

Whistleblowing and fraud – guidance for managers



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Document summary

Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others or the organisation.

This document provides guidance to managers on how to effectively respond to such concerns, both in order to support and protect staff who raise concerns, and to ensure the matter is handled appropriately.

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About this document:

<p>Enquiries: HR Strategy Team Author: Personnel and Training Telephone: 01273 481194 Email: Download this document From:</p>	<p>Version number: 01 Related information: Whistleblowing Policy – Raising Concerns Anti-Fraud Strategy Grievance and Workplace Conflict Policy Code of Conduct and Conflict of Interest Policy Internet Access and Usage Policy</p>
<p>Accessibility help Zoom in or out by holding down the CTRL key and turning the mouse wheel. CTRL and click on the table of contents to navigate. Press CTRL and Home key to return to the top of the document Press Alt-left arrow to return to your previous location. References shown in blue text are available on the Intranet and/or Czone. References shown in underlined blue text are hyperlinks to other parts of this document.</p>	

Whistleblowing and Fraud – Guidance for Managers

Key points

- The public have an expectation that we will run the organisation with the highest standards of openness and integrity.
- Our [Whistleblowing policy](#) encourages, enables and reassures all employees to raise workplace concerns about risk, malpractice and wrongdoing.
- It is likely that employees will feel nervous about raising concerns. As a manager, you are responsible for ensuring concerns are listened to and treated in confidence.
- The County Council, and by extension managers, have a legal obligation to ensure employees are not penalised, victimised or harassed for honestly raising workplace concerns.
- This guidance relates to concerns where the risk is possibly to others or the organisation, as opposed to a grievance. Where an employee raises a grievance, there is a separate procedure that should be followed.

1. Introduction

- 1.1. East Sussex County Council is committed to the highest standards of openness and integrity and both wants and expects worried employees to come forward and voice their work place concerns. This applies to all County Council employees, including school based employees, as well as contractors and their staff working for the County Council.
- 1.2. It is likely that at one time or another, we will experience concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it involves possible health and safety, or a person's welfare, malpractice or a possible fraud, it is difficult for the employee to know what to do.
- 1.3. For you as the manager, it is important to know what advice to give and how to deal with the matter effectively.
- 1.4. This guidance is intended to provide managers with some guidelines as to what a 'workplace concern' is and how to effectively manage such instances, as and when they occur.

2. What is a Workplace Concern?

- 2.1. A workplace concern is a serious concern about any aspect of service provision, the conduct of officers or Members of the County Council, or others acting on behalf of the County Council.
- 2.2. Matters that might be the subject of a workplace concern could include, but are not limited to:
 - Practice that puts people or the County Council at risk;
 - A criminal offence has been committed, is being committed or is likely to be committed;
 - failure or likely failure to comply with any legal obligations;

- health and safety risks, including risks to the public;
 - damage to the environment;
 - something that is against County Council standing orders and policies;
 - information relating to any of these concerns that is being or is likely to be deliberately concealed;
 - weaknesses in procedure(s) that could put the organisation or people at risk.
- 2.3. The above list is not exhaustive, and a legitimate concern should not be discounted simply because it does not fall into one of the categories above. However, not all concerns raised by employees should be treated as a whistleblowing concern, and may be better addressed under the [Grievance and Workplace Conflict Policy](#).
- 2.4. It is very important that the Whistleblowing policy is not used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which employees disagree. Managers should always ensure they have a good understanding of an employee's concern before deciding which policy applies.

3. First contact with the concerned employee

- 3.1. It is likely that the employee will be nervous about raising a concern, and will need reassurance and support.
- 3.2. In the first instance, staff are encouraged to raise concerns with their line manager, and may choose to make contact face to face, over the phone, or in writing. They may feel more comfortable arranging a meeting away from their usual workplace. It is hoped that employees will raise concerns openly, as this makes it a lot easier for the employer to assess the issue, work out how to investigate the matter, and obtain more information. However, there may be circumstances when they will prefer to speak to someone in confidence first, or indeed remain anonymous.
- 3.3. Employees are free to choose whether they wish to raise a concern confidentially or anonymously:
- A concern is raised *confidentially* if the person raising it gives his or her name on the condition that it is not revealed without his or her consent, unless there is a legal requirement to do so.
 - A concern is raised *anonymously* if the person raising it does not give his or her name at all.
- 3.4. If someone raising a concern wishes their identity to remain confidential, They are entitled to protection, and should be provided with reassurance and feedback as appropriate. Even if confidentiality has not been requested, only use the name of the whistleblower where this is necessary.
- 3.5. Should someone raising a concern wish to remain anonymous, you should of course respect their right to do so, and reassure them that the matter will still be investigated as thoroughly as possible. However, it will be more difficult to effectively investigate the matter, and it may not be possible to provide them with any feedback or necessary assurances.
- 3.6. Regardless of how the employee chooses to raise their concern, the following points should be outlined and explained to them:

- If they request confidentiality, that this will be maintained and their identity will not be disclosed without their consent, unless there is a legal obligation to do so;
- there are actions that you can take to protect them from suffering any detriment as a result of raising a concern;
- deterring anyone from using the Whistleblowing Policy, or victimising anyone who uses the policy in good faith is a disciplinary matter;
- if they feel that they are suffering a detriment or may be suffering a detriment, they should contact you;
- raising genuine concerns does not make them a troublemaker or disloyal;
- they will not be asked to prove that their concern is true;
- honestly and genuinely raising a concern, even if it turns out to be unfounded, is not a disciplinary matter;
- maliciously raising false concerns is a disciplinary matter;
- you will provide an estimate of how long the investigation might take or provide them with a timescale of when you will feedback to them;
- that they are entitled to independent advice - the Whistleblowing policy provides contact details for independent organisations they may wish to contact.

4. Actions to take immediately when a concern is raised

- 4.1. Once a concern is raised, you should secure all relevant details, including:
 - The date and time the allegation was received, and how it was made (eg telephone call, letter, email);
 - the name and contact details of the employee, if these have been supplied;
 - details of the allegation/suspicion, recording as much information as possible;
 - documents or other physical evidence which may be available – original documents wherever possible.
- 4.2. You should sign and date all notes and documentary evidence received. These should be stored in a file marked confidential, and kept in a locked draw or cabinet, to which no-one else has access.
- 4.3. You should also inform the Personnel and Training Advisory Team , (Tel: 01273 481300) that a concern has been raised under the Whistleblowing Policy, and explain the nature of the concern. Where the individual has requested confidentiality, do not pass their name on.
- 4.4. The Advisory Team will record the concern and provide you with advice, guidance and support to resolve the concerns raised.
- 4.5. Personnel and Training Advisory Team will notify Internal Audit when appropriate to do so, in accordance with the Internal Audit / Personnel and Training Investigation Protocol.
- 4.6. Once the concern has been raised and you have made your initial notes, how the issue is resolved will vary, depending on the nature of the concern. On occasion, it may be that the issues raised can be dealt with quickly and informally, or it may be that an extensive formal investigation is necessary.

4.7. Please note that if the concern relates to alleged fraud, bribery or financial irregularity there are special rules for the gathering of evidence and therefore it is important that Internal Audit are made aware at the earliest opportunity.

5. Investigating the concern

5.1. In the first instance, please report any concerns raised under the Whistleblowing Policy to the Personnel and Training Advisory Team and please do not;

- approach or accuse anyone directly;
- convey their suspicions or concerns any more widely than is absolutely necessary;
- immediately try to investigate the matter yourself. Any poorly directed action may invalidate evidence or prematurely lead to the destruction of evidence;
- alert the alleged perpetrators of their suspicions under any circumstances.

5.2. Once the matter has been reported to the Personnel and Training Advisory Team, an assessment will be made as to whether further investigation is required and what form this should take. Depending on the nature of the allegation and the evidence available, it may be that it is more appropriate for management to lead an investigation with advice and guidance from Internal Audit, whilst in others the investigation will need to be carried out by Internal Audit directly.

6. Feedback and continued support

6.1. It is important to remember that the employee who raised the concern will probably need support throughout the process – not just at the point they raise the concern.

6.2. You should therefore ensure that the employee is able to contact you, or another appropriate named contact, throughout any investigative or remedial process that may take place.

6.3. Depending on the nature of the concern raised, it may not be possible to provide precise details of what action has been taken, particularly if this will compromise the confidentiality of a third party.