian Edwards queried whether market supplements were impacted on by pay rises. Officers explained that market supplement payments were not affected by incremental or pay rises.

Members voted to suspend Standing Orders to allow Officers to address the Committee.

Dave Pearson (Union Representative) in addressing the Committee raised the following points:

- the trade unions thanked the committee for the opportunity to address them;
- he was speaking on behalf of both UNISON and the GMB unions;
- he would be focussing on two areas namely the general issues around market supplement payments and the specific issues associated with members of staff including those transferring over from Wokingham;
- the union would have opposed the introduction of the scheme should it have been introduced now and they would instead support roles being properly evaluated and compensated;
- they were therefore not objecting to the removal of the market supplements for new members of staff,
- in terms of the West Berkshire Council employees in receipt of market supplements the Unions were of the view that the scheme had not been properly operated as proper regular reviews and market testing had not been undertaken;
- the employees had been in receipt of regular payments for a significant number of years without regular reviews being undertaken and staff had therefore come to rely on the payments which had become an integral part of their income;
- this income had therefore become an implied employment condition and they therefore did not concur with the Head of HR's assertion that as the additional payments were expressly referred to in their terms and conditions any implied permanence could not be substantiated;
- The Union's Regional Office had been consulted and they were of the view, for the reasons set out above, there would be strong grounds to challenge the removal given the deficiencies in the way the scheme was operated;
- Members should be mindful of both their legal and moral duties;
- The Unions noted the staff comments about the negative impact on the financial situation of the affected individuals, the level of commitment they exhibited and their willingness to go the extra mile;
- It was noted that one of the employees had been in receipt of their market supplement for 15 years and it was therefore difficult to define this payments as temporary;
- The Unions reiterated that they were willing to accept the removal of the market supplement payments for new members of staff but that any employees that had been in receipt of the payment for five or more years should retain them;

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- They were of the opinion that this was morally the correct decision to make as the scheme had not been operated properly;
- If Members were minded to remove the supplements the Unions would request that the affected roles be subjected to the Job Evaluation process as a matter of urgency.

Robert O' Reilly supported the proposal to submit the roles to the Job Evaluation process should Members be minded to approve the proposal. He reminded Members that Officers would be given thirteen months notice before the supplements would be removed. Since he had taken over the role of Head of HR regular reviews had been undertaken and some of the payments had been reduced as a result of the reviews. He did not accept the argument that because the payments had been made for such a long time they overrode any terms and conditions expressly referred to in the individual's employment contracts.

Andy Best in addressing the Committee raised the following points:

- He was speaking on his own behalf but was also representing other colleagues in ICT affected by the proposal;
- Decreasing the salaries would lead to key members of staff leaving the organisation;
- This would lead to skills gaps for individual services and he therefore urged Members to reject the proposal;
- He believed the current system was working as it gave services the ability to recruit key workers in areas where it had proved difficult to recruit high calibre candidates;
- The payments had been periodically reviewed over the past few years;
- He did not concur with the evaluation of the job market, demand for staff in ICT was high and this was causing salaries to be inflated; he cited a recent difficulty experienced by his team in recruiting to a role as an example;
- The experience garnered by affected members of staff was critical to the Council;
- The Head of ICT and the ICT Senior Management Team did not support the proposal to remove the payments;
- They did not support the contention that salary survey information was not readily available; they had managed to obtain information easily and they would be happy to share this information with HR;
- Implementation of the scheme would result in significant hardship for the affected individuals but it would also result in significant damage to the ICT Service as a whole;
- They accepted that the Council was facing difficult financial decisions but creating savings by the removal of these payments would be a false economy;
- ICT had a good track record of driving costs down and the proposals were targeting the roles that had made this possible;
- A lot of support had been received from colleagues that were not affected by the proposals and he therefore urged Members to reject the proposal;
- He thanked the Committee for the affording him the opportunity to address them.

In response to a query from Councillor Peter Argyle, Andy Best explained that the Council's Job Evaluation process did not take market forces into account. Therefore even if the roles were to be evaluated the issue of being able to attract suitable candidates for

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roles would not be addressed given the competition that existed in the private sector for these types of roles.

Councillor Quentin Webb noted that the Union's perception of the review process did not accord with Mr Best's. He responded that that for a decade or so the reviews had not taken place but over the past few years the payments had been reviewed every two years.

Councillor Adrian Edwards queried whether employees had given any indication that they might leave the Council should the payments cease. Mr Best report that anecdotal evidence suggested that this would be the case. Councillor Edwards also noted that there would be costs associated with training new members of staff should the existing employees chose to leave the Council and this needed to be factored into any cost analysis.

Andy Best was of the opinion that each case needed to be reviewed on an individual basis and he was therefore not in a position to comment on the Union's proposal to restrict the continuation of payments to those that had received it for longer than five years.

Robert O' Reilly reminded Members that market supplement payments had to be applied to groups of roles. In the ICT service there were a large number of unique posts and they had therefore benefitted from the scheme. In other areas where it had proved difficult to recruit to posts e.g. social workers it was not financially possible to adopt the same scheme. Members also needed to be mindful of the fact that ICT tended to employ more men than women and that the majority of social workers were female. He therefore reiterated concerns about equal pay challenges to the Council.

Councillor Quentin Webb asked Mr O' Reilly to comment on the assertion from Mr Best that the information about salaries was readily available. The Head of HR noted that due to the unique job titles of these types of roles the job descriptions and person specifications had to be looked at in a very granular level and it was very difficult to obtain that level of information. An attempt was made to obtain this information from neighbouring authorities in order to make a comparison and this had not generated all the information that was required. Andy Best suggested that it was very risky then to make a decision based on assumptions that might not be accurate.

It was noted that other organisations that employed IT staff paid market supplements in order to attract employees with the required level of experience and knowledge of systems. Councillor Quentin Webb noted that it was difficult to make comparisons between commercial organisations and local authorities as local authorities were required to publish pay scales which private sector organisations were not required to do. Robert O' Reilly noted that employees in the private sector received bonuses and other perks and it was therefore difficult to make a like for like comparison.

Councillor Quentin Webb thanked staff for the information they had provided and for their contribution to the discussion.

Members voted to resume Standing Orders.

Councillor Tony Linden noted that Members would need to take into account the needs of individual services such as ICT against the implications of retaining the policy for the Council as a whole. Councillor Adrian Edwards was concerned that employees, when they had accepted the job offer, had been attracted by the whole package and they had an expectation that this would continue irrespective of the conditions in their contracts. Employees were highly likely to receive better packages in the private sector and the Council was therefore likely to lose experienced employees. Councillor Peter Argyle commented that it might be difficult to attract the right calibre of applicants for roles if the Council was not paying competitive salaries.

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The meeting was adjourned from 12.30 to 12.32 to allow members of staff and the press to leave prior to the meeting moving into a confidential session.

17. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 9.10.4 of the Constitution also refers.](#)

18. Market Supplement Review

(Councillors Argyle, Linden, Lock, Rowles and Webb declared a personal interest in Agenda item 7 by virtue of the fact that the members of staff affected by the proposed abolition of market supplements were know to them. As their interest was personal and not a disclosable pecuniary interest they determined to take part in the debate and vote on the matter. The Councillors also noted that they had been lobbied on this item).

The Personnel Committee considered an exempt report (Agenda Item 7) which sought approval for the abolition of the Market Supplement Policy from 01 April 2014. Officers reported that if approved no new market supplements would be paid after the 19 February 2013 and existing market supplement payments would cease on 31 March 2013.

RESOLVED that:

- 1. the proposal to abolish the Market Supplement Policy from 1st April 2014 be approved.**
- 2. no new market supplements will be made after 19th February 2013.**
- 3. all existing market supplement payments will cease on 31st March 2014.**
- 4. all exiting posts affected by the scheme to be re-evaluated within two months of the decision.**

Councillor Andrew Rowles requested that his vote against recommendation 3 being approved be recorded.

(The meeting commenced at 11.30am and closed at 1.15pm)

CHAIRMAN

Date of Signature

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

PERSONNEL COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 14 MAY 2013

Councillors Present: Peter Argyle, Adrian Edwards (Substitute) (In place of Andrew Rowles), Tony Linden, Mollie Lock and Quentin Webb

Apologies for inability to attend the meeting: Councillor Andrew Rowles

PART I

1. Election of Chairman

RESOLVED that Councillor Quentin Webb be elected Chairman of the Personnel Committee for the 2013/14 Municipal Year.

2. Apologies for Absence

An apology for inability to attend the meeting was received on behalf of Councillor Andrew Rowles.

3. Appointment of Vice-Chairman

RESOLVED that Councillor Mollie Lock be appointed Vice-Chairman of the Personnel Committee for the 2013/14 Municipal Year.

(The meeting commenced at 8.16pm and closed at 8.17pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.

Title of Report:	Whistleblowing Policy and Procedure
Report to be considered by:	Personnel Committee
Date of Meeting:	30 October 2013
Forward Plan Ref:	PC2754

Purpose of Report: To seek approval of the revised Whistleblowing Policy and procedure.

Recommended Action: To approve the revised Whistleblowing Policy and Procedure and support it being submitted to Personnel Committee.

Reason for decision to be taken: The current policy was written in 2006 and is due for review. The Enterprise and Regulatory Reform Act 2013 introduced changes that need to be reflected in the WBC policy.

Other options considered: n/a

Key background documentation: Confidential Reporting Code (Whistleblowing Policy) 2006.

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principles:

- CSP5 - Putting people first**
- CSP6 - Living within our means**
- CSP8 - Transforming our services to remain affordable and effective**
- CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Providing a clear and supportive way for workers to report concerns about wrong-doing, for concerns to be investigated and remedial action put in place.

Portfolio Member Details	
Name & Telephone No.:	Councillor Alan Law - Tel (01491) 873614
E-mail Address:	alaw@westberks.gov.uk
Date Portfolio Member agreed report:	17 October 2013

Contact Officer Details	
Name:	Katie Penlington
Job Title:	HR Officer
Tel. No.:	01635 519325
E-mail Address:	kpenlington@westberks.gov.uk

Implications

Policy: Whistle Blowing Policy and Procedure

Financial:

Personnel:

Legal/Procurement:

Property:

Risk Management:

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and: <ul style="list-style-type: none"> • Is it likely to affect people with particular protected characteristics differently? <input type="checkbox"/> • Is it a major policy, significantly affecting how functions are delivered? <input type="checkbox"/> • Will the policy have a significant impact on how other organisations operate in terms of equality? <input type="checkbox"/> • Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics? <input type="checkbox"/> • Does the policy relate to an area with known inequalities? <input type="checkbox"/> 		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia		<input type="checkbox"/>	
Not relevant to equality		<input checked="" type="checkbox"/>	

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 The current Confidential Reporting Code (Whistleblowing Policy) was written in 2006 and is due for review. It does not specify how concerns raised should be handled.
- 1.2 The Public Interest Disclosure Act (PIDA) enables individuals to raise concerns where they have a reasonable belief that;
- (1) A criminal offence;
 - (2) A miscarriage of justice;
 - (3) An act creating a risk to health and safety;
 - (4) A breach of other legal obligation;
 - (5) Damage to the environment;
 - (6) Concealment of any of the above;
- is being, has been or is likely to be committed, without fear of dismissal, victimisation or detriment, and it is in the public interest to disclose it.
- 1.3 The Enterprise and Regulatory Reform Act 2013 introduced the following changes to PIDA that need to be reflected in the WBC Policy:
- (1) Workers no longer have to raise concerns in good faith but must have a reasonable belief that raising the concern is in the public interest. (S17 of the Act)
 - (2) Protection is provided for whistleblowers from victimisation by co-workers or any agent of the employer (S19)
 - (3) The definition of a worker is amended (S20)
- 1.4 The WBC policy and procedure have been revised to cover these changes and also to provide clarification on how concerns should be raised and handled within the Council.
- 1.5 The procedure requires employees to raise concerns with their line manager, or their manager's manager unless the circumstances set out in 1.6 below apply.
- 1.6 The policy and procedure introduce a 'help line' that workers can use if they are unsure whether to raise a concern, if they believe that senior management are involved in the wrong-doing or are unsatisfied with the way in which their concern has been handled. The 'help line' enables employees to contact the Head of HR by telephone, email or in writing. The Head of HR, with advice from senior officers listed in 6.3 of the procedure as appropriate to the case, will decide how concerns raised via the helpline are handled.

2. Proposals

- 2.1 Corporate Board is recommended to approve the revised policy and procedure.

3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

4. Conclusion

4.1 The Whistleblowing policy and procedure has been revised to reflect changes in the law, clarify how concerns should be handled within the Council, and provide a 'helpline' for employees.

4.2 Corporate Board is recommended to approve the revised policy and procedure.

Appendices

Appendix A - Whistle Blowing Policy and Procedure

Consultees

Local Stakeholders: n/a

Officers Consulted: Human Resources Management Team, Ian Priestley and Corporate Board

Trade Union: Unison (Rosemary Culmer, Dave Pearson), GMB (Eddie Hunter)
Association of Educational Psychologists (Karen Bailey)

Whistleblowing Policy and Procedure

Document Control

Document Ref:	HRDCRC002	Date Created:	Aug 2013
Version:	2	Date Modified:	
Revision due	June 2016		
Author:	Katie Penlington	Sign & Date:	
Owning Service	Human Resources		
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Chief Executive	Sign & Date:	
Corporate Director (Community Services)	Sign & Date:	
Corporate Director (Children & Young People)	Sign & Date:	
Corporate Director (Environment)	Sign & Date:	

Change History

Version	Date	Description	Publicised
1	September 2006	New Policy	
2	May 2013	Revised version following amendments arising from the Enterprise and Regulatory Reform Bill 2013	
3			

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1. Purpose

1.1 It is important to the Council that any fraud, misconduct or wrongdoing by employees, workers, Elected Members or volunteers of the Council, or by those providing services on behalf of the Council is reported and properly dealt with.

1.2 The Public Interest Disclosure Act enables individuals to raise concerns where they have a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- A breach of other legal obligation;
- Damage to the environment;
- Concealment of any of the above;

is being, has been or is likely to be committed, and it is in the public interest to disclose it, without fear of dismissal, victimisation or detriment. This policy and procedure sets out how such concerns should be raised and handled within the Council.

1.3 *This policy and procedure has been developed in consultation with Heads of Service and Trade Unions and has been approved by the Chief Executive and Corporate Board.*

2. Applicability

2.1 This Policy applies to:

2.1.1 All employees working for the Council, including those working from home or at non-Council locations, except those working in schools to whom the school's whistleblowing policy will apply.

2.1.2 Other persons including elected members, consultants, agency staff, volunteers and contractors working for the Council, external organisations working with or providing services on behalf of the Council.

2.1.3 For the purposes of this policy and procedure those specified in 2.1.1 and 2.1.2 will be referred to collectively as 'workers'.

2.2 This Policy and Procedure is concerned with disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the Council's [grievance procedure](#).

2.3 The Policy and Procedure is in addition to the Council's [Complaints Policy](#), the [Anti Fraud and Corruption Policy](#), Anti-Bribery Policy and Anti Money Laundering Policy (available from the Chief Internal Auditor).

2.4 It is the responsibility of each employee and other person mentioned in section 2.1 to familiarise themselves with and adhere to this Policy.

3. Policy

- 3.1 The Council is committed to the highest standards of openness, probity and accountability.
- 3.2 The Council encourages all those listed in section 2 above to be aware of the importance of preventing and eliminating wrong-doing at work, and to raise serious concerns using the procedure below.
- 3.3 The Council will ensure these concerns are taken seriously and investigated thoroughly, promptly and confidentially, and that appropriate remedial action is taken.
- 3.4 The Council will protect workers who raise concerns, based on a reasonable belief, under this procedure from dismissal, victimisation or detriment because they have made a disclosure.

**The section above is the policy of the Council.
Sections 4 to 12 contain the procedure to be followed when a concern is raised.
Sections 13 to 22 provide additional guidance to workers and managers.**

Procedure

4. How to raise a concern

- 4.1 Workers are encouraged to raise concerns early to enable appropriate remedial action to be carried out.
 - 4.2 Workers should report concerns to their line manager, or where they are concerned that their manager is involved in the wrong doing, to their manager's manager, or via the whistleblowing helpline as specified in section 5 below.
 - 4.3 Concerns may be raised orally or in writing. It is helpful to the investigation if the worker provides the following information:
 - 4.3.1 The background history of the concern (giving relevant names and dates)
 - 4.3.2 The reason the worker is particularly concerned about the situation.
- A form is provided in [appendix one](#) that workers can use to raise their concerns.
- 4.4 Workers are encouraged to put their name to their allegation as anonymous allegations are harder to investigate. Where a worker asks to remain anonymous, the Council will respect his/her request, but cannot guarantee that it will be able to do so.
 - 4.5 Where allegations are raised anonymously they will be considered at the discretion of the Chief Executive in consultation with the Head of Human Resources.
 - 4.6 Where the Chief Executive is the subject of the allegation, the allegation will be considered by the Head of Human Resources and the Leader of the Council.

5. Whistleblowing help line

- 5.1 Where the worker has concerns but is unsure whether to raise them or where he/she believes that senior management is involved in the wrong doing, or remains unsatisfied that a concern that he/she has raised with his/her manager or manager's manager has been handled satisfactorily, he/she should seek advice from the Head of Human Resources.
- 5.2 Workers may contact the Head of Human Resources by telephone, email or in writing as follows;

Whistleblowing Helpline	Telephone	01635 519358
	Email	roreilly@westberks.gov.uk
	Post	Robert O'Reilly Head of Human Resources Council Offices Market Street Newbury. RG14 5LD

- 5.3 The Head of Human Resources will decide how the concern should be dealt with, seeking advice from those listed at 6.3 as relevant, and will pass the case to an appropriate manager to be handled.

6. Handling concerns

- 6.1 The manager receiving the concern will hold an initial meeting with the employee as soon as possible to acknowledge the concern has been raised and clarify the details.
- 6.2 Where the matter can be resolved simply, for example where there has been a misunderstanding or misinterpretation of an event, the manager will explain this to the employee, check that the employee is satisfied that the matter is resolved and keep a record of the decision.
- 6.3 Where the manager decides the matter should be taken further, he/she should seek advice from one or more of the senior managers listed below on how to proceed with the concern:
- The Chief Executive
 - A Corporate Director
 - The Head of HR
 - The Head of Finance
 - The Head of Education
 - The Head of Legal Services

This/these manager(s) will be referred to as the 'advising manager(s)'.

- 6.4 No-one implicated in the allegations will be involved in conducting the investigation.
- 6.5 If urgent action is required this will be taken before an investigation is conducted.
- 6.6 Within ten working days of the concern being raised, the recipient of the concern will contact the worker to:
- Indicate how it is proposed to deal with the matter
 - Give an estimate of how long it will take to provide a final response
 - Tell the worker whether any initial enquiries have been made
 - Provide information on staff support mechanisms
 - Inform the worker whether further investigations will take place and if not, why not
- 6.7 Concerns that fall within the scope of Council procedures (e.g. child protection issues, disciplinary issues) will normally be considered under those procedures.
- 6.8 Where it is not clear that the concern falls under the scope of a Council procedure, the manager will investigate the concern and present his/her findings to the advising manager(s). The advising manager(s) will decide upon an appropriate course of action.
- 6.9 The advising manager(s) will delegate responsibility for ensuring that any remedial action required is carried out to appropriate manager(s).
- 6.10 The advising manager(s) will also advise whether matters should also be:
- referred to the police
 - referred to the internal auditor
 - form the subject of an independent inquiry
 - referred to a regulatory agency
 - referred to a government department
- 6.11 The advising manager(s) will inform the manager that received the concern of the outcome.
- 6.12 Managers receiving concerns should notify the Head of HR of all concerns raised and the outcome once resolved so that they can be recorded (in a form that will not endanger confidentiality) for reporting purposes.
- 6.13 Subject to legal constraints, the worker will be informed of the outcome of the investigation and any action that will be taken as a result.

7. Safeguards against dismissal, victimisation or detriment

- 7.1 A worker who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised because he/she has made a disclosure.
- 7.2 The Council will keep the matter confidential as far as possible. Where an investigation confirms the allegations workers may be required to attend hearings as witnesses.

- 7.3 Anyone (including managers and co-workers) found to subject a worker who has made a protected disclosure to inappropriate action under a formal procedure, bullying, harassment, victimisation or detriment may be subject to disciplinary or other appropriate action.
- 7.4 An instruction to cover up wrong doing is a disciplinary offence. Workers should report circumstances in which they are told not to raise or pursue any concern, even where they are told not to by a person in authority such as a manager.

8. Malicious allegations

- 8.1 It is not necessary for a worker to have proof that wrong doing is being, has been, or is likely to be committed; a reasonable belief is sufficient.
- 8.2 Information given should be true to the best of the worker's knowledge, information and belief. Maliciously making a false allegation is a disciplinary offence and will be handled under the Council's disciplinary procedure.

9. Taking the matter further

- 9.1 Where the worker is not satisfied that appropriate action has been taken he/she should contact the Head of Human Resources (see section 5 above). The Head of HR will consider what, if any, further action is required, seeking advice from those listed in 6.2 as appropriate. The Head of HR will inform the employee of how the matter will be taken forward.
- 9.2 If worker is still not satisfied he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
- HM Revenues and Customs
 - The Financial Services Authority
 - The Office of Fair Trading
 - The Health and Safety Executive
 - The Environment Agency
 - The Director of Public Prosecutions
 - The Serious Fraud Office

10. Roles and Responsibilities

- 10.1 The overall responsibility for this policy and procedure within WBC rests with the Chief Executive.
- 10.2 The Head of Human Resources has overall responsibility for the maintenance and operation of this policy and procedure. The Head of HR will keep a record of concerns raised and outcomes (in a form that does not endanger confidentiality) and will report as necessary to the Council.
- 10.3 Managers receiving concerns are responsible for reporting the concern and the outcome to the Head of HR so that it can be recorded.
- 10.4 All managers are directly responsible for implementing this policy and procedure within their service areas, and for the adherence of their staff.

10.5 Workers have an individual responsibility to adhere to this policy and procedure.

11. Failure to comply with WBC Whistleblowing Policy and Procedure

11.1 Workers are expected to report concerns. For some categories of employees failing to report a concern may be failing in their professional duty and be in breach of legislation; this may result in disciplinary action being taken.

12. Review

12.1 This policy and procedure will be reviewed to respond to any changes and at least every 3 years.

Guidance

Guidance for workers

13. What type of concerns are covered by this policy and procedure?

13.1 As a worker you may be the first to realise that there may be something seriously wrong within the Council. It may be tempting to do nothing as you may feel that voicing your concerns would appear disloyal to colleagues or the Council. You may also be afraid that it may lead to repercussions against yourself. However, it is important that you raise your concerns promptly so that the Council can take action to rectify them.

13.2 The Council is committed to ensuring that any wrong-doing is rectified as soon as possible and that workers are supported in raising any serious concerns. The whistleblowing policy and procedure explains how you should raise your concerns, and the protection you are entitled to.

13.3 You should report any serious 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.

13.4 Concerns covered by the Public Interest Disclosure Act are listed in 1.2 above and may be something that makes you feel uncomfortable in terms of something that:

- Is against the law
- Puts someone at risk
- Breaches the Council's standards, policies or procedures
- Is against the Council's Standing Orders, Financial Regulations or policies and procedures
- Falls below established standards of practice
- Amounts to improper conduct

14. How are you protected when raising a concern?

14.1 The Council will not dismiss you because you have raised a concern under this procedure, and will protect you against victimisation or other detriment, so long as you have a reasonable belief that the wrong-doing is being, has been, or is likely to be committed, and it is in the public interest to disclose it. The

information that you give should be true to the best of your knowledge, information and belief.

14.2 You are not expected to investigate the concern yourself, just to be able to explain the reasons for your concern.

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

15. What to do if you have a concern

15.1 You should raise your concern as specified in section 4 of the procedure. If you are not sure if you should raise something it may help to talk things through with your manager, or to seek advice from the whistleblowing helpline (see section 5 above).

16. What to expect when you have raised a concern

16.1 The manager you raise your concern with should meet you to discuss your concern in more detail. He/she will then consider how to handle the matter.

16.2 If the manager believes that the matter can be resolved simply – for example where he/she believes that there has been a misunderstanding, or that you have misinterpreted what has happened – he/she will discuss this with you. If you are happy with the outcome of the discussion the process will end.

16.3 If the manager believes further investigation/action is required, he/she may:

- Make some initial enquiries
- Seek advice from a senior manager listed in section 6.2 (referred to as the advising manager(s))

16.4 The manager will contact you again within 10 working days of you raising the concern as stated in section 10 of the procedure. This may be orally or in writing.

16.5 Where possible the matter will be kept confidential. However, there may be circumstances where this may not be possible, for example where the Council is required to report a criminal offence.

16.6 You may be required to attend meetings and/or provide a written statement as part of the investigation. You may ask for meetings to be held off site, and you may bring a trade union representative or work colleague to attend meetings. You should inform the manager in advance of the meeting if you intend to bring someone to the meeting with you.

16.7 You may be asked to comment on other evidence gathered during the investigation.

16.8 Where investigation confirms that wrong-doing has occurred you may be required to attend hearings to give evidence.

16.9 Where possible you will be informed of the outcome of the investigation and what, if any, action will be taken as a result.

17. What to do if you believe your concern has not been handled properly

- 17.1 If you believe that your concern has not been handled properly you can contact the whistleblowing hotline (see section 5 above)
- 17.2 If you are still dissatisfied you may decide to take the matter outside the Council as specified in section 9 above. You should make sure you do not disclose personal information about an individual/individuals, or sensitive business information. If in doubt you should contact the whistleblowing help line (see section 5).

Guidance for managers handling concerns

18. What to do when a concern is raised

- 18.1 Take concerns seriously whether they are raised orally or in writing. Meet with the worker to discuss their concern more fully.
- 18.2 The worker may request that the meetings are held away from his/her normal place of work. Where possible you should agree with the worker where the meeting will be held.
- 18.3 The worker has the right to be accompanied at meetings by a trade union representative or work colleague.
- 18.4 Do not ignore anonymous disclosures – seek advice from the Head of HR (see point 4.5).
- 18.5 If the matter can be dealt with quickly and easily, for example where there has been a misunderstanding, you should explain the matter to the worker and check that he/she is satisfied that the matter is resolved. Keep a written record of your decision.
- 18.6 Where the matter needs to be taken further you should discuss how to proceed with those listed in 6.2, as appropriate to the case. This/these manager(s) will be known as the 'advising manager(s)'. Where the matter cannot be handled under one of the Council's procedures, the advising manager(s) may ask you or another suitable person to investigate the matter further and to present your findings to them.
- 18.7 Unless the matter has been resolved as described in 18.3 you should contact the worker again within ten days of him./her raising the concern, as described in point 6.5. Where the concern is serious (that is, if it is a concern that would constitute one of the situations listed in 1.2) you should confirm the key points of your meeting to the worker in writing.

19. Investigating concerns where there is no relevant Council procedure

- 19.1 The advising manager(s) will outline how the concern should be investigated.
- 19.2 The investigation may involve seeking written statements from the worker and other individuals. Written statements should be signed by those giving them.

- 19.3 It may be appropriate to ask the worker who raised the concern to comment on additional evidence obtained.
- 19.4 You should keep records of what you consider during your investigation. For example, make copies of documents, keep notes of interviews, signed witness statements etc.
- 19.5 At the end of your investigation you should set out your findings in an investigation report and present this to the advising manager(s).

20. Where and when to seek advice

- 20.1 Unless the matter is a straightforward case of misunderstanding or misinterpretation by the employee, you should seek advice from those listed in 6.2 as appropriate to the case.

21. Keeping records

- 21.1 If a worker raises a concern with you should keep the following records:
- The date on which the concern was raised
 - The part of the organisation to which the concern relates
 - The nature of the concern and its key elements
 - Any action taken
 - Any feedback that has been provided to the discloser
 - Whether or not the discloser has any wishes with regards to confidentiality
 - How the matter was resolved
- 21.2 Records should be kept confidentially and in accordance with the Data Protection Act.
- 21.3 Once the matter is closed you should forward a copy of the records electronically to the Head of Human Resources, and should then securely dispose of your copy.

22. Remedial action

- 22.1 The advising manager(s) will identify managers who will be responsible for ensuring that any remedial action deemed necessary is implemented. This may include reporting the matter to an appropriate government department, regulatory agency and/or the police.

Glossary

Advising manager(s)	Senior manager(s) listed in 6.2 from whom the manager receiving the concern seeks advise on how to handle the case
Whistleblowing Helpline	01635 519358 roreilly@westberks.gov.uk Robert O'Reilly Head of Human Resources Council Offices Market Street Newbury. RG14 5LD

Other Relevant Documentation

[Grievance Procedure](#)
[Complaints Policy](#)

DRAFT

This form is intended for use by any individual working for the Council (including elected members, contractors, agency workers and volunteers) who wishes to raise an issue about serious wrong-doing. You must have a reasonable belief in any allegations that you make, and they must be made in the public interest.

This form should be used to report wrong-doing within the organisation (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance. (If you want to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached, separate procedures exist for these types of concerns.)

If you are unsure about whether your complaint is best dealt with under the Council's whistleblowing policy or the grievance procedure, please read the whistleblowing policy, which provides examples of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult the Head of HR for further advice.

Once you have submitted this form, the Council's whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated below.

In certain circumstances, you can request that your complaint be kept anonymous. Where possible, the Council will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to your line manager/manager's manager or the Head of HR (see sections 4 and 5 of the whistleblowing procedure) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (whistleblowing)

Worker's name	
Worker's job title	
Employee's service/worker's organisation	
Date	
Does your public interest disclosure relate to your line manager?	Yes/No

Summary of disclosure

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

Individuals involved

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested	
Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.	
Declaration	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the Council taking disciplinary action against me.	
Form completed by	
Signature	
For completion by the Council	
Date form received by the Council	
Name of recipient and job role	
Signature	

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