WHISTLE-BLOWING POLICY

September 2014 (Updated)
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WHISTLE-BLOWING POLICY

1.0 INTRODUCTION

1.1 Individuals working within or for an organisation are often the first to realise that there may be something seriously wrong within it. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 Whistle-blowing is the term used when someone who works within or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, elected members and contractors who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.

1.4 This policy sets out the ways in which individuals may raise concerns that they have and explains how those concerns will be dealt with. It also gives protection to the person raising concerns.

1.5 The policy applies to all employees, members, ex-employees (within 3 months of cessation of their employment with Halton Borough Council), volunteers or contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

1.6 This policy has been developed taking into account:

- The Public Interest Disclosure Act 1998, which protects whistle-blowers who report concerns, from subsequent harassment, victimisation and other unfair treatment arising out of the disclosure. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concern about, health and safety at work.
- The sections of the Enterprise and Regulatory Reform Act 2013 relating to protected disclosures.

1.7 This policy has been discussed with the relevant trade unions and has their support.
2.0 AIMS OF THIS POLICY

2.1 This policy aims to:

- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice and procedures;
- provide avenues for individuals to raise those concerns and receive feedback on any action taken;
- ensure that individuals receive a response to their concerns and are aware of how to pursue them if not satisfied;
- reassure individuals that they will be protected from possible reprisals or victimisation from those working within or for the Council if they have a reasonable belief that they have made any disclosure in good faith.

2.2 The Policy of Conduct for Local Government Employees states that

“Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.”

2.3 This policy supports that statement.

3.0 SCOPE OF THIS POLICY

3.1 It is important to know the difference between a ‘Whistle-blow’ and a ‘grievance.’ A Whistle-blow has a public interest aspect to it, as it puts at risk others. A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance Policy, not this policy.

3.2 This policy is not a substitute for and does not replace other relevant policies within the Council. Where the concerns raised relate to a breach of one of those policies they will be investigated under that policy. This policy is not intended to be used where other more appropriate procedures are available, for example:

- Disciplinary Procedure
- Child and Adult Safeguarding Policies and Procedures
- Dignity at Work Policy
- Grievance Procedure
- Single Equalities Scheme
- Corporate Complaints Policy

3.3 This policy supports the Council's Anti-Fraud and Anti-Corruption Strategy and the Fraud Response Plan. It is intended to help anyone working within or for the Council, if they have major concerns over any wrong-doing within the
organisation, to raise concerns internally rather than overlooking the problem or blowing the whistle externally unless the whistle blower feels that is the most appropriate way. However, the Council will support you in raising a matter externally if you feel this is the best course of action.

3.4 Specific examples of concerns that could be raised under this policy, if a reasonable belief that one or more of them may have occurred, could include:

- Concerns relating to matters covered by internal Council policies and procedures, such as;
- Actions or behaviour that make you feel uncomfortable in terms of falling below established standards of practice or which amount to improper conduct
- Actions in breach of the Council’s Standing Orders and policies;
- Damage to the environment;
- Dangerous procedures or practices risking health and safety, including risks to the public, service users and to other employees;
- Other unethical conduct;

Concerns relating to matters that may, following investigation, need to be dealt with under policies and procedures external to the Council, such as;

- Conduct which is a criminal offence or a breach of the law;
- Disclosures related to miscarriages of justice;
- The unauthorised use of public funds;
- Fraud and corruption;
- Sexual or physical abuse of service users;
- Other unethical conduct;

3.5 These are known as qualifying disclosures under the Public Interest Disclosure Act 1998

3.6 This list is not meant to be exhaustive but gives examples of potential malpractice. The overriding concern should be that it is in the public interest for the potential malpractice to be corrected and sanctions taken if need be

3.7 This policy will be referenced where relevant and made available for inspection and use as part of the awarding of any Council contracts.

4.0 SAFEGUARDS AND PROTECTION

4.1 The Council recognises that the decision to report a concern can be a difficult one to make. The Council will not tolerate any harassment, victimisation
(including informal pressures), disadvantage, detrimental action or deliberate failure to act. The Council will take appropriate action to protect you when you raise a concern which you have a reasonable belief to be in the public interest and has disciplinary policies, including those on Harassment & Bullying at Work, which are designed to protect Whistle-blowers from all forms of harassment in the workplace.

4.2 Any investigation into allegations of potential malpractice will normally not be interrupted by any employment procedures that may already be underway. It is not the Council’s intention to delay action taken under the disciplinary or other policies, pending the completion of investigations taken in accordance with this policy, unless the Council considers that the merits of a particular case warrant this, or unless the matter becomes a police matter which prevent further internal processes.

4.3 In all cases, the provisions of The Public Interest Disclosure Act (PIDA) will be adhered to. However, the Enterprise & Regulatory Reform Act (ERRA) introduces a Public Interest test requirement on Whistle-blowers. In order to receive the protection of PIDA, whistle-blowers will be required to show that they reasonably believed that the disclosure they are making is in the Public Interest. This should be done through the evidence they present when raising their concern. The procedure for making allegations is set out in Section 7 of this policy. Further information on the ERRA can be found at www.legislation.gov.uk

4.4 If you make an allegation that you reasonably believe to be in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If it is found, however, during the investigation that an allegation has been made vexatiously, maliciously or for personal gain, disciplinary action may be taken against you.

4.5 As a whistle blower you are also given legal protection by the Public Interest Disclosure Act 1998. If you make what is known as a “qualifying disclosure” under the 1998 Act to your employer or certain other persons/bodies, and you act reasonably and in the public interest, it will be unlawful to subject you to any detriment.

4.6 If your case progresses to an Employment Tribunal, compensation may be awarded to you if the Council breaches the 1998 Act, following a successful claim for ‘detrimental treatment’. Compensation may be reduced however if the allegation was not made in good faith.

5.0 CONFIDENTIALITY

5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish (subject to any legal requirements or decisions). This cannot be guaranteed however if you need to come forward as a witness. For example, if a hearing is needed, either by law, or under a
Council procedure, the employee disclosing the concern may be required to give evidence.

5.2 The employee disclosing a concern should ensure that they only inform the person(s) identified in part 7 below.

5.3 If the nature of the whistle blow requires disclosure to other people to conduct an investigation, then the employee who originally disclosed this will be informed.

6.0 ANONYMOUS ALLEGATIONS

6.1 This policy encourages you to put your name to your allegation and receive the protection of PIDA whenever possible. Concerns expressed anonymously are much less powerful but will be considered where there is enough detail to justify further investigation.

6.2 Any anonymous concerns or allegations received under this policy will be referred to the Head of Internal Audit and will be logged and investigated as far as possible under the process outlined in section 8 of this policy.

7.0 HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with your immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your own manager is involved, you should approach one of the following:

- Operational Director and Monitoring Officer (Legal and Democratic Services);
- Strategic Director – Policy and Resources
- Head of Internal Audit
- Chair of the Standards Committee (who can be contacted by a letter addressed to the Chair of the Standards Committee and sent to the Municipal Building, Kingsway, Widnes, WA8 7QF)

7.2 These individuals may also provide advice and guidance on matters of concern under this policy.

7.3 Concerns may be raised verbally or in writing. Individuals who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.
7.4 The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 You may invite your trade union, professional association representative or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

7.6 Wherever possible you should report your concerns or allegations internally. If you are unwilling or unable to report the matter internally, there are a number of other agencies you may be able to report your concerns to and which can be accessed at the following link:

List of prescribed people and bodies

7.7 The full of prescribed people and bodies is included at Appendix 2 of this policy as published on the intranet.

8.0 HOW THE COUNCIL WILL RESPOND

8.1 The Council will respond to and investigate your concerns. All allegations and concerns raised under this policy will be formally recorded and logged in a secure register held by the Responsible Officer (or their designated representative) identified in section 9 of this policy.

8.2 Where possible, the matters raised may be:

- Investigated by management
- Investigated by internal audit
- Progressed through the disciplinary process or other internal procedure
- Referred to the Police
- Referred to the external auditor
- The subject of an independent enquiry
- Dealt with via any other appropriate procedure, for example, child protection, abuse of vulnerable adults’ procedure.

8.3 In order to protect anybody accused of misconduct, an initial investigation will be made to decide whether a full investigation is appropriate and, if so, what form it should take. If appropriate, Human Resources will be informed.

8.4 If someone is suspended as a result of a concern or allegation, the whistle-blower will be informed.
8.5 Some concerns may be resolved following an initial investigation without the need for full investigation.

8.6 Within ten working days of your concern being raised, you will be invited to a meeting in person to discuss your concern.

8.7 Following this meeting we will write to you:

- indicating how we plan to deal with the matter
- giving an estimate of how long it will take to provide a full response
- telling you whether any initial enquiries have been made
- Informing you who will be conducting the investigation
- supplying you with information on staff support mechanisms, for example welfare or Occupational Health

8.8 The amount of contact between you and any officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

8.9 If, following initial investigation, a formal investigation of an allegation is required under this policy, this will be conducted in line with the process set out within the Council Disciplinary procedure. This is attached at Appendix 3 of this policy and is as set out on the intranet.

8.10 The Council will minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure. It is important for whistle-blowers to understand that making a whistle-blowing allegation doesn’t give them an automatic right to anonymity, but does give them protection from harassment or victimisation and that the Council will not tolerate any form of this from anyone working within or for the Council.

8.11 The Council understands that you need to be assured that the matter has been properly addressed. We will therefore inform you in writing of the outcome of any investigation unless there is a compelling legal reason not to. A meeting will also be arranged to explain the outcome of the investigation if you so wish.

8.12 If urgent action is required, for example if there is an urgent health and safety or safeguarding concern, this will be taken before any investigation is conducted.

8.13 This process is set out in the form of a flowchart and attached at Appendix 1 of this policy.
9.0 THE RESPONSIBLE OFFICER

9.1 The Head of Internal Audit has overall responsibility for the maintenance and operation of this policy and will maintain a record of all concerns raised and any outcomes. This record will be in a form which does not compromise your confidentiality and may be officially delegated to a named officer to maintain. The Head of Internal Audit will report as necessary to the Council.

10.0 HOW THE MATTER CAN BE TAKEN FURTHER

10.1 The Council hopes you will be satisfied with any action taken. If you are not satisfied, it is possible to appeal the decision by approaching the Head of Internal Audit. A review of the decision will then be taken.

10.2 If, following this, you are still unsatisfied with the outcome of the further investigation and any action taken and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor
- your local Citizens’ Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the Public Interest Disclosure Act

10.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remediating any potential wrongdoing in the workplace. In the majority of cases you should not find it necessary to alert anyone externally.

10.4 The law recognises however, that in some circumstances it may be appropriate for you to report your concerns to an external body, such as a regulator. A list of these agencies and contacts are linked to at paragraph 7.6 and again at Appendix 2 of this policy as published on the intranet.

10.5 If you do take the matter outside the Council, you should be careful not disclose confidential information, for example such as that covered by the Data Protection Act 1998. We strongly advise that you seek advice before reporting a concern externally. The independent whistle blowing charity, Public Concern at Work, operates a confidential hotline (020 7404 6609) and can provide advice as necessary.
11.0 REVIEW OF THE POLICY

11.1 The Council’s Corporate and Organisational Policy Team, located within the Policy and Resources directorate will keep the policy under review and will make changes to the policy as deemed appropriate following necessary consultation with interested parties.
Appendix 1

Halton Borough Council Whistle Blowing Policy

Flow Chart

If Raising Anonymous Concerns

Concern about malpractice or wrongdoing in the workplace

Write down or give details of the background and history and your reasons for concern

If unable to raise internally

Line Manager

Other officer as identified in section 7.1 of the Policy

Sent to an organisation listed under Appendix 2 of the Policy

Head of Internal Audit

Officially logged on Whistle Blowing register held by Internal Audit

Acknowledgement sent to individual (except in case of anonymous allegations) raising the concern within 10 days, and inviting them to initial meeting to discuss concerns

Initial Investigation Takes Place

Formal Investigation or No further action taken

Individual raising original concern informed of decision in writing

Investigation takes place

Action Taken or No further action needed

If unsatisfied, right of appeal through Head of Internal Audit

Review of the decision undertaken

Individual raising concern informed of review decision

If still unsatisfied
Blowing the whistle to a prescribed person

List of prescribed people and bodies

FEBRUARY 2013
Blowing the whistle to a prescribed person

The prescribed bodies or persons
If you decide to blow the whistle to a prescribed person rather than your employer, you must make sure that you have chosen the correct person or body for your issue. For example, if you are blowing the whistle on broadcasting malpractice you should contact the Office of Communications.

Below is a list of the prescribed people and bodies who you can make a disclosure to. In addition, you could also blow the whistle to your legal adviser, in the course of obtaining legal advice, or to a government minister or member of the Scottish Executive if you are a public sector employee.

More information on whistleblowing can be found on the GOV.UK website: www.gov.uk/whistleblowing.
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Broadcasting and communications

The Office of Communications
about broadcasting, radio and TV services and media ownership

Chairman
The Office of Communications
Riverside House
2a Southwark Bridge Road
London
SE1 9HA
Tel: 020 7981 3000
Fax: 020 7981 3333
www.ofcom.org.uk

Business, finance or fraud

The Commissioners for Her Majesty’s Revenue & Customs (HMRC)
about the following areas:

• tax
• excise duties
• import and export of restricted goods
• stamp duties
• national insurance contributions
• statutory maternity pay
• statutory sick pay
• tax credits
• child benefits
• collection of student loans
• enforcement of the national minimum wage

HM Revenue and Customs
Freepost NAT22785
Cardiff
CF14 5GX
Tel: freephone 0800 788 887
Online: Tax evasion hotline
Fax: free fax 0800 783 0879
Textphone: 0845 915 3296
www.hmrc.gov.uk
Broadcasting and communications

The Office of Communications
about broadcasting, radio and TV services and media ownership

Chairman
The Office of Communications
Riverside House
2a Southwark Bridge Road
London
SE1 9HA
Tel: 020 7981 3000
Fax: 020 7981 3333
www.ofcom.org.uk

Business, finance or fraud

The Commissioners for Her Majesty’s Revenue & Customs (HMRC)
about the following areas:

- tax
- excise duties
- import and export of restricted goods
- stamp duties
- national insurance contributions
- statutory maternity pay
- statutory sick pay
- tax credits
- child benefits
- collection of student loans
- enforcement of the national minimum wage

HM Revenue and Customs
Freepost NAT22785
Cardiff
CF14 5GX
Tel: freephone 0800 788 887
Online: Tax evasion hotline
Fax: free fax 0800 783 0879
Textphone: 0845 915 3296
www.hmrc.gov.uk
Tel: 020 7239 7272  
Email: confidential@sfo.gsi.gov.uk  

The Auditor General for Wales  
about public businesses in Wales; including value for money, fraud and corruption in providing public services

PIDA Officer  
The Auditor General for Wales  
24 Cathedral Road  
Cardiff  
CF11 9LJ  
Email: whistleblowing@wao.gov.uk  
Tel: 01224 52980  
www.wao.gov.uk/aboutus/whistleblowing.asp

Accounts Commission for Scotland  
about conduct of public business, value for money, fraud and corruption in local government in Scotland

The Controller of Audit  
Accounts Commission for Scotland  
18 George Street  
Edinburgh  
EH2 2QU  
Tel: 0845 146 1010  
Email: info@audit-scotland.gov.uk  
www.audit-scotland.gov.uk

The Lord Advocate, Scotland  
about serious or complex fraud in Scotland

The Head of the International and Financial Crime Unit  
Crown Office  
25 Chambers Street  
Edinburgh  
EH1 1LA  
Tel: 0131 226 2626  
Fax: 0131 226 6861  
Email: ps_copfs@scotland.gsi.gov.uk  
www.crownoffice.gov.uk
Audit Scotland
about public businesses in Scotland, including value for money, fraud and corruption in public bodies

The Director of Audit Review
Audit Scotland
18 George Street
Edinburgh
EH2 2GU
Tel: 0845 146 1010
Email: info@audit-scotland.gov.uk
www.audit-scotland.gov.uk

The Auditor General for Scotland
about public businesses in Scotland, including value for money, fraud and corruption in providing public services

The Auditor General for Scotland
Audit Scotland
110 George Street
Edinburgh
EH2 4LU
Tel: 0845 146 1010
Email: info@audit-scotland.gov.uk
www.audit-scotland.gov.uk

The Financial Services Authority (FSA)
about the operation of banks, building societies, investment or insurance businesses or any other activities regulated by the FSA, for example financial crime

Director, Authorisation
Financial Services Authority
25 The North Colonnade
Canary Wharf
London
E14 5HS
Tel: 020 7676 4646
Fax: 020 7676 9727
Email: whistle@fsa.gov.uk
www.fsa.gov.uk

Serious Organised Crime Agency
about money laundering and major financial crimes

SOCA
PO Box 8000
London SE11 5EN
Tel: 0800 234 6657
www.soca.gov.uk
The competent authority under Part IV of the Financial Services and Markets Act 2000 about the listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public

Head of Listing Department
London Stock Exchange
10 Paternoster Square
London
EC4M 7LS
Tel: 020 7797 1000
www.londonstockexchange.com

Financial Reporting Council Limited and its operating bodies the Professional Oversight Board, the Financial Reporting Review Panel and the Accountancy and Actuarial Discipline Board matters relating to the independent oversight of the regulation of the accountancy, auditing and actuarial professions

Financial Reporting Council
5th floor
Aldwych House
71-91 Aldwych
London
WC2B 4HN
Tel: 020 7492 2300
Email: enquiries@frc.org.uk
www.frc.org.uk

Charities

The Charity Commissioners for England and Wales about the administration of charities in England and Wales or for funds given or held for charitable purposes

Charity Commission
Tel: 0845 300 0218
www.charity-commission.gov.uk

The Scottish Ministers about the administration of charities in Scotland or for funds given or held for charitable purposes

Director of Scottish Charities
Crown Office
25 Chambers Street
Edinburgh
EH1 1LA
Tel: 0131 226 2626
Fax: 0131 226 6912

The Chief Executive of the Criminal Cases Review Commission
about actual or potential miscarriages of justice in England, Wales and Northern Ireland

Criminal Cases Review Commission
5 St Philip's Place
Birmingham
B3 2PW
Tel: 0121 233 1473
Email: info@crrc.gov.uk
www.justice.gov.uk

Chief Executive of the Scottish Criminal Cases Review Commission
about actual or potential miscarriages of justice

Scottish Criminal Cases Review Commission
5th Floor, Portland House
17 Renfield Street
Glasgow
G2 5AH
Tel: 0141 270 7030
Fax: 0141 270 7040
Email: info@scrrc.org.uk
www.scrrc.org.uk

Children’s interest

Children’s Commissioner
about the views and interests of children in England

The Office of the Children’s Commissioner
33 Greycoat Street
London
SW1P 2QF
Tel: 020 7783 8330
Email: info.request@childrenscommissioner.gsi.gov.uk
www.childrenscommissioner.gov.uk

Children’s Commissioner for Wales
about the rights and welfare of children in Wales

Children’s Commissioner for Wales
Oystermouth House
Phoenix Way
Swansea Enterprise Park
Liarsamlet
Swansea
SA7 9FS  
Tel: 01792 765600  
Fax: 01792 765601  
Email: post@childcomwales.org.uk  
www.childcomwales.org.uk

Commissioner for Children and Young People in Scotland  
about promoting and safeguarding the rights of children and young people in Scotland

Scotland’s Commissioner for Children and Young People  
85 Holyrood Road  
Edinburgh  
EH8 8AU  
Tel: 0131 556 3373  
Fax: 0131 556 3378  
Email: info@sccyp.org.uk  
www.sccyp.org.uk

Consumer protection

The Office of Fair Trading  
about the sale of goods or the supply of services

Office of Fair Trading  
Fleetbank House  
2-6 Salisbury Square  
London  
EC4Y 8UX  
Tel: 020 7211 8000  
Fax: 020 7211 8800  
Email: enquiries@oftr.gsi.gov.uk  
www.oftr.gov.uk

Consumer Product and Services Safety  
about consumer and product safety

Head, Consumer Product and Services Safety  
Consumer and Competition Policy Directorate  
Department for Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET  
Tel: 020 7215 0371  
Fax: 020 7215 0357

Local authority  
about enforcement and compliance of consumer protection
Data protection and freedom of information

The Information Commissioner
about data protection freedom of information rights and duties in England and Wales

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545745
Fax: 01625 524610
Email: mail@ico.gov.uk
www.ico.gov.uk

The Scottish Information Commissioner
about freedom of information in Scotland

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS
Tel: 01334 464610
Fax: 01334 464611
Email: enquiries@itspublicknowledge.info
www.itspublicknowledge.info

Environment and pollution

The Environment Agency
about environmental issues in England or Wales including pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout

The Environment Agency
Horizon House
Deanery Road
Bristol
BS1 5AH
Tel: 03708 506 506
www.environment-agency.gov.uk
The Scottish Environment Protection Agency
about environmental issues in Scotland including flood warning systems and pollution

Scottish Environment Protection Agency
Erskine Court
Castle Business Park
Stirling
FK9 4TR
Tel: 01786 457700
Fax: 01786 446885
Email: info@sepa.org.uk
www.sepa.org.uk

Food standards

The Food Standards Agency (FSA)
about the protection of consumers any member of the public in relation to food

Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH
Tel: 020 7276 6000
Email: helpline@foodstandards.gsi.gov.uk
www.fsa.gov.uk

Your local authority
about the enforcement and compliance of food standards and safety

Health and safety

The Health and Safety Executive
about health or safety at work or the health and safety of the public in connection to

Health and Safety Executive
Rose Court
2 Southwark Bridge
London SE1 9HS
Online form: www.hse.gov.uk/contact/workplace-complaint.htm
Tel: 0300 0031647
www.hse.gov.uk
Your local authority
about the health or safety of any individual at work or the health and safety of the public in connection to a workplace

Healthcare

Care Quality Commission
about the provision of healthcare on the NHS or independent healthcare services

CQC National Customer Service Centre
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
Tel: 03000 616161
www.cqc.org.uk

The Healthcare Inspectorate Wales
about the provision of healthcare by and for Welsh NHS bodies

Chief Executive
Healthcare Inspectorate Wales
Bovan House
Caerphilly Business Park
Van Road
Caerphilly
CF83 3ED
Tel: 029 2092 8850
Fax: 029 2092 8878
www.hiw.org.uk

The Independent Regulator of NHS Foundation Trusts
about the regulation and performance of NHS foundation trusts

Monitor
4 Matthew Parker Street
London
SW1H 9NP
Tel: 020 7340 2400
Email: enquiries@monitorhstf.gov.uk
www.monitor.hstf.gov.uk
Landlords

Regulator of Social Housing
about the registration and operation of registered social landlords

Chief Executive
Homes and Communities Agency
Maple House
149 Tottenham Court Road
London
W1T 7BN
Tel: 0300 1234 500
Email: mail@homesandcommunities.co.uk
www.homeandcommunities.co.uk

The Welsh Housing Directorate
about the registration and operation of registered social landlords in Wales

Housing Directorate
Welsh Government
Cathay Park
Cardiff
CF10 3NO
Tel: 0300 0603300
Email: wag-en@mailuk.custhelp.com
www.wales.gov.uk

Local authorities

The Local Commissioner in Wales
about breaches to a local authority’s code of conduct

Public Services Ombudsman
1 Ffordd yr Hen Gae
Poncog
Bridgend
CF35 5LJ
Tel: 01656 641150
Fax: 01656 641199
Email: ask@ombudsman-wales.org.uk
www.ombudsman-wales.org.uk
The Standards Commission for Scotland and the Chief Investigating Officer about breaches by a councillor or a member of a devolved public body of their code of conduct

The Standards Commission for Scotland
Room T2.21
Scottish Parliament
Edinburgh
EH99 1SP
Tel: 0131 348 6666
Email: enquiries@standardscommission.org.uk
www.standardscommissionscotland.org.uk

The Chief Investigating Officer
(Address as before)

Pensions

The Pensions Regulator about occupational and private pensions

The Pensions Regulator
Napier House
Trafalgar Place
Brighton
BN1 4DW
Tel: 0870 6063636
Textphone: 0870 600 7060
Fax: 0870 2411144
Email: wb@tpr.gov.uk
www.thepensionsregulator.gov.uk

Police and justice

Chief Executive of the Criminal Cases Review Commission about miscarriages of justice

Criminal Cases Review Commission
5 St Philip’s Place
Birmingham
B3 2PW
Tel: 0121 233 1473
Fax: 0121 232 0899
Email: info@ccrc.gov.uk
www.justice.gov.uk
The Chief Executive of the Scottish Criminal Cases Review Commission about miscarriages of justice in Scotland

Scottish Criminal Cases Review Commission
5th floor, Portland House
17 Renfield Street
Glasgow
G2 5AH
Tel: 0141 270 7030
Fax: 0141 270 7040
www.sccrc.org.uk

The Independent Police Complaints Commission about police conduct

Independent Police Complaints Commission
90 High Holborn
London
WC1V 6BH
Tel: 020 7166 3000
www.ipcc.gov.uk

Social care

Care Quality Commission about social care services in England

CQC National Customer Service Centre
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
Tel: 03000 616161
www.cqc.org.uk

Health and Care Professions Council about social care workers in England

Health and Care Professions Council
Park House
184 Kennington Park Road
London
SE11 8BU
Tel: 0845 300 6184
www.hpc-uk.org
The Care Council for Wales
about social care workers in Wales

Care Council for Wales
6th Floor
West Wing
South Gate House
Wood Street
Cardiff
CF10 1EW
Tel: 029 2022 6257
Fax: 029 2038 4764
Email: info@ccwales.org.uk
www.ccwales.org.uk

Care Standards Inspectorate for Wales
about care standards in Wales

Chief Executive
Care and Social Services Inspectorate for Wales
National Office
Welsh Government
Rhymecar Business Park
Merthyr Tydfil
CF48 1UZ
Tel: 0300 062 8800
Email: cssiw@wales.gov.uk
www.wales.gov.uk

Healthcare Improvement Scotland
about matters relating to the provision of care services, as defined in the Public Services (Scotland) Act 2010.

Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EF
Tel: 0131 623 4300
Email: comments.his@nhs.net
www.healthcareimprovementscotland.org
Social Care and Social Work Improvement Scotland
about matters relating to the provision of independent health care services, as defined in the National Health Service (Scotland) Act 1978.

Social Care and Social Work Improvement Scotland
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Tel: 01382 207100
Email: enquiries@careinspectorate.com
www.scwis.com

Social services and child welfare

The Scottish Social Services Council
about the social services workforce in Scotland

The Chief Executive
Scottish Social Services Council
Compass House
Discovery Quay
11 Riverside Drive
Dundee
DD1 4NY
Tel: 0845 60 30 891
Email: enquiries@sssc.uk.com
www.sssc.uk.com

The Care and Social Services Inspectorate for Wales
about social services in Wales

Chief Inspector
Care and Social Services Inspectorate for Wales
National Office
Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ
Tel: 0300 062 8800
Email: cssiw@wales.gsi.gov.uk
www.wales.gov.uk
Trade unions

The Certification Officer
about trade union and employers’ associations financial fraud or other financial irregularities

Certification Officer
22nd Floor, Euston Tower
286 Euston Road
London NW1 3JJ
Tel: 020 7210 3734/3735
Fax: 020 7210 3612
Email: info@certoffice.org
www.certoffice.org

Transport

The Civil Aviation Authority
about aviation safety

Secretary and Legal Adviser
Civil Aviation Authority
CAA House
45-59 Kingsway
London
WC2B 6TE
Tel: 020 7453 6160
Fax: 020 7453 6163
www.caa.org.uk

The Office of Rail Regulation
about the provision and supply of railway services

Office of Rail Regulation
One Kemble Street
London
WC2B 4AN
Tel: 020 7282 2000
Fax: 020 7282 2040
www.rail-reg.gov.uk
The Secretary of State for Transport
about compliance with merchant shipping law, including maritime safety

Secretary to the Executive Board
Maritime and Coastguard Agency
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 023 8032 9277
Fax: 023 8032 9122

Utilities

The Director General of Water Services
about the supply of water and the provision of sewerage services in England or Wales

Director General of Water Services
Office of Water Services
Centre City Tower
7 Hill Street
Birmingham
B5 4UA
Tel: 0121 644 7500
email: mailbox@ofwat.gsi.gov.uk
www.ofwat.gov.uk

The Water Industry Commissioner for Scotland
about the supply of water and the provision of sewerage services in Scotland

Water Industry Commissioner for Scotland
First Floor
Moray House
Forthside Way
Stirling
FK8 1QZ
Tel: 01786 430200
Email: enquiries@watercommission.co.uk
www.watercommission.co.uk
The Gas and Electricity Markets Authority
about the generation, transmission, distribution and supply of electricity or the
transportation, shipping and supply of gas through pipes

The Gas and Electricity Markets Authority
9 Millbank
London
SW1P 3GE
Tel: 020 7901 7000
www.ofgem.gov.uk

Note
A person ("person A") carrying out functions, by virtue of legislation, relating to relevant failures falling within one or more matters within a description of matters in respect of which another person ("person B") is prescribed by this Order, where person B was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.

About matters falling within the description of matters in respect of which person B is prescribed by this Order, to the extent that those matters relate to functions currently carried out by person A.
Appendix 3

Extract from Halton Borough Council Disciplinary Procedure

7. Formal Procedure

7.1 When entering the formal procedure the advice of the Human Resources Division should be sought immediately.

7.2 Formal disciplinary action will be necessary when an employee’s conduct continually, substantially or grossly falls short of required standards.

7.3 In such circumstances management, normally the line manager, may conduct a preliminary, objective interview as soon as possible to gain an understanding of the circumstances of the situation and to ascertain all the facts. This usually includes advising the employee of the allegation(s) and asking for an account of their behaviour. Prior to this interview, the employee will be informed of their right to be accompanied by a trade union representative or fellow employee. These disciplinary arrangements do not preclude this activity, but any preliminary interview must not expand into a disciplinary hearing.

7.4 If it is felt, at the conclusion of the preliminary interview that a formal investigation is needed, an Investigating Officer will be appointed. For cases of prima facie gross misconduct, the investigating officer should be appointed from a different department (i.e. under the remit of a different Operational Director). For cases of misconduct, the investigating officer may, be appointed from the same department unless there are circumstances where this would not be appropriate. In agreeing to be an investigating officer, it is accepted that the investigation will be undertaken promptly and with the commitment of their Operational Director that it will be treated as a priority.

The Investigating Officer will establish the facts promptly before recollections fade. Taking into account the statement of the employee and any available witnesses, the investigating officer should keep written statements (which should be signed) of any interviews they undertake. All who take part in the investigation should be informed of their rights to be accompanied at the interview. An Employee Relations Adviser will be assigned to advise the investigating officer throughout the investigation.

7.5 Where the Investigating Officer considers, on the evidence available, that a disciplinary hearing should be held the employee will be informed by letter. A date will be set for the hearing and the employee, their trade union representative or fellow employee, will be informed in writing at least five working days before the date. Management must re-arrange the hearing if the date proposed is not convenient to the employee or their representative. However, management reserves the right to convene the hearing if there is undue delay in holding it, without good cause.
7.6 The letter will allow five working days’ notice of the hearing, unless a lesser period has been decided by mutual agreement. The letter will be handed to the employee or sent by first class post.

7.7 In the letter informing them of the hearing, the employee will be informed of:

- the place, date and time of the hearing
- full details of the alleged offence(s). (It will be considered unfair if further allegations are introduced at the hearing, as the individual and their representative will be unprepared for these. If further complaints arise, the employee should be notified in advance of the hearing and it may be necessary to postpone the hearing to allow the employee time to collect further evidence and to prepare their defence.)
- the right to be represented by a trade union official or fellow employee of their choice
- the right to call witnesses (to be notified to the Investigating Officer three working days in advance of the Hearing)
- the right to produce documentation relevant to the case and the requirement to exchange any written statements that the employee intends to submit, and to supply details of any witnesses that they intend to call, three working days before the hearing
- the right to receive copies of all evidence directly relevant to the investigation

CONDUCT OF THE DISCIPLINARY HEARING

The manager conducting the hearing will introduce all parties and will satisfy themselves that the employee understands the purpose of the hearing, the nature of the disciplinary issues and possible implications arising from it.

1) The Investigating Officer shall put management’s case in the presence of the employee and his/her representative and may call witnesses.

2) The employee and/or their representative may ask questions of the Investigating Officer and of any witnesses called.

3) The Disciplining Officer and Employee Relations Adviser may ask questions of the Investigating Officer and of any witnesses called.

4) The employee and/or their representative shall put their case in the presence of the Investigating Officer and may call witnesses.

5) The Investigating Officer may ask questions of the employee and/or representative and of any witnesses called.

6) The Disciplinary Officer and Employee Relations Adviser may ask questions of the employee and/or their representative and of any witnesses called.

7) The Investigating Officer shall have the opportunity to sum up their
case, introducing no new evidence.

8) The employee and/or their representative shall have the opportunity to sum up their case, introducing no new evidence.

9) The Investigating Officer, the employee, their representative and any witnesses shall withdraw.

10) The Disciplining Officer shall, with the Employee Relations Adviser, deliberate in private, recalling only the Investigating Officer, the employee and representative to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding that only one is concerned with the point giving rise to doubt.

11) Once the Disciplining Officer has reached their decision then this shall be announced to the employee, their representative and the Investigating Officer, along with the appeal rights of the employee. The decision should normally be announced personally to the parties as soon as it is possible on the day of the hearing. If it is not possible to make a decision immediately, then the parties should be informed of this. In any event a decision must be made within five working days of the hearing.

12) The decision of the Disciplining Officer shall be confirmed in writing, signed by the Disciplining Officer and either handed to the employee and their representative, or sent first class post as soon as possible. Such a letter will include the decision of the hearing and the disciplinary action being taken, the reason for this and the right of appeal. In the case of a final warning, the letter will clearly indicate the possibility of dismissal in the event of any further breach of discipline.

13) All disciplinary actions will have immediate effect notwithstanding the right of appeal.