



Whistleblowing Policy

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1. Introduction

- 1.1 Council staff, contractors or Council Members are often the first to realise that something seriously wrong may be taking place or has occurred within South Cambridgeshire District Council or its activities. However, they may not express their concerns because:
- they may feel that speaking up would be disloyal to their colleagues or to the Council; or
 - they may fear that they or someone else might be harassed or victimised.
- 1.2 South Cambridgeshire District Council is committed to the highest possible standards of openness, honesty and accountability and therefore wishes to be alerted to any problems at the earliest opportunity. The Council therefore encourages staff, contractors and elected Members who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.
- 1.3 This policy makes it clear that they may do so, irrespective of seniority or status, and without fear of intimidation, victimisation, subsequent discrimination, disadvantage, or other reprisal. The Council recognises that most cases will have to proceed on a confidential basis.
- 1.4 The policy has been written to take account of the provisions of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work.
- 1.5 The policy encourages and enables staff and others to raise concerns within the Council, rather than either overlooking a problem or reporting the matter externally. This will enable the Council to take action, as appropriate to:
- pre-empt crime or other wrongdoings, where possible;
 - where a crime or something suspicious has taken place, to instigate an appropriate investigation;
 - bring the perpetrators to account;
 - minimise and contain any adverse impact;
 - take corrective action to eliminate or significantly reduce the scope for repeat occurrences.
- 1.6 The word "whistleblowing" in this policy refers to the disclosure by staff and others, either internally or externally, of malpractice, as well as illegal acts or omissions at work. Malpractice includes any form of corruption (including fraud or bribery), favouritism or discrimination, gross negligence in performance of duty by officers or Members, etc. The policy outlines the procedures to be followed if and when such matters arise.
- 1.7 **The Bribery Act 2010 details both general offences in relation to bribing another person or being bribed and also introduces a specific corporate offence of failing to prevent bribery. The Council can now be held responsible for failing to prevent bribery committed on their behalf by employees, agents or subsidiaries. Officers must therefore ensure that they do not commit an offence under the act and also where they suspect an offence, report the activity to their Line Manager or the Chief Finance Officer.**

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1.8 The word “whistleblower” in this policy refers to the person raising a concern, whether that person is a member of staff, a contractor, a Council Member, or someone else.

2. Aims and scope of the policy

2.1 This policy aims to:

- encourage staff and others to feel confident in raising serious concerns and to question and act upon those concerns;
- provide avenues for people to raise concerns and to receive feedback on any action taken;
- ensure that any matter reported is taken seriously and dealt with quickly and appropriately;
- ensure that any matters raised are treated as confidential as far as practicable;
- reassure people that they will be protected from possible disadvantage, reprisals or victimisation if they have a reasonable belief that they have raised their concerns in the public interest;
- ensure that people receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- allow people to take the matter further if they are dissatisfied with the Council’s response.

2.2 The Council has a range of policies and procedures which deal with employment policies, standards of behaviour at work and other issues or matters of concern, including:

- Anti-Theft, -Fraud and -Corruption Policy;
- Contract Regulations;
- Disciplinary Policy and Procedure;
- Financial Regulations;
- Grievance Policy and Procedure (e.g. to enable Council staff to lodge a grievance relating to their own employment);
- Harassment and Bullying at Work Policy and Procedure;
- Recruitment and Selection;
- Safeguarding Policy and Procedure;
- Members’ and Officers’ Codes of Conduct;
- **Anti-Bribery Policy.**

(This list is not exhaustive; a full list of the Council’s current policies and procedures can be found on In-Site, the Council’s intranet, at <http://insite/PoliciesStrategiesProcedures/default.htm>.)

2.3 There are provisions within these policies for concerns relating to them to be raised and dealt with. Where appropriate, therefore, issues of concern should be raised under the provisions of the relevant policy and procedure, in preference to the Whistleblowing Policy, which is not intended to cover these matters. If the Internal Audit Manager considers that a concern raised under the Whistleblowing Policy should more properly be dealt with under the provisions of another policy, the whistleblower would be referred to that policy.

2.4 There may be times, however, when the matter either does not relate to one of these policies or needs to be handled in a different way. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other policies and procedures.

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Those concerns may be about something that:

- is unlawful; or
- is contrary to the Council's Constitution and policies; or
- falls below established standards or practices; or
- amounts to improper conduct.

2.5 Examples may be:

- malpractice;
- ill treatment or abuse of a client/customer by a member of staff;
- repeated ill treatment of a client/customer, despite a complaint being made;
- a criminal offence has been, is being, or is likely to be committed;
- disregard of legislation, particularly in relation to health and safety at work;
- showing undue favour over a contractual matter or to a job applicant;
- a breach of any code of conduct or protocol **which is not covered by the Council's grievance policy;**
- miscarriage of justice;
- information on any of the above has been, is being, or is likely to be concealed.

(This list is not exhaustive.)

2.6 All staff and Members have responsibility to express concerns about unacceptable practice or behaviour. Although it can be difficult to raise such concerns, particularly about a colleague, they are encouraged to act to prevent an escalation of the problem, or even to avoid being potentially implicated themselves.

3. Safeguards: Harassment or victimisation

3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who are the subject of the issue raised. The Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) **that results from their disclosure** and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Policy and Procedure (staff) or via the procedures under the Members' Code of Conduct, as appropriate. **In addition, any staff found to have harassed or victimized a whistleblower may be held personally liable in any ensuing legal proceedings.**

3.2 **The Council may be held vicariously liable if it is found to have not taken all reasonable steps to ensure that whistleblowers are not victimised or harassed.**

4. Confidentiality

4.1 All concerns raised will be treated in confidence and the Council will do its best to protect a whistleblower's identity when they do not want their name to be disclosed. It may be possible to establish the truth about allegations from an independent source and the Council will seek to do this where possible. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the whistleblower may be required as part of the evidence.

4.2 If the situation arises where the Council is unable to resolve the concern without revealing a whistleblower's identity, the matter will be discussed with the whistleblower to determine how the matter is to proceed.

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5. Anonymous allegations

5.1 The Council encourages whistleblowers to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the person to whom they are made.

5.2 In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

5.3 Anonymous whistleblowers should also bear in mind that, if they do not make their name known, the Internal Audit Manager will not know whose identity to keep confidential. It will also not be possible to provide direct feedback to them on the progress and outcome of any investigations.

6. Unfounded or untrue allegations

6.1 Where it is established, after investigation, that the allegations are unfounded, then the whistleblower will be notified. The Council will deem the matter “closed” and will not expect the issue to be raised again unless new evidence becomes available.

6.2 If a whistleblower makes an allegation **with the reasonable belief that it is in the public interest, and that it is substantially true**, no action will be taken against them. **If there is clear evidence that a whistleblower has made a malicious or vexatious allegation, any eventual compensation may be reduced by up to 25% by the Employment Tribunal.**

7. Support to staff and Members

7.1 It is recognised that raising concerns can be difficult and stressful. Accordingly, where requested, advice and support is available to staff from the HR team, a trade union representative, the member of staff's line manager, or the Employee Assistance Programme on 0800 282 193, or look on In-Site, the Council's intranet, at <http://insite/StaffMatters/PPC/default.htm>).

7.2 Staff who are subject to investigation following concerns being raised will also be entitled to similar support, although ideally not from the same individuals.

7.3 Advice and support to Members is available, where requested, from the Monitoring Officer.

8. Independent advice

8.1 If you are unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their legal advisers can give you free confidential advice on raising a concern about serious malpractice at work.

8.2 You can also contact Unison or GMB for independent advice.

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9. How to raise a concern

9.1 Before initiating the whistleblowing procedure, staff should normally discuss their concerns with their immediate manager or supervisor. However, this depends on the seriousness and sensitivity of the issues and who is thought to be involved.

9.2 The Council's Internal Audit Manager has overall responsibility for the maintenance and operation of this policy and procedure and maintains a record of concerns raised and the outcomes (in a form which does not endanger confidentiality).

9.3 Staff should therefore raise concerns with the Internal Audit Manager, email address internal.audit@scambsgov.uk.

If staff feel that they would prefer to talk to another senior officer, they should approach the HR Manager, telephone number 01954 713285.

9.4 In some circumstances, it may be appropriate for staff to ask their trade union or professional association to raise a matter on their behalf.

9.5 Contractors or Members should raise their concerns with the Internal Audit Manager.

9.6 The earlier concerns are expressed, the easier it is to take action. Concerns are better raised in writing and whistleblowers are encouraged to do so, setting out, in as much detail as possible:

- the background and history of their concern (giving names, dates and places where possible); and
- the reason(s) why they are particularly concerned about the situation.

9.7 If a whistleblower does not feel able to put their concern in writing, they can report it verbally, either by telephone or by meeting the appropriate officer.

9.9 Whistleblowers may invite a trade union or professional association representative, friend or colleague who is not involved in the area of work to which the concern relates, to be present during any meetings or interviews in connection with the concerns they have raised. Such meetings can be held off-site if desired.

9.9 Although whistleblowers are not expected to prove the truth of their allegation to the person they have contacted, that person will need to be satisfied there is sufficient evidence in support of the allegation before proceeding.

9.10 Once the whistleblower has raised their concern, they must not:

- contact the suspected perpetrator in an effort to determine facts or demand restitution;
- discuss the case facts, suspicions, or allegations with anyone else within or outside the Council (including the press);
- attempt to personally conduct investigations or interviews or question anyone.

10. How the Council will respond

10.1 The Council will take whistleblowers' concerns seriously. Whistleblowers are asked to bear in mind that investigating concerns is not the same as either accepting or rejecting

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the validity of the allegation.

- 10.2 In order to protect the whistleblower, the Council and those accused of misdeeds or possible malpractice, initial enquiries (usually involving a meeting with the whistleblower) will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 10.3 The overriding principles that the Council will follow are to establish the facts and to protect both the whistleblower and the public interest.
- 10.4 Concerns or allegations that raise issues which fall within the scope of other specific policies and procedures (for example, discrimination issues), will normally be referred for consideration under those policies and procedures.
- 10.5 Following this, the Internal Audit Manager will, within ten working days, write to the whistleblower:
- acknowledging that the concern has been received;
 - where initial enquiries have been undertaken and further investigation of the matter is considered unnecessary, advising them of the reasons for this decision; or
 - informing them that an investigation will be carried out;
 - indicating how he/she proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - confirming that any investigation will be carried out in the strictest confidence.

The Internal Audit Manager can decide to take no further action if a complaint appears to be trivial, malicious or vexatious.

- 10.6 If an investigation is required, the Internal Audit Manager will consult as necessary and designate an appropriate person to investigate the concern. The action taken by the Council will depend on the nature of the concern and, where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry;
 - in certain circumstances, necessitate a report on the outcome of the investigation to be made to the Council;
 - be referred to the Monitoring Officer or to Standards for England if in respect of breaches of the Members' Code of Conduct;
 - be dealt with under the Council's Complaints Procedure.
- 10.7 Some concerns may be resolved through discussion or agreed action without the need for investigation. However, if urgent action is required, this may be taken before any investigation is conducted.
- 10.8 Where possible and subject to legal constraints, the Internal Audit Manager will also keep the whistleblower informed about how the matter is progressing. The amount of contact between the whistleblower and the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Internal Audit Manager will seek further information from whistleblowers.

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- 10.9 The Council will take steps to minimise any difficulties that staff or Members may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Internal Audit Manager will advise them about the procedure. The Council cannot provide legal representation for staff or Members, but, where appropriate, counselling may be provided by the Council.
- 10.10 The Council accepts that the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed, in confidence, about the outcomes of any investigation, or any action taken to correct working practices that have been found to be at fault by the investigation.
- 10.11 In the event that the whistleblower is unhappy with the outcome and/or response received at the conclusion of the investigation, they will be provided with details of whom to contact should they wish to raise the matter externally.
- 10.12 All matters will be referred to the Internal Audit Manager for record keeping purposes.

11. How the matter can be taken further

- 11.1 This policy is intended to provide a whistleblower with a procedure to raise concerns within the Council. The Council hopes the whistleblower will be satisfied with any action taken. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:
- the local Council Member (if the staff member lives in the area of the Council) – if unsure who it is, [telephone the Contact Centre on 03450 450 500](tel:03450450500) or contact Democratic Services (email: Democratic.Services@scambs.gov.uk), or look on In-Site, the Council's intranet at <http://moderngov/mgMemberIndex.aspx>, or website (web address: <http://scambs.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>);
 - the Chairman or any member of the **Civic Affairs** Committee – for details of current membership please [telephone the Contact Centre on 03450 450 500](tel:03450450500) or contact Democratic Services (email: Democratic.Services@scambs.gov.uk), or look on In-Site, the Council's intranet at <http://moderngov/mgCommitteeDetails.aspx?ID=1029>, or website (web address: <http://scambs.moderngov.co.uk/mgCommitteeDetails.aspx?ID=1029>
 - The external auditor, Mark Hodgson, Director, Ernst and Young LLP, One Cambridge Business Park, Cambridge, CB4 0WZ (telephone 01223 394 400, email MHodgson@uk.ey.com)
 - relevant professional bodies or regulatory organisations;
 - a solicitor;
 - the police;
 - an independent person or organisation nominated for the purpose by the Council, if appropriate to the nature of the concern raised – the Internal Audit Manager would inform the whistleblower how to contact them;
 - Public Concern at Work (tel: 020 7404 6609; web address: www.pcaaw.co.uk);
 - a recognised trades union;
 - the Local Government Ombudsman, web address: <http://www.lgo.org.uk/contactus>.
- 11.2 If the whistleblower does take the matter outside the Council, they need to ensure that they do not disclose confidential or legally restricted information or that disclosure would be privileged. The whistleblower should check with the person they initially contacted about that.

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12. Monitoring and review

- 12.1 The Internal Audit Manager will monitor the implementation and effectiveness of the policy and procedure and will submit an annual monitoring report to the Chief Executive and to the Chairman of the **Civic Affairs** Committee on any matters raised under the policy and the subsequent outcome in each case. The **Civic Affairs** Committee will monitor the implementation of the recommendation(s) of the investigation.
- 12.2 **The Executive** Management Team and the **Civic Affairs** Committee will each review the policy and procedure and evaluate their effectiveness in the light of issues raised or identified as part of the monitoring process. Revisions to the policy or procedure will be made, where necessary, following endorsement from **Executive** Management Team and the **Civic Affairs** Committee.