

A Whistleblow can come into the organisation in many guises, they include:

- A complaint via the Corporate Complaints Team
- An Employee Grievance
- An Employee Exit interview
- Through the Whistleblowing reporting form or telephone hotline
- To the Head of Paid Service, Director or Human Resources
- Direct to DAP (Devon Audit Partnership)

Once received the procedure set out below which is an extract from the Whistleblowing policy is followed:

Procedure

The following procedure is to enable individuals to raise a concern directly with the Council and for it to be considered and subsequent action taken, where necessary. There remains a right to report a whistleblowing concern outside of the Council and this procedure, where there is a wish to do so. This should be done by contacting the relevant external organisation and following their published procedure. A list of external contacts is given at the end of this policy.

1. Raising a Concern

Whistleblowing concerns should be addressed in writing to the Council's Director of Finance / Councils most Senior Officer or to the Devon Audit Partnership (internal audit). Employees who are members of a recognised trade union may also wish to approach their representative. The concern should be put in writing, giving clear details of the concern, using the reporting form found on MyView, MyDocuments, Section 2 Conduct and Performance Management, 2.20a. Whistleblowing Reporting Form. The reporting form can be emailed to the Whistleblowing email address as follows: whistle.blowing@torbay.gov.uk

Where it is not possible to address concerns in writing, contact can be made using the Audit Partnership whistleblowing number or the Torbay Council number Tel: 01803 207407.

2. How the Complaint will be Dealt With

The Chairperson of the Finance, Ethics and Probity Committee will notify the Finance, Ethics and Probity Group of the matter in order for initial investigations to take place and recommendations for action. The Finance, Ethics and Probity Group is made-up of members from the Council's Finance, Human Resources, Audit and Legal Services departments, including the Council's Monitoring Officer. (For clarity, "The Group" refers to the Finance, Ethics and Probity Group).

The Chairperson of the Finance, Ethics and Probity Committee will take overall responsibility for action in regard to the complaint, including the Council's formal written response to the matter.

Within ten working days of a concern being received, the Chairperson of the Finance, Ethics and Probity Committee will write to the complainant: -

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with;
- Telling the complainant whether any initial enquiries have been made;
- Telling the complainant whether further investigations will take place and if not, the reason for this;
- Give some indication of timescales.

Following the Group's initial investigation should the Group consider that the Whistleblow falls outside of the scope of this policy, the complainant will be advised of alternative courses of action to take, for example, to raise the complaint under one of the Council's other policies. If after initial investigation it becomes clear that the matter uncovers criminal activity or welfare/safeguarding concerns, these will be reported directly to the Police and/or other relevant external organisations for further action. The complainant will be advised of this course of action and the Council shall take no further action in respect of the complaint unless requested by the Police or external organisation the complaint has been referred to.

3. How the Council will respond

Following its initial investigation, the action recommended by the Group will be dependent on the nature of the concern raised and may:

- Be resolved by agreed action without the need for further investigation
- Be investigated by management or by Audit or Human Resources (as appropriate)
- Be referred to the Police
- Form the subject of an independent inquiry
- Be referred to the external auditor

Should an investigation be necessary, the Group will appoint an appropriate investigation team from within the Council. The investigation will be dealt with as expediently as possible, with an estimated timescale for completion to be provided to the whistleblower at the start by the Group.

Where an employee is called to an investigation meeting, they may be accompanied by a Trade Union representative or work colleague and such representative or colleague will be required to formally agree to any matters arising at that meeting being kept confidential.

Following the outcome of the investigation process, the Group will inform the Finance Director/most Senior Officer of the outcome and an appropriate course of action will be agreed.

The Finance Director/most Senior Officer will put the formal response in writing to the individual at the earliest opportunity.

The Whistleblower is not entitled to be able to determine the outcome of the investigation process or to insist that disciplinary action must be taken, or a prosecution instigated. There is no further recourse under this policy, however, should the Whistleblower wish to pursue the matter further, they have the right to report their concerns to an external organisation or one of those listed at the end of this policy.

4. Outside organisations and referrals

If the matter is referred to an outside organisation or body, then FEP will take advice and a lead from that organisation in terms of the process and steps to be taken.

Examples could include:

H&S – May have to be referred to the HSE (Health and Safety Executive) and the organisation would work with the HSE to ensure that the external investigation is supported and actions taken forward, if any. The Council would still conduct and conclude its own investigation but only when it is appropriate to do so taking into account what the HSE advice is so not to impact on any external investigation.

Police – Where a whistleblow results in a referral to the police, then the Council would take advice from the Police before commencing any internal investigation, if there is no further action from the Police then the internal investigations into the matter would commence, where the Police commence investigations then any internal investigation would be 'held' at an appropriate point in time, once the police have concluded any investigation then the Council would recommence their investigations and conclude in line with the relevant policy.