

**REPORT TO: PORTCHESTER CREMATORIUM JOINT COMMITTEE -
2 MARCH 2009**

REPORT BY: CLERK TO THE JOINT COMMITTEE

WHISTLEBLOWING POLICY

Purpose

1. To approve a whistleblowing policy, as set out in Appendix A.

RECOMMENDED that the whistleblowing policy set out in Appendix A be approved

Background

2. The Portchester Crematorium Joint Committee is committed to achieving the highest possible standards of openness, probity and accountability in all of its practices. To assist this process it is recognised that the adoption of a whistleblowing policy would help staff that may wish to raise a concern in the right way without fear.
3. As the Joint Committee comprises elected councillors from four local authorities it is recognised that within those authorities the Council's themselves will have already adopted various codes and protocols covering issues such as conduct for members and officers, anti-fraud and corruption, whistle blowing and arrangements for dealing with complaints. Although it has been envisaged that it would be for the respective local authority to apply its codes and protocols to any matter raised by one of its members or the public from within its area, the Crematorium Governance Assurance Group reported through the Annual Governance Statement that it would now be appropriate to review that arrangement and develop policies tailored specifically to the crematorium function.

The Policy

4. The charity 'Public Concern at Work' offers advice to both staff and organisations on their policies and procedures. "Public Concern at Work's" views are reflected in the attached policy and they have also been retained by at least one constituent authority to provide an external helpline to staff who may wish to seek their advice on concerns which they may have which come within the whistleblowing policy. The use of the helpline has proved effective for other organisations to give support to staff and also to ensure that staff are aware of the extent of their role as a whistleblower and also their responsibilities. A key area where confusion can occur is in relation to

the whistleblower's need to understand that as a whistleblower their obligation is to act as a witness in raising a concern and then to allow the organisation to carry out the investigation of that concern in the way that the organisation considers to be most appropriate.

5. This role can sometimes be confused by those who wish to use the whistleblowing procedure as a means to pursue a personal grievance against their employer, which should be more properly dealt with under the grievance procedure, as part of the conditions of service.
6. Care has also been taken within the policy to ensure that the definition of staff has been made as wide as possible to reflect the way in which the Crematorium carries out its business. Staff within the policy therefore has a broad meaning. It applies to all Crematorium staff, including employees, temporary workers, agency staff and people working for contractors.
7. The provisions of this policy are not available to members of the public. If they have concerns, they may raise those concerns under one of the constituent authorities' complaints procedure or through the Office of the Ombudsman, or the District Auditor, as is appropriate.

Response Plan

8. It is essential that when a concern is raised under the policy the Crematorium has an effective plan in place to respond. Such a response plan must ensure that not only are the whistleblower's concerns dealt with in an appropriate way but that those who are the subject of the investigation feel that it is being undertaken in a fair manner.
9. This is also true of a number of other areas where investigations may need to be undertaken, such as in respect of anti-fraud and corruption.
10. As soon as possible after a concern is received, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what format it should take. The overriding principle, which the relevant senior officer will have in mind, is the public interest. Some concerns may be resolved by agreed action without the need for investigation.
11. Concerns or allegations, which fall within the scope of specific procedures (for example discrimination issues or fraud), will normally be referred for consideration under those procedures.
12. Where it is considered appropriate, the matter may be referred to external agencies: e.g. the Police, external auditor or through some other form of independent inquiry.
13. The amount of contact between the officers considering the issue and the employee will depend on the nature of the matters raised, their

complexity and the clarity of the information provided. If necessary, further information will be sought from the employee.

14. Subject to any legal constraints, an employee will be kept informed as to what is happening, who is handling the matter and how the person can be contacted. This can be confirmed in writing if requested.
15. The relevant senior officer will take steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the relevant senior officer will advise him/her about the procedure.
16. The Portchester Crematorium Joint Committee accepts that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, an employee will be informed of the outcomes of any investigations.

The Policy, Governance Arrangements and Review

17. The proposed policy, together with a number of other policies and protocols, some of which are being revised, will form an integral part of the governance framework of the Joint Committee.
18. For any policy to be effective it is essential that the principles of the policy are communicated to all staff including the part time officers and its application monitored and reviewed.
19. It is also proposed to report annually to the Joint Committee so that it may monitor the policy, thus allowing, as may be necessary, recommendations to be made on the further development of the policy and for the Joint Committee to note any lessons that are to be learned from its application.

.....
John Haskell
Clerk to the Joint Committee

*Background list of documents –
Section 100D of the Local Government Act 1972 – None*

**PORTCHESTER CREMATORIUM –
WHISTLEBLOWING POLICY**

1.0 INTRODUCTION

1.1 The Portchester Crematorium Joint Committee¹ is committed to achieving the highest possible standards of openness, probity and accountability in all of its practices. This policy has been introduced to help you raise a concern you may have in the right way without fear.

1.2 We all have, at one time concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern is about such malpractice, it can be difficult to know what to do. You may feel worried about raising an issue and decide to keep the concern to yourself, perhaps feeling that it is none of your business or only a suspicion. Or you may feel that raising the matter may be disloyal to colleagues, managers or the Crematorium itself. Perhaps you have tried to raise the matter, but found you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.3 The Portchester Crematorium Joint Committee would prefer you to raise any concern about malpractice when it is just a concern, rather than wait for proof. This policy has been introduced to help you raise any concern about malpractice in the right way. It explains the routes open to all Crematorium staff, including employees, temporary workers, agency staff and people working for contractors. This policy does not replace each of the four constituent authorities' complaints procedures, which are open to all members of the public.

1.4 If you have a concern about fraud or corruption, please see the Anti-Fraud and Corruption Policy. If, however, you want to bring a complaint or grievance about your employment or the way you have been treated, please use the Grievance Procedure. This whistleblowing policy is primarily for a serious concern, which

¹ The Portchester Crematorium Joint Committee has 8 councillors, 2 from each of the four constituent authorities of Fareham, Gosport, Havant and Portsmouth

affects the interests of others, such as service users, the public, colleagues or the Crematorium itself.

If in doubt – please raise it!

OUR ASSURANCES TO YOU

The Portchester Crematorium Joint Committee is committed to this policy.

Your safety

1.5 We recognise it may be difficult to raise a concern.

1.6 If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any reprisal as a result. Provided that you raise the matter honestly, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a concern they know is untrue. Any such conduct may be liable to disciplinary action.

1.7 If disciplinary action or redundancy procedures have already started, raising a concern will not in itself halt them.

Your confidence

1.8 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However we recognise that there may be some circumstances when you would prefer to speak to someone in confidence under this policy. If this is the case please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be circumstances when we are unable to resolve a concern without revealing your identity (for instance where your personal evidence is essential) and in such cases we will discuss with you whether and how best we can proceed

Anonymity

1.9 Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to let you know the outcome. We

will not be able to provide you with the same support and assurances if you report a concern anonymously.

1.10 If you are unsure about raising a concern openly or in confidence, you can get independent advice from Public Concern at Work on 0207 404 6609²

2.0 HOW TO RAISE A CONCERN

2.1 Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern. Remember the earlier you raise a concern the easier it is to resolve it.

Option One

We hope that you will feel able to raise your concern openly with your manager. This may be done orally, or if you prefer, in writing.

Option Two

If you feel unable to raise the matter with your manager for whatever reason, or if you think the concern has not been properly addressed, please raise it with –

John Haskell, Clerk to the Joint Committee (023 9283 4913) –
(email john.haskell@portsmouthcc.gov.uk), or

Andy Wannell, Treasurer to the Joint Committee (01329 236100) -
(email awannell@fareham.gov.uk)

3.0 HOW WE WILL HANDLE THE MATTER

3.1 Once you have told us of your concern, and if it is not anonymous we will confirm to you in writing that we have received it. We will then assess it and consider what action may be

² *Public Concern at Work (PCAW)* is a charity that promotes individual responsibility and organisational accountability. PCAW strives to ensure that genuine concerns about wrongdoing in the workplace are raised and dealt with constructively. They offer confidential advice, provide professional services to organisations and promote public interest Whistleblowing.

appropriate. We will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern, or there is any information missing, please let us know. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. By using this policy you will help us to achieve this.

3.2 If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within the Grievance Procedure, we will tell you.

3.3 We accept that you may want to be assured that the matter has been properly addressed and whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about disciplinary or other action, when it infringes a duty of confidence we owe to third parties.

4.0 INDEPENDENT ADVICE

4.1 If you are unsure whether to use this policy or you want independent advice at any stage, free advice is available from:

- Your Trade Union, if applicable
- Public Concern at Work either by telephone on 020 7404 6609 or by email at helpline@pcaw.co.uk

If you want advice from other sources, you will have to meet any expenses incurred.

5.0 EXTERNAL CONTACTS

5.1 While we hope this policy gives you the reassurance you need to raise a concern internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as the Audit Commission or other appropriate regulators, or in very serious situations, to the police.

5.2 Public Concern at Work (or, if applicable, your union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

6.0 ADMINISTRATION

6.1 If you have any questions about the whistleblowing policy and how it applies, you can contact the Clerk or the Treasurer who will be pleased to answer your questions.

6.2 The Clerk to the Joint Committee has overall responsibility for the maintenance and operation of this policy and will report to the Portchester Crematorium Joint Committee annually on the application of this policy. The Clerk will maintain a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality).

6.3 This policy was drafted taking into account the Public Interest Disclosure Act 1998, which provides employment protection for staff who raise genuine concerns about malpractice.