WHISTLEBLOWING POLICY [025]

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WHISTLEBLOWING POLICY

THE COUNCIL WANTS YOU TO BE CONFIDENT THAT YOUR CONCERNS WILL BE TAKEN SERIOUSLY.

This Whistleblowing Policy aims to:

- Encourage and enable any person to feel confident in raising serious concerns.
- Provide avenues for any person to raise concerns.
- Provide confidence to whistleblowers that all referrals will be dealt with in line with this policy.
- Describe how to take the matter further if dissatisfied with the Council's response.
- Reassure anyone making a referral that the Council will take all reasonable and practical steps to protect whistle-blower from reprisals, harassment, or victimisation.

A serious concern will not necessarily always constitute a whistleblowing referral which would be investigated under this policy. For example, there are separate processes to allow employees to lodge a grievance relating to their employment; for customers to complain about the service they receive; or for anyone to raise concerns about whether Members have breached the Member's Code of Conduct.

In order to ensure that serious concerns of any nature can be raised easily, Section 1 of this policy provides guidance on how to refer all types of concerns to the correct process, and advice can always be obtained from the contacts in paragraph 1.12 of this policy if you have any doubts.

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1. ROUTES TO REPORT CONCERNS

1.1 This policy can be used by anyone with a concern about wrongdoing to bring that issue to the Council's attention with confidence that their concern will be listened to. Raising concerns about wrongdoing is known as whistleblowing.

1.2 There are many ways to raise specific concerns with the Council, and not all concerns will constitute wrongdoing which would be investigated via this Whistleblowing Policy. The below chart will help you determine the best route to raise your concerns.



1.3 If you wish to raise a specific whistleblowing issue, or if you are not sure what is the best route for reporting your concerns, you can email the dedicated whistleblowing email address: **whistleblowing@cambridgeshire.gov.uk.** This mailbox will be monitored by Internal Audit who will ensure that all referrals made to this address are considered via the appropriate process, whether this is the Whistleblowing Policy or another corporate policy. If you raise a concern through one of the above policies that meets the criteria of whistleblowing under law (see 1.7, below) you will still be protected by the law.

1.4 You can also contact any of the officers named at paragraph 1.12 of this policy if your concern relates to their services.

1.5 The Public Interest Disclosure Act 1998 (PIDA) protects employees who make a whistleblowing disclosure from harassment or victimisation. Under PIDA, when making a disclosure you must believe you are acting in the public interest.

1.6 If the matter only affects you, then it is not a disclosure covered by PIDA. However, it is likely to be covered by another Council policy (see the table at 1.2) and the Council's normal protections for employee wellbeing would still apply.

1.7 If it affects other people and if you believe that the disclosure relates to wrongdoing in one of the categories below then your disclosure likely is covered by PIDA:

- criminal offences (for example, fraud, theft, or financial impropriety)
- failure to comply with a legal obligation
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

1.8 If your concern does not relate to any of the categories above, you can still report it with confidence that the Council will listen to you and make sure that the relevant process will be identified to take your concerns forward. However, only concerns relating to the above criteria would be considered whistleblowing disclosures under law.

1.9 If you are not a Council employee, the Council's Complaints Procedure should be used to raise complaints about Council services and activity. Members of the public can contact the Council using the Whistleblowing Policy to report any serious concerns or disclosures over wrongdoing.

1.10 Where this policy refers to a "whistleblower", it refers to both employees and members of the public who make a disclosure. Unlike disclosures by employees, PIDA does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect the anonymity of members of the public when they make a disclosure.

1.11 The Council is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, the Council encourages anyone with concerns about wrongdoing in any aspect of the Council's activities to come forward and voice those concerns without fear of reprisals. The Council will not tolerate harassment or victimisation of whistleblowers.

2. HOW TO RAISE A CONCERN

2.1 In the first instance, concerns from employees should normally be raised with their line manager, individually or as a group. Similarly, non-employees (e.g., agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

2.2 In some cases, the nature or sensitivity of the concern means that this may not always be appropriate. If you feel you cannot raise their concern with your immediate manager or normal County Council contact, you may feel a whistleblowing disclosure is the most appropriate option. If you want to make a whistlenlowing disclosure or discuss your concerns, you can contact:

- E-mail: **whistleblowing@cambridgeshire.gov.uk.**
- Mairead Claydon, Head of Internal Audit and Risk Management, Mairead.Claydon@Cambridgeshire.gov.uk / 01223 715542
- Lynsey Fulcher, Service Director: People and Culture, Lynsey.Fulcher@Cambridgeshire.gov.uk
- Stuart Wood, Strategic Health and Safety Manager, Stuart.Wood@Cambridgeshire.gov.uk / 07789 397291
- Emma Duncan, Service Director: Legal and Governance and Monitoring Officer, MonitoringOfficer@Cambridgeshire.gov.uk / 01223 715943
- Tom Kelly, Service Director: Finance and Procurement, Tom.Kelly@Cambridgeshire.gov.uk / 01223 703599
- Stephen Moir, Chief Executive, Chief.Exectutive@Cambridgeshire.gov.uk / 07501 508258

2.3 Concerns may be raised verbally or in writing. In order to enable the Council to review concerns effectively, whistleblowers should give the background and history of the issue, giving relevant details such as names and dates if possible, and the reason why they are particularly concerned about the situation. You should identify the issues carefully and be clear about the standards against which you are judging behaviour/conduct: it may be useful to consider paragraphs 1.2 - 1.7 of this policy.

2.4 You may ask for a private meeting with the person to whom you wish to raise the concern. If you wish you can be accompanied, for example by your trade union/professional association representative or work colleague, at any meetings in connection with the concerns you have raised. Please note that in some cases, the individuals named at section 2.2 above will appoint an appropriate investigating manager to undertake subsequent work investigating your concerns on their behalf.

2.5 Although you are not expected to prove the truth of any concern or allegation you raise, it will be necessary to demonstrate that there are sufficient grounds for concern to warrant further initial investigation. It is not necessary for any person to undertake investigations into their concern prior to contacting the Council, as this may undermine any ultimate action to be taken, particularly if any police investigation is subsequently required.

2.6 Whistleblowers are encouraged to share their name as part of raising a concern or allegation. If you do not want your name disclosed beyond the whistleblowing team, you may request to blow the whistle confidentially, in which case the Council will do its best to protect your identity. If you do wish to raise your concern confidentially, you must inform the whistleblowing team of this when you first contact the team.

2.7 At the appropriate point in any investigation, the subject of an allegation is likely to be made aware of the allegation, so they may provide a defence. In these cases, the Council will take all reasonable to steps to protect the identity of the whistleblower. A whistleblower may be asked to make a statement as part of the evidence for a particular investigation; in the event that their identity must be revealed, their consent will always be sought unless there is a legal requirement to do otherwise.

2.8 It must be recognised that in some cases, the investigation process may reveal or allow individuals to infer the identity of the whistleblower. For example, information presented during investigations may inadvertently allow the subject of an allegation to determine who is likely to have blown the whistle, if the information is only known to a small group of people. Therefore, the Council cannot provide absolute guarantees that a whistleblower's identity can always be protected.

2.9 Anonymous reporting is distinct from confidential reporting. With anonymous reporting, the individual raising concerns does not share their identity, even with the whistleblowing team. Concerns expressed anonymously will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- Seriousness of the issue;
- Credibility of the concern;
- Likelihood of being able to obtain the necessary information to corroborate an allegation.

2.10 To make a disclosure you can email **whistleblowing@cambridgeshire.gov.uk**, contact a named contact at paragraph 2.2 of this policy; or make a whistleblowing disclosure under the appropriate route outlined at paragraph 1.2.

3. SUPPORTING INDIVIDUALS TO RAISE A CONCERN

3.1 The Council recognises that the decision to raise a concern can be difficult. Whistleblowers should be assured that the Council will not tolerate harassment or victimisation and will take reasonable appropriate action to protect individuals who raise concerns.[1] As part of the Council's response to receiving a whistleblowing disclosure, an assessment of the risk of victimisation will be undertaken by the investigating manager. If it is deemed that there may be a risk, the investigating manager will consider whether additional safeguards should be put in place, in conjunction with HR colleagues.

[1] *This does not mean that if a whistleblower is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy. The disciplinary and whistleblowing processes would remain separate.*

3.2 Treatment that would be considered victimisation of a whistleblower includes (but is not limited to) personal retaliation such as bullying or harassment of a whistleblower; attempts to identify an anonymous whistleblower or misuse of disciplinary or performance processes.

3.3 The proven victimisation or harassment of someone who has made a disclosure under this policy would normally be considered to be:

- Gross Misconduct if done by an employee of the Council.

- A reason for the Council to consider termination of a contract, if the harassment or victimisation is done by or at the request of a contractor.
- A matter that would be referred to the Constitution & Ethics Committee if undertaken by or at the request of a Councillor.
- A matter that could affect the service provided to a customer if done by or at the request of that customer.

3.4 Any person applying pressure upon officers to identify whistleblowers shall be subject to the same provisions as outlined in 3.3 above.

3.5 Where a whistleblower alleges they are / have been victimised / harassed as a result of raising a concern, that matter should be reported to the Service Director of Human Resources if the alleged harassment is by an officer; the Service Director: Legal and Governance where the alleged harassment is by an elected member; or the Head of Audit and Risk Management where the alleged harassment is by a contractor or member of the public. The Chief Executive will also be made aware of any instances of alleged harassment

3.6 Council employees who blow the whistle may wish to make use of Cambridgeshire's Employee Assistance Programme, which includes a range of services including counselling support, legal assistance and more. More information on the Employee Assistance Programme can be found on the Council's intranet, Camweb, or employees can contact their line manager or HR contact to find out more.

3.7 The Council openly encourages whistleblowing done in good faith. Anyone who makes an allegation in good faith, which is not subsequently confirmed by the investigation, will continue to have protection under this policy from victimisation or harassment.

3.8 Whistleblowing is an important part of organisational governance and must be treated as such. Appropriate action may be taken against an individual who makes malicious, vexatious or repeated unfounded allegations, as such actions can undermine the integrity of the whistleblowing process and cause unnecessary harm to individuals and the organisation. Such actions may be considered a breach of the relevant Code of Conduct and could result in formal disciplinary action being taken.

4. HOW THE COUNCIL WILL RESPOND

4.1 Where you provide contact details, the officer who has received your concerns will write to you within 5 working days to confirm receipt of your concern. This should include a clear statement giving a summary of the whistleblowing issue raised, to enable the whistleblower to confirm that the Council has accurately captured their concerns.

4.2 The officer who has received your concerns will then conduct an initial review to decide:

1. Whether the issues raised fall within the Council's remit or Powers to investigate. If they do not, the whistleblower will be advised of this (where possible);
2. If so, whether the disclosure falls within the scope of the Whistleblowing Policy or would be more appropriately investigated under another policy or procedure as per the diagram at Section 1 of this policy.
3. If the disclosure does fall within the scope of the Whistleblowing Policy the review will consider whether a full investigation is appropriate, taking into consideration the following:

    - Seriousness of the concern: the review will assess if the concern is serious enough to warrant an investigation, taking into account factors such as the risk of harm, legal implications and impact on the organisation, and whether the resources required to conduct an investigation are proportionate to the potential outcomes;
    - Feasibility of investigation: the review will assess whether it is possible to investigate the concern based on the information provided, including considering the availability of relevant evidence; and,

    If a full investigation is required, the review will determine what form it should take and confirm which officer will act as the investigating manager.[2] Dependent on the nature of the concern, investigations may be referred to or carried out in conjunction with relevant directorate management, Human Resources, Audit and Risk Management, External Audit, or the Police.

4.3 Where possible, after the initial review, the officer who received your concerns will write to you within 10 working days to indicate how we intend to proceed. They will tell you whether any initial enquiries have been made; whether further investigations will take place; and, if not, why not

4.4 Further information may be sought from the whistleblower where necessary to assist the investigation. Where any meeting is arranged, whistleblowers have the right to be accompanied by a trade union or professional association representative or a work colleague (who is not implicated in the whistleblowing complaint, nor bringing their own concerns as part of this whistleblowing referral). The Council is committed to the wellbeing of its employees, and therefore where whistleblowing concerns are raised by officers, you will also be supplied with information on employee support mechanisms.

4.5 Every effort will be made to resolve the matters raised as soon as possible, in the interests of the Council, the whistleblower and any person(s) being investigated.

4.6 Where a whistleblowing investigation identifies that any significant organisational action(s) are required, these will be captured in an investigation report, which must be shared with Internal Audit. Implementation of these actions will then be monitored through the Internal Audit follow up process and reported to Audit & Accounts Committee.

4.7 The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the concern, any legal constraints, and the clarity of the information provided. The whistleblower will be informed when an investigation has concluded and where possible will be provided with some feedback on the outcome; however it should be noted that this may not always be possible (for example where disclosing the outcome of an investigation would involve sharing an individual's confidential employment information).

4.8 The Council will take appropriate steps to minimise any difficulties which a whistleblower may experience as a result of raising a concern and provide advice and support should they be required to give evidence, e.g., at a disciplinary hearing. Whistleblowers who require reasonable adjustments due to a disability, health condition, or other personal circumstances may request these at any stage of the whistleblowing process. Requests will be considered sensitively and on a case-by-case basis, and where reasonably practicable, will be accommodated to ensure fair and equitable access to the whistleblowing process.

5. HOW THE MATTER CAN BE TAKEN FURTHER

5.1 The Council hopes that whistleblowers will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied and feel it right to take the matter outside the Council, the matter can be raised with:

- Protect on 020 3117 2520 or contact the Protect Advice Line
- Relevant professional bodies or regulatory organisations, such as:
- Care Quality Commission for health and social care,
- Ofsted for education and children's and young people's services;
- Health & Safety Executive for hea;th and safety issues;
- Local Government Ombudsman for other concerns.
- A Solicitor.

5.2 Similarly, if you feel you cannot approach anyone in the Council in the first instance, you may wish to report your concerns through Protect on 020 3117 2520 or contact the Protect Advice Line. Protect are an independent charity, and information provided to Protect is protected under the Public Interest Disclosures Act. Their lawyers provide confidential advice free of charge.

5.3 In taking advice from sources outside the Council, a person must ensure that, so far as possible, concerns are raised without confidential information being divulged.

5.4 If an individual wishes to complain to the Council about how the investigation of their concerns was carried out, they should address their complaint directly to the Service Director: Human Resources or the Head of Audit and Risk Management, who will then notify the Chief Executive that a complaint has been made regarding a whistleblowing investigation; determine which service is best placed to deal with the complaint; and appoint an appropriate officer to deal with the complaint. This is specific to whistleblowing investigations and separate to the Council's corporate complaints procedure.

5.5 Further to this policy, any individual has the right and responsibility to refer a concern to the Police if they suspect a criminal act.

6. ROLES AND RESPONSIBILITIES

6.1 Cambridgeshire County Council operates within legal requirements and regulations and expects its employees, contractors, partners, agency staff and other stakeholders including members to adhere to all laws, regulations, policies, and procedures – including the Whistleblowing Policy.

6.2 In all contracts of employment there is an implied understanding of mutual trust and confidence between the employer and employee. All employees, therefore, have a responsibility to raise concerns about work and they may do so in the manner described in this policy.

6.3 Executive Directors are responsible for ensuring all staff, including agency workers and contractors, are fully aware of this policy and how they may raise concerns.

6.4 Internal Audit and Risk Management and Human Resources will jointly help ensure that investigations are swift and effective and undertaken by officers with relevant skills and experience.

6.5 All services that deal with whistleblowing will maintain their own log of the referrals they deal with, including the outcomes of investigations. Services must report the outcomes of whistleblowing referrals to the Audit and Accounts Committee on at least an annual basis. These reports will be approved by the Service Director: Legal and Governance as the Council's Statutory Monitoring Officer.

6.6 Internal Audit will lead on all whistleblowing referrals relating to fraud and corruption, and financial impropriety. Internal Audit will also manage the corporate **whistleblowing@cambridgeshire.gov.uk** email address and ensure that referrals made to this address are forwarded for consideration via the appropriate process. The team will seek to obtain feedback from whistleblowers about their experience and will conduct occasional audit reviews of the whistleblowing process, which will include reviewing case files of how whistleblowing has been dealt with. The Internal Audit team will ensure that the Whistleblowing Manager's Guidance is kept up-to-date and support managers with any queries regarding how to handle whistleblowing cases.

6.7 Human Resources (HR) will lead on allegations regarding serious misconduct of Council employees, agency staff, consultants and contractors and partners. The HR

team will advise, and support employees involved in the investigation process, to ensure that such processes are fair and supportive to all those involved.

6.8 The Service Director: Legal and Governance (Statutory Monitoring Officer) will lead on allegations regarding misconduct of Councillors and be consulted on any issues where there is alleged unlawfulness or criminality.

6.9 Executive Directors and Managers must create an open and fair culture within their area of responsibility and ensure that staff concerns are listened to and action taken where necessary. Executive Directors and Managers are responsible for ensuring that there is a safe environment for staff to raise their concerns and that there is no retribution for doing so. The 'Whistleblowing – Manager's Guidance' document (Whistleblowing - Manager's Guidance) provides further guidance for managers who receive a whistleblowing referral and/or are required to undertake an investigation into a whistleblowing allegation.

7. HOW THE POLICY WILL BE MONITORED

7.1 The Audit and Accounts Committee has delegated responsibility to maintain oversight of the Whistleblowing Policy, including approving any changes to the policy.

7.2 The Council has a responsibility for registering the nature of all concerns raised and to record the outcome. Each service dealing with whistleblowing cases will produce an annual report to the Audit and Accounts Committee, which will identify any patterns of concern and assess the effectiveness of the policy.

7.3 This policy will be publicised via the Council's website and specifically:

- Every new employee will be advised to familiarise themselves with the policy when joining the Council

- Every contract or partnership arrangement will require the contractor to communicate the policy to their staff and adopt its provisions when working for the Council; and,

- All newly-elected County Councillors shall be provided a copy of the policy.

7.4 The Chief Executive will act as the Council's Whistleblowing Champion. The Whistleblowing Champion has responsibility for overseeing the integrity, independence and effectiveness of the Council's whistleblowing arrangements and

meets at least biannually with the Head of Internal Audit & Risk Management to discuss whistleblowing arrangements and the way that these are communicated and embedded throughout the organisation.

7.5 The Whistleblowing Champion will be made aware of any complaints made about a whistleblowing process as well as any allegations regarding breaches of confidentiality or victimisation of whistleblowers. The Whistleblowing Champion will not have a day-to-day role in responding to whistleblowing disclosures, and may appoint an appropriate officer to act on their behalf in responding to or investigating any disclosures or complaints.

8. REVIEW

8.1 Audit and Risk Management will complete an annual review of the Whistleblowing Policy to ensure it continually complies with legislation and is effective in practice. Outcomes of this review will be reported to the Audit and Accounts Committee.

8.2 As part of the annual review process, the Audit & Risk Management service will also undertake consultation with employees regarding their views on and experience of using the policy. This will include an annual survey of a random cross-section of Council employees, and may include consultation with employee groups and/or contact with whistleblowers to capture feedback on their experiences.

8.3 Any significant amendments will be subject to consultation with Trade Union representatives.

9. REQUESTS FOR INFORMATION REGARDING WHISTLEBLOWING

9.1 Under the UK GDPR and Data Protection Act 2018, a person has a number of rights which they can exercise in relation to personal information. A person has the right to access the personal information which the council holds about them, but it does not entitle a person to access information about other people.

9.2 If a subject access request is received regarding a whistleblowing matter then the council will consider the request in line with its duties under data protection legislation and in line with its established processes. Please note, a subject access request does not give a person the right to access non-personal information, such as council business or processes. Any requests regarding other subject rights such as restriction, rectification or erasure will be considered in line with our processes.

9.3 Any request for information on whistleblowing matters under the Freedom of Information Act (FOIA) will be considered in the same way as any FOIA request received. Whilst there is a presumption of disclosure under FOIA, given the potential sensitivities of a matter, the council will need to consider the information requested and what information may be disclosable in relation to any actions taken, outcomes and reports produced.