‘Speak out’

South Tyneside Council’s policy to raise concerns about possible fraud, crime, danger or other serious risk that could threaten service users, employees, the public or the Council’s reputation.

South Tyneside Council

Document Control

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Introduction

1. South Tyneside Council is committed to the highest possible standards of openness, probity and accountability. Integrity is one of our core values; this means we will do the right thing whatever the circumstances. We encourage our employees, contractors and partners who may have concerns about any aspect of the Council's work to come forward and voice those concerns to us.

What is our aim?

2. The policy aims to encourage you to feel confident in raising concerns and give assurance that you will be protected from possible reprisals if you have reasonable belief that you have made a disclosure which is in the public interest.

When should you 'Speak Out'?

3. You are encouraged to 'Speak Out' if you have any concerns about a possible fraud, crime, danger or other serious risks that could threaten service users, other employees, the public or the Council's own reputation. Specific examples could include:

   - a criminal offence (e.g. fraud, corruption or theft etc) may have been committed e.g. public funds are being used in an unauthorised manner;
   - the council has failed, is failing or is likely to fail to comply with any legal obligation to which it is subject e.g. the Council is discriminating against a service user;
   - a miscarriage of justice has occurred, is occurring or is likely to occur;
   - the health or safety of an individual has been, is being or is likely to be endangered e.g. where you have concerns regarding the welfare of children and/or vulnerable adults;
   - the environment has been, is being or is likely to be damaged e.g. the Council has disregarded planning or building control obligations placed upon it; or,
   - information relating to any of the above has been or is likely to be deliberately concealed.

4. We have developed the 'Speak Out' policy specifically to enable and encourage you to raise your concerns at an early stage and in the right way. We would rather you raised the matter when it is just a concern rather than wait for proof.

Who is responsible?

5. The Corporate Assurance Manager has overall responsibility for the maintenance and operation of this policy and maintains a record of disclosures and the outcomes (but in a form which does not endanger your confidentiality) and will report, if considered to be appropriate, to the Audit Committee.

Our safeguards

6. This policy is designed to provide a route to raise concerns and to provide workers with protection under the Public Interest Disclosure Act 1998. A copy of the Act is available at http://www.opsi.gov.uk/acts/acts1998/ukpga_19980023_en_1

   The Act applies to situations where a worker (worker being, all employees, casual employees, agency workers, authorised volunteers, work experience and contractors) has a concern about danger or illegality that has a public interest aspect to it.

Harassment or victimisation

7. The Council recognises that the decision to report a concern can be a difficult one to make. The Council will not tolerate any harassment or victimisation and will take appropriate action to protect you when you raise a concern in the public interest. If what you say is true, you should have nothing to fear because you will be doing your duty to your employer to raise concerns and your duty to those to whom you provide a service.

Confidentiality

8. All concerns will be treated in confidence and every effort will be made not to reveal your identity, if you so wish. However, you may be required to come forward as a witness. This policy encourages you to put your name to your concern wherever possible. Please note that you must:
   - believe the disclosure of information is in the public interest;
   - believe it to be substantially true;
   - not act maliciously and make false allegations;
   - not seek any personal gain.

Anonymous allegations

9. Concerns expressed anonymously will be much more difficult for us to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective,

but they will be considered at the discretion of the Corporate Assurance Manager.

10. In exercising the discretion, the factors to be taken into account would include:

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

Untrue or malicious allegations

11. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. However, if you make malicious or vexatious allegations or make allegations that you know or believe to be untrue, disciplinary/legal action may be taken against you.

How to raise your concerns?

Employees of the Council:

12. You may wish to consider discussing your concern with a colleague first, as you may find it easier to raise the matter if there are two (or more) of you who have had the same experience, or share the same concerns.

13. As a first step, you should normally raise concerns with your immediate manager or, if the complaint is about your manager, his/her line manager. However, this depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in the failure or malpractice. For example, if you believe that management is involved, you should approach your Head of Service, Corporate Director or the Chief Executive. Or if you feel that this is inappropriate you can raise your concern with the Head of Legal Services in their role as Monitoring Officer or the Corporate Assurance Manager.

14. Where your concern is about financial impropriety, the Council's financial management standards require that the Corporate Assurance Manager and the Head of Finance should be informed by either yourself or by the officer investigating the concern. Please send a copy of your disclosure to the Corporate Assurance Manager who oversees the policy. You can also get independent, confidential advice from the charity Public Concern at Work on 0207 404 6609 or whistleblowing@pcaw.org.uk

Contractors and other workers:

15. As a first step you should contact the Corporate Director of the service area involved. This depends however on the seriousness and sensitivity of the issues and who is thought to be involved in the malpractice. For example if you believe that management of the particular service area is involved, you should contact the Council's Chief Executive or Corporate Assurance Manager.

16. Concerns are better raised in writing. You are encouraged to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. A form is available if you wish to use it (see Appendix 1). If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer. Although you are not expected to prove the truth of an allegation, you will need to demonstrate that there are sufficient grounds for your concern. Further contact details are shown below:

Service Area	Responsible Officer	Telephone	E-mail Address
Chief Executive	Martin Swales	424 7010	martin.swales@ southtyneside.gov.uk
Business & Resources	Stuart Reid	424 7765	stuart.reid@ southtyneside.gov.uk
Children and Family Services	John Pearce	424 7701	John.pearce@ southtyneside.gov.uk
Economic Regeneration	David Cramond	424 7969	david.cramond@ southtyneside.gov.uk
Head of Legal Services	Mike Harding	424 7009	Mike.harding@ southtyneside.go.uk
Corporate Assurance Manager	Peter Hunter	424 7069	peter.hunter@ southtyneside.gov.uk

17. Any complaint about service delivery or a Councillor can be logged on our website or by telephone on 0845 1450 100 or by e-mail at: complaints@southtyneside.gov.uk.

18. Should your concern relate to South Tyneside Homes or to BT South Tyneside it should be raised with the following officers:

Service Area	Responsible Officer	Telephone	E-mail Address
South Tyneside Homes	Paul Mains, Group Managing Director	426 8400	paul.mains@ southtynesidehomes.org .uk
BT South Tyneside	Mark Johnson, Chief Operating Officer	424 4347	mark.johnson@bt.com

19. Should your concern relate to suspected benefit fraud the Council operates a separate benefit fraud hotline where concerns can be reported. The Benefit Fraud hotline is 0800 093 2650.

20. The Council's Head of Legal Services also has the statutory role of Monitoring Officer to the Council. The Monitoring Officer has a duty to ensure that the Council, its Officers, and its Elected Councillors, maintain the highest standards of conduct in all they do. This means that he is the guardian of the Council's Constitution and is responsible for ensuring the lawfulness and fairness of the Council's decision making. Should you wish to make a complaint to the Monitoring Officer, the e-mail address is: monitoringofficer@southtyneside.gov.uk

How will the Council respond?

21. The action taken by the Council will depend on the nature and seriousness of the concern. The matters raised may:
    - be investigated internally;
    - be referred to the External Auditor;
    - be referred to the Monitoring Officer, for consideration of whether any matter should be considered by the Standards Committee;
    - be considered under the Disciplinary Procedure if the matters relate to an employee(s);
    - be referred to the Police.

22. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of other specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

23. Within ten working days of a concern being received, the investigating officer will write to you:
    - acknowledging that the concern has been received;
    - indicating how he/she proposes to deal with the matter;

- giving an estimate of how long it will take to provide a response;
- telling you whether an initial enquiry has been made;
- telling you whether further investigations will take place, and if not, why not.

24. The amount of contact between the investigating officer 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 investigating officer will seek further information from you.

25. When any meeting is arranged with the investigating officer you have the right if you so wish to be accompanied.

26. The Council will provide you with support and assistance throughout. Please feel free to contact the Corporate Assurance Manager at any time, if you want to talk about the process and want support.

27. The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will receive information about the outcome of any investigation.

How the matter can be taken further?

28. We would rather you raised a matter with the appropriate regulator or outside body than not at all. The following are possible contact points:

    - Local Council Member;
    - External Auditor;
    - Trade Union;
    - Relevant professional bodies, regulatory or other organisation

29. You may rise a concern with any of the above provided that:

    - you make the disclosure in the public interest;
    - you reasonably believe that the information disclosed, and any allegations contained in it, are substantially true;
    - you do not make the disclosure for personal gain;
    - appropriate legal advice should be sought prior to raising a matter externally.

Review of the policy

30. This policy will be reviewed when required and updated if necessary. We welcome any feedback and comments to help us improve on the policy and the Council's processes for dealing with concerns.

Appendix 1: 'Speak Out' Report Form

Report made under the Council's 'Speak Out' policy to :	(Detail name and title of officer to whom the report is being made)
Your name:	(You are encouraged to insert your name, but may chose not to – the recipient of the form will attempt to preserve confidentiality)
Your Service or Team:	
Concerns reported:	(Give full details of the background to the concern; names, dates and places; and the reasons why you are concerned. Attach a separate sheet if necessary.
Date:	
Signed: **(if employee's name appears above)**	

Please copy this form to the Corporate Assurance Manager.