

Confidential Reporting (“Whistle Blowing”) Policy for Members

1 Introduction

- 1.1 Gwynedd Council as an organisation, the Elected Members and the Officers serving the Council, are committed to the highest standards of honesty, propriety and accountability in all aspects of the Council's functions.
- 1.2 The Council has adopted a Code of Conduct for Members and a Code of Conduct for Staff and is committed to upholding these behaviours in all aspects of its work.(In this document reference to "Member" or "Members" means anyone who is bound to the Code of Conduct for Members or other individuals co-opted by the Council to any committee or body)
- 1.3 The Council has adopted a Policy for staff in accordance with the provision of the Public Interest Disclosures Act 1998.
- 1.4 This document builds on the Council's confidential reporting procedure to provide a clear pathway for Members to be able to report on matters that may constitute criminal, serious malpractice or serious inappropriate behaviour. It is designed to provide clear guidance to any Members who may have concerns. Whistleblowing helps to protect staff and service-users, and we want to hear about any concerns you may have so action can be taken to resolve them.
- 1.5 Paragraph 18.3.6(B) of the Code of Conduct for Members provides that they must:

“.....report, whether through your authority’s confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty).”
- 1.6 The purpose of this procedure is to provide the confidential reporting procedure referred to above and to provide clarity to Members on the process for raising such concerns within the Council.

2 Scope of this Procedure

- 2.1 This procedure is relevant to all Members.
- 2.2 This procedure applies to concerns about the conduct of (list not exhaustive):-
 - (i) Members of the Council
 - (ii) Council Staff;
 - (iii) Agency workers, consultants and contractors engaged by the Council;

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- (iv) Volunteers who participate in the provision of services by the Council.
- (v) Members of the public and businesses in their engagement with the Council.

2.3 The Council has several other pathway processes that enable Members to submit day-to-day concerns about performance, policy, decisions etc and this procedure is not intended to replace these processes. To avoid any ambiguity this Procedure applies to :

- (i) Matters which may be of a criminal nature
- (ii) Significant malpractice
- (iii) Serious inappropriate behaviours
- (iv) Illegal activities

3 Matters to which this Procedure does not apply

3.1 This procedure will generally not apply in the following cases as they are already being or have been investigated or there are other procedures in place to raise concerns : -

- (i) Matters subject to a current or closed investigation (either internally or externally);
- (ii) Complaints arising out of a breach of the Protocol on Member/Officer Relations.
- (iii) Allegations that a member has breached the Councils Code of Conduct for Members
- (iv) Concerns about the safety and/or well-being of a person (child or adult) which should be referred in accordance with the Councils Corporate Safeguarding Policy

4 Confidentiality

4.1 Reports or referrals made under this procedure are treated by the Council as made in confidence and will not be made public (or communicated to other Members or officers) unless: required by law, required by procedures on investigating allegations, or in circumstances where this is necessary such as providing evidence or making a complaint to the appropriate investigating authority. This will be discussed with members on all occasions.

4.2 A Member who makes a report under this procedure will be expected to keep their report confidential and will ensure that any investigation is not impeded by disclosure of the report or complaint they have made.

5 Reporting Concerns

5.1 Conduct to which this procedure applies should be reported to the Council's Monitoring Officer who will decide how to take the matter further and conclude whether the matter in question is appropriate for this procedure or for another recognised process or procedure.

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- 5.2 If the concern relates to fraud or corruption then the Monitoring Officer will refer the matter to the Internal Audit Manager in the first instance.
- 5.3 Reports may be made orally or in writing. Written reports must be clearly marked as CONFIDENTIAL. You may use your Council e-mail or a personal e-mail to raise a concern.
- 5.4 In the event of a conflict of interest by the Monitoring Officer the matter should be referred to the Chief Executive
- 5.5 If there is a conflict of interest between the Chief Executive and the Monitoring Officer, then the matter should be referred to the Head of Corporate Services.
- 5.6 In an exceptional case where the Monitoring Officer, the Chief Executive and the Head of Corporate services have an interest, the matter may be brought to the attention of the Wales Audit Office in the first instance.
- 5.7 Depending on the circumstances of the case at hand, the Monitoring Officer (or in the case of 5.4, 5.5 and 5.6 the relevant officer) may arrange for an investigation to take place internally or refer the matter to an independent body or investigator in accordance with the normal propriety requirements. He or she may also advise a Member in relevant cases to refer the matter externally e.g. to the attention of the Police or the Public Services Ombudsman.
- 5.8 It is recognised that raising concerns about serious misconduct can be a difficult step for Members, and anyone using this policy will have access to independent support and advice through the Medra* and Protect** services, before, during, or after making a disclosure.

6 Action Following a Member's Report

- 6.1 Once the Monitoring Officer or other officer has received a report from a Member under this procedure, he will consider the matter and determine what, if any, further action is required. This may involve an investigation by an appropriate officer such as the Councils Audit Team or Health and Safety Team. They will acknowledge receipt and make initial contact with the Member within no later than 7 working days following the referral.
- 6.2 Alternatively, the Monitoring Officer may decide that the matter requires the involvement of the Police or Public Services Ombudsman for Wales or another body, regulator or law enforcement agency and may report the matter or direct the member to report the matter.
- 6.3 The Monitoring Officer may advise the reporting Member of the outcome of the investigation. However, this may not be possible in all cases. Depending on the nature of the matter giving rise to the concern, it might be necessary for further details of the investigation to remain confidential and as such to be withheld from the reporting Member. Or it may be in the hands of a separate

enforcement or regulatory body. In so far as appropriate this will be explained to the member.

7. Victimisation

7.1 If any Member feels they have been treated poorly by a member of staff because of making a disclosure, please inform the Monitoring Officer or any other of the listed officers .This can include negative treatment such as negative comments, ignoring or removing work, and refusing to co-operate with a Member because they have raised a concern. Such conduct is not acceptable and although the statutory protections do not apply to Members it is important that such conduct is brought to light and addressed.

Contacts

| <u>Role</u> | <u>Name</u> | <u>e-mail</u> | <u>Telephone</u> |
|-----------------------------------|------------------------|---|-------------------------|
| <u>Monitoring Officer</u> | <u>Iwan Evans</u> | <u>iwangdevans@gwynedd.llyw.cymru</u> | <u>07435741322</u> |
| <u>Chief Executive</u> | <u>Dafydd Gibbard</u> | <u>dafyddgibbard@gwynedd.llyw.cymru</u> | <u>01286 632001</u> |
| <u>Head of Corporate Services</u> | <u>Ian Jones</u> | <u>ianjones@gwynedd.llyw.cymru</u> | <u>07795823944</u> |
| <u>Audit Manager</u> | <u>Luned Fon Jones</u> | <u>lunedfonjones@gwynedd.llyw.cymru</u> | <u>01286 634687</u> |

TO BE COMPLETED

Audit Wales

*Medra

Angen cadarnhau sut i gael mynediad

**Protect

"Protect runs a free, confidential legal advice line for those who have whistleblowing concerns."