



**Confidentiality Reporting Policy**

<b>Author of Policy</b>	
<b>Date Effective From</b>	
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<b>Signed By</b>	

## **Introduction**

It is important that any fraud, misconduct or wrongdoing by staff, Councillors or others working on behalf of the council is reported, properly and promptly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **Background**

For employees, The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence
- an injustice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been committed; a reasonable belief is sufficient. You have no responsibility for investigating the matter; it is the council's responsibility to investigate.

If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

## **Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing within the workings of the Council. Staff, the Councillors and anyone working on behalf of the council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially.
- No employee or other person working on behalf of the council will be victimised for raising a matter under this procedure.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of the Council.

## **Procedure**

If you believe a Councillor has breached the councillor Code of Conduct, then raise it with the Chair of the Council or the Clerk. Concerns relating to an alleged breach of the councillor Code of Conduct will be investigated by the Clerk and referred to the Monitoring Officer at Durham County Council.

This procedure is for disclosures about matters other than an employees' contract of employment, which should be raised via the Disciplinary or Grievance Procedure but can be used in conjunction with both (where appropriate).

### Stage 1

In the first instance, any concerns should be raised with the Clerk, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be considered, and you will be asked to comment on any additional evidence obtained.

The Clerk will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Clerk will also invoke any disciplinary action if required. On conclusion of any investigation, as far as confidentiality allows, you will be told the outcome and what the council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation, or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out.

### Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This could include:

- HM Revenue and Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- Companies House
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority
- The local authority (Durham County Council)

## **Data protection**

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy.