

Whistle Blowing Procedure

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Alternative Formats

This document is available in other formats and languages call 01622 694778 or email EmploymentPolicyTeam@kent.gov.uk for further details.

For alternative languages call **08458 247 247** this service can help you get information about KCC services or publications in your language. An English-speaking operator will take details of your requirements and arrange a translation or interpreting service. You may need an English-speaking friend or a family member to help you with this.

For Text Relay please call **18001 08458 247247**.

Introduction

It is important for individuals (employees, agency workers, volunteers and those contractors working on KCC premises) to have an appropriate means to raise concerns if they believe that something is seriously wrong within KCC.

This document outlines the process that will be followed in the event of a whistle blowing complaint being raised.

Other Complaints Procedures

This procedure is separate from KCC's Complaints Procedures and other statutory reporting procedures applying to some directorates. Managers are responsible for making service users aware of these procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

KCC's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

If, as an employee, you wish to raise a concern regarding issues relating to your own employment KCC has Grievance and Harassment Procedures that you can use. Further information on these procedures can be found on KNet.

You may become aware of, or directly witness, situations or conduct that makes you feel uncomfortable or you regard as inappropriate. The Whistle Blowing Procedure provides a means for you to raise concerns about matters not related to your own employment or your work within KCC but which you feel need to be examined. Examples of the type of matters that could lead to you wishing to raise a whistle blowing complaint are outlined in the KCC Whistle Blowing Policy.

How to Raise a Concern

General

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

If you intend to make a whistle blowing complaint you are encouraged to include your name. If you specifically request for name not be released during the examination of your complaint, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

In the event of anonymous allegations being received, KCC will determine whether or not it is possible and appropriate for the allegations to be examined. This will be determined on a case by case basis with reference to the seriousness of the issues raised, the credibility of the concern and the likelihood of being able to confirm the allegation from attributable sources.

Depending on the seriousness of the allegations raised, the credibility of the complaint and the likelihood of being able to confirm the allegations from attributable sources, it may be possible

Step One – Raising a Concern

Whenever possible you should raise your concern with your immediate manager or his/her manager. If this is not appropriate, you should approach the following according to the nature of the concern:

Directorate	Contact Name	Email
Business Strategy & Support.	Ann Cook	Ann.cook@kent.gov.uk 01622 694693
Enterprise & Environment	Paul Crick	Paul.crick@kent.gov.uk 01622 221527
Education, Learning & Skills	Hilary Williams	Hilary.williams@kent.gov.uk 01622 694031
Families & Social Care	Daniel Waller	Daniel.waller@kent.gov.uk 01622 696344
Customer & Communities	Catherine Catt	Catherine.catt@kent.gov.uk 01622 696344
Senior Management contact points	Geoff Wild Director of Governance and Law	Geoff.wild@kent.gov.uk 01622 694302
	Paul Rock Counter Fraud Manager	Paul.rock@kent.gov.co.uk 01622 694694
Independent Helpline	PUBLIC CONCERN AT WORK	020 7040 6609

KCC has an **Anti Fraud and Corruption Policy Statement** and all suspected financial irregularities must be reported to the Chief Internal Auditor.

<http://knet2/policies-and-procedures/internal-audit/anti-fraud-and-corruption-statement-of-policy.pdf>

Whistle Blowing Hotline

Details to be inserted

Step Two - How KCC will respond

The action KCC takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, Internal Audit or through the disciplinary or other internal 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 KCC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

An appropriate manager will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the manager will seek advice from HR and, where appropriate, safeguarding professionals, Internal Audit or the Counter Fraud Manager.

The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistle Blowing Procedure. This may involve disciplinary action against another KCC employee or the involvement of agencies such as the Police or the External Auditor.

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.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how KCC proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

Contact

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, further information will be sought.

Attending Meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

Protection from Reprisals and Victimisation

KCC does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect you if you raise a concern via the Whistle Blowing Procedure. KCC will treat any reprisals, victimisation or harassment as a serious matter and if this involves a KCC employee it will be investigated in accordance with the Disciplinary Procedure. In the event of a disciplinary case being found, this could potentially result in the person's dismissal.

Support

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

KCC accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

How to take the matter further

This procedure is intended to provide individuals with an avenue to raise concerns within KCC. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work 020 7404 6609
- Audit Commission 020 7630 1019
- a local Kent County Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside KCC, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named KCC contacts

Public Interest Disclosure

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any KCC employee directly due to the individual having made such a disclosure will automatically be unfair

False or Malicious Allegations

Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

Whistle Blowing Procedure

