



East Cambridgeshire
District Council

Whistleblowing Policy

Written by the Director Legal and Monitoring Officer

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Contents

| | | |
|-----|----------------------------------|---------|
| 1. | Introduction to whistleblowing | page 4 |
| 2. | The aims of this policy | page 5 |
| 3. | The scope of this policy | page 5 |
| 4. | Concerns that should be reported | page 6 |
| 5. | Anonymous or untrue allegations | page 7 |
| 6. | Safeguarding and confidentiality | page 8 |
| 7. | Raising a concern | page 9 |
| 8. | Response from the council | page 10 |
| 9. | Taking the matter further | page 12 |
| 10. | Independent advice | page 13 |
| 11. | Summary | page 14 |

1. Introduction to whistleblowing

1.1. East Cambridgeshire District Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life in all of its practices. Employees play an important role in achieving this goal and we expect everyone to be committed to our high standards of service based on the principles of honesty, openness and accountability.

1.2. The council expects all its employees (including any agency staff) to maintain these high standards and to help achieve these standards, it encourages freedom of speech.

1.3. In this policy, 'whistleblowing' means the reporting by people who work in or for, or on behalf of an organisation of suspected misconduct, illegal acts or failure to act within the council. This could be concern about a possible fraud, illegal activity, dangerous or other serious risk that may threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation.

1.4. Whistleblowing can make a valuable contribution to the council's efficiency and long-term success because employees are often best placed to know when the interests of the public are being put at risk, or to act as an early warning system on matters of health and safety, or to help uncover fraud and mismanagement. Employees and others that we deal with (including suppliers and those providing services to the council)

are therefore encouraged to report any wrongdoing by the council or its employees that fall short of these principles, that is they are encouraged to 'whistleblow'.

1.5. To help achieve these standards of honesty, openness and accountability, freedom of speech is vital. The council takes malpractice and wrongdoing in relation to the organisation's procedures and actions very seriously. It is our aim to ensure that as far as possible, our employees can whistleblow and tell us about any wrongdoing at work, which they believe has occurred or is likely to occur.

1.6. We appreciate that deciding to raise a concern is difficult and the council is sensitive to this. However, there should be no reason to remain silent because any employee or worker who makes a report under this Whistleblowing Policy, who does so in the reasonable belief that the disclosure they are making is in the 'public interest', will not be subject to any detriment. Further, employees who report wrongdoing within the workplace are also protected by the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013).

2. The aims of this policy

2.1. We recognise that employees may not always feel comfortable about discussing their concerns within the council, especially if they believe the council itself is responsible for the wrongdoing.

2.2. The aim of this policy is therefore to:

- ensure that the council investigates and deals with disclosures fairly, promptly and properly
- help employees feel confident in raising serious concerns and to question and act upon any concerns about council practices
- help employees feel safe with the knowledge that their concerns will be taken seriously and treated as confidential
- reassure employees that they will be protected from possible reprisals or victimisation, subsequent discrimination or disadvantage for whistleblowing in good faith, irrespective of the outcome
- ensure that concerns are dealt with and that employees are aware of how to take the matter further if they are dissatisfied with the council's response.

3. The scope of this policy

3.1. This policy is intended to enable those who become aware of wrongdoing in the council affecting some other person or service, to report their concerns (whistleblow) at the earliest opportunity so that they can be properly investigated.

3.2. Personal issues relating to terms and conditions of employment are not covered by this policy. Complaints and grievances are also dealt with differently. The council has several internal policies and procedures which allow employees to raise concerns about employment related and other issues.

3.3. Employees should use existing provisions where appropriate (see the list at paragraph 3.4). However, if using one of these options may cause problems at work, the whistleblowing service provides an alternative channel through which concerns can be raised with or without being identified (see paragraph 5.).

3.4. This policy is not intended to replace the following existing procedures:

- Employee Code of Conduct
- Equality, Diversity and Inclusion Policy
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Protocol on Member/Officer relations
- Anti-Fraud and Corruption Strategy

4. Concerns that should be reported

- Dignity at Work Policy and Procedure
- Responding to Customer Comments, Compliments and Complaints
- Members' Code of Conduct
- Data Breach Information and Procedures
- Child and Adults at Risk Safeguarding Policy

4.1. Any serious concerns about service provision or the conduct of officers or members of the council or others acting on behalf of the council that:

- make you feel uncomfortable in terms of known standards
- are not in keeping with the council's constitution and policies
- fall below established standards of practice
- display improper behaviour

4.2. These serious concerns might relate to:

- conduct which is an offence or a breach of the law
- a criminal offence which has been, is being or is likely to be committed
- suspected fraudulent activity
- miscarriages of justice
- health and safety risk to either employees or the public
- racial, sexual, disability or other discrimination
- dangerous issues or working practices
- conduct which has led or could lead to damage to the environment, that is inappropriate disposal of waste
- showing undue favour over a contractual or employment matter
- sexual, physical or verbal abuse of clients, employees and others
- a breach of standing orders or financial regulations

- a breach of codes of conduct
- possible fraud/bribery or corruption
- unauthorised use of public funds or other assets
- improper and unethical conduct
- concealment of any of the above

This list is not exhaustive but intended to illustrate the range of issues which could be raised under this policy.

5. Anonymous or untrue allegations

5.1. Although allegations can be raised anonymously, whistleblowers are encouraged to put their name to any allegations whenever possible, as this adds greater weight and makes it easier to protect them and give feedback.

5.2. Anonymous allegations are more difficult to investigate and are generally less powerful. Further, the council cannot provide protection to a person whose identity they do not know. It also becomes difficult to judge whether the individual raised the concern in the public interest or maliciously.

5.3. The council will decide whether to consider anonymous allegations depending on:

- the seriousness of the issue
- the credibility of the concern and/or whether based on the information provided, it can sufficiently investigate the concern

5.4. Action will not be taken against an employee if they make an allegation which they genuinely believed to be true but is not confirmed by investigation.

5.5. Appropriate disciplinary or legal action may be taken if an employee makes a false or malicious allegation that they know is untrue.

6. Safeguarding and confidentiality

- 6.1. The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act and the Enterprise and Regulatory Reform Act 2013), protects employees who report wrongdoing within the workplace. The council is required to have a Whistleblowing Policy and to ensure its employees are not victimised or dismissed for raising their concerns internally.
- 6.2. Any concerns raised will be treated in the strictest confidence. The council will do its best to protect the identity of staff who whistleblow and respect their confidentiality so far as possible, however, there may be times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.
- 6.3. The council will also do its best to ensure the whistleblower's identity is not disclosed to third parties. Information will not be disclosed unless the law allows or compels the council to do so (for example, in order to comply with a court order). The council is unable to guarantee that others will not try to deduce (correctly or otherwise) a person's identity.
- 6.4. In line with the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act and the Enterprise and Regulatory Reform Act 2013), the council undertakes that no employee who makes a report under this procedure and who has a reasonable belief that the disclosure they are making is in the 'public interest', will be subjected to any detriment as a result. The fact that there needs to be 'reasonable belief' does not mean that their belief must be correct for the protection to apply.
- 6.5. This means the council will not tolerate any harassment or victimisation (including any informal pressures) nor any attempt to apply a sanction, or any other detriment, to a person who has reported any serious and genuine concern that they have of any apparent malpractice. If an employee does suffer detrimental treatment because they 'blew the whistle', they can complain to the Employment Tribunal and seek compensation for the loss suffered.
- 6.6. In the event that a whistleblower believes they are being subjected to a detriment by any person within the council as a result of their decision to invoke the procedure, they must inform the Monitoring Officer or their line manager immediately and appropriate action will be taken to protect them from any reprisals.
- 6.7. The council encourages whistleblowers to put their name to their allegation as this gives weight to the case and helps with the investigation of the issue. However, they may seek to remain anonymous if they wish. All information is held in the strictest confidence and the council will seek to protect the identity of any employee as far as possible.
- 6.8. It is important to note that for allegations of such a serious nature, it may be necessary for the whistleblower's identity to be revealed. This may be because of the need for the identity to be revealed as part of the evidence.

7. Raising a concern

- Moreover, if the matter is brought to court, a judge may order a name is divulged. The council will do everything possible to protect anonymity before this stage is reached and will discuss with the whistleblower before embarking on any course of action whereby their identity will be disclosed. Please note though that once action is initiated, notwithstanding a desire for anonymity and the council's aim of protecting that anonymity, it may simply not be possible to achieve this.
- 6.9. A whistleblower may bring a friend or colleague to any meeting arranged in connection with the concern raised as long as the friend or colleague is not involved in the matter and agrees to maintain confidentiality. Additionally, a whistleblower may be accompanied by a trade union representative. It will be up to the whistleblower to arrange this.
- 6.10. It is emphasised that whistleblowers have nothing to fear by raising their concerns. Provided they are acting in reasonable belief that they are acting in the public interest, it does not matter if they are mistaken. However, disciplinary action may be taken against any member of staff who is discovered to have made allegations frivolously, falsely or maliciously, for example, to pursue a personal grudge against another employee.
- 6.11. The council will try to ensure that any negative impact of either a malicious or unfounded allegation about a person is minimised.
- Appendix 1 consists of the whistleblowing process with further guidance provided at Appendices 2 and 3 of this policy.
- 7.1. As a first step, your concerns should normally be raised with your line manager.
- 7.2. However, depending on the seriousness and sensitivity of the issues involved and if management is thought to be involved in the wrongdoing, you may prefer (for whatever reason) to approach one of the following:
- The Monitoring Officer (Maggie Camp)
 - The Chief Executive (John Hill)
- 7.3. Concerns can be raised:
- in writing addressed to The Monitoring Officer
 - in writing addressed to "Confidential Whistleblowing" at the Council Offices
 - using the online form on the council's Intranet
 - by ringing Maggie Camp, the Monitoring Officer (01353 616277)
 - by secure internal email (WhistleBlowing@eastcambs.gov.uk)
 - in writing to Internal audit – Rachel Ashley-Caunt, Chief Internal Auditor, Rachel.Ashley-Caunt@northnorthants.gov.uk or 07799 217378
 - in writing to External audit – Mark Hodgson, Partner, Ernst & Young LLP, MHodgson@uk.ey.com or 07541 346507

8. Response from the council

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| <p>7.4. Remember the earlier you express your concern, the easier it is for the council to act. You should not wait until you have proof. Although you are not expected to prove the truth of the allegation, you will need to demonstrate to the person contacted that there are grounds for your concern.</p> | <p>8.1. In order to protect the individual and the council, the Monitoring Officer, who has the authority to act independently, will deal with the initial investigation to decide whether a full investigation is appropriate and, if so, what form it should take.</p> | <p>Officer will write to the person raising the concern:</p> <ul style="list-style-type: none"> • acknowledging that the concern has been received • indicating the initial findings and how he/she proposes to deal with the matter and/or giving an estimate of how long it will take to provide a final response | <p>necessary, further information may be sought from the person raising the concern. Notwithstanding the initial acknowledgement, you will be kept informed of the progress and outcome of the action and reasons for any decisions, subject to any legal constraints.</p> |
| <p>7.5. Any personal interest in the matter should be disclosed at the outset.</p> | <p>8.2. If the concern raised involves the Monitoring Officer, the Chief Executive will initially deal with the allegation and will nominate a responsible employee, for example an alternative Investigating Officer, to conduct initial enquiries with the same authority that the Monitoring Officer would have.</p> | <p>8.6. If it is impossible for the initial investigation to be completed within 10 working days, or where urgent action is required, the situation will be explained in the letter of acknowledgement. Where a decision is made that a full investigation will take place, the reasons for this will be provided. The council will aim to complete the full investigation within 28 working days.</p> | <p>8.9. The council will take appropriate steps to minimise any difficulties, which an employee may experience due to raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the council will need to inform them and consider what steps are required to provide support.</p> |
| <p>7.6. An informal approach to any of the above officers will be treated as completely confidential and will not result in a report to anyone within the council, unless you agree.</p> | <p>8.3. During the initial enquiry, the Monitoring Officer or Investigating Officer will:</p> <ul style="list-style-type: none"> • determine the factors that gave rise to the suspicion • examine factors to determine whether any irregularity has occurred, for example any incident of action that is not part of the normal operation of the system or the expected course of events, and where necessary, carry out discreet enquiries with staff and/or review documents. | <p>8.7. If a full investigation is required, this will be carried out by the council internally or the council may ask another body to carry it out. Following the full investigation, the council will either resolve by agreed action or take appropriate further action. This further action could be:</p> <ul style="list-style-type: none"> • agreed steps such as disciplinary process • referral to the police • an independent enquiry | <p>8.10. The council recognises that there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary, the council reserves the right to make such a referral without your consent.</p> |
| <p>7.7. If you know that the matter you wish to raise is also of concern to your colleagues you can discuss the matter with them first. A concern raised by two or more employees will add weight to allegations that may be made.</p> | <p>8.4. Following the initial investigation, it may be that some concerns can be resolved by agreed action without the need for a full investigation. If urgent action is required, this would be taken before any full investigation is completed.</p> | <p>8.8. The amount of contact between the officers considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If</p> | <p>8.11. In dealing with any allegations, the Monitoring Officer or Investigating Officer will ensure that those officers involved in the allegation ,who would usually respond to allegations of malpractice, are not involved in any enquiries or investigations.</p> |
| <p>7.8. Although the matter may be raised directly with a specific person or group, they may need to refer the matter onto a more appropriate person, specialist or organisation.</p> | <p>8.5. Within 10 working days of a concern being raised, and following the initial investigation, the Monitoring Officer or Investigating</p> | | <p>8.12. The Monitoring Officer or Investigating Officer can decide to take no further action if a complaint appears to be trivial or malicious.</p> |
| <p>7.9. Employees have the right to be accompanied by a trade union representative, any other professional representative or friends during any meetings or interviews.</p> | | | <p>8.13. Any meetings arranged will normally take place at the council's offices but the council can agree to have the meeting elsewhere. However, the whistleblower may</p> |
| <p>7.10. Initial concerns may be raised orally or in writing, although it is preferable to put your concern in writing. You should give as much detail as possible, which should include the background and history of the concern, giving names, dates, and places where possible and the reason why you are particularly concerned about the situation.</p> | | | |

- elect to have correspondence and such like forwarded to their home address.
- 8.14. The council accepts that in the working environment members of staff need assurance that the council has properly addressed the matter raised. Thus, subject to legal constraints, the council will provide information about the outcome of any investigation.
- 8.15. If the case was passed to an alternative Investigating Officer, the Investigating Officer will inform the Monitoring Officer of the outcome of the case to enable the Monitoring Officer to fulfil their reporting responsibilities under this policy.
- 8.16. The Monitoring Officer will report, as necessary, all concerns raised and the outcomes (in an anonymous format) in accordance with the statutory functions relating to prescribed persons.

9. Taking the matter further

- 9.1. This policy is intended to provide an avenue to raise concerns within the council and the council hopes you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential allegation, you can write to the Chief Executive and ask for the investigation and outcome to be reviewed.
- 9.2. If you remain dissatisfied and you feel it is right to take the matter outside the council, you need to ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the council, for example service users, or where you would commit an offence by making such disclosures. This is something that you would need to check with the Monitoring Officer.
- 9.3. Before taking a matter to an external body, the council advises individuals seek independent legal advice. The following are possible contact points:
- National Audit Office
 - the council's external auditor (details for which can be obtained from Public Sector Audit Appointments Ltd)
 - relevant professional bodies or regulatory organisations
 - Citizens Advice Bureau
 - Environment Agency
 - Health and Safety Executive
 - police (if a criminal matter)
 - relevant voluntary organisation
 - trade union

- Local Government Ombudsman
 - Information Commissioner
 - Equality and Human Rights Commission
- 9.4. The charity Protect (formerly Public Concern at Work) provides free confidential advice to workers who have concerns about wrongdoing in the workplace. Their dedicated hotline is 020 3117 2520.
- 9.5. Another option is to rely on your rights under the Public Interest Disclosure Act 1998. This act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the council (under The Public Interest Disclosure (prescribed persons) Order 2014) who can be contacted in certain circumstances. You should seek advice on the effect of this act from the Monitoring Officer.

10. Independent advice

- 10.1. The aim of this policy is to reassure employees to raise concern internally, however, the council accepts that employees may prefer to contact an appropriate external body.
- 10.2. If you are unsure whether to use this procedure or you would like independent advice at any stage, you may contact:
- your trade union
 - the independent charity Protect (formerly Public Concern at Work); Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work - telephone 020 3117 2520 (* option 1) or e-mail enquiries: whistle@protect-advice.org.uk or visit their website www.protect-advice.org.uk the National Audit Office - telephone 020 7798 7999 or visit their website www.nao.org.uk
 - any of the other bodies listed in 9.3 above

11. Summary

- 11.1. The whistleblowing service provides staff with a confidential service to protect them from any harassment and victimisation when raising concerns within the council. The service aims to work alongside existing procedures in place that promote ethics, honesty and the highest possible standards of openness and accountability.
- 11.2. The council does not tolerate any reprisal against an employee because he or she has raised a concern under this policy and will treat any such reprisal as a disciplinary matter which could lead to dismissal. This assurance is not extended to those who maliciously raise concern which they know to be false.

Appendix A

Whistleblowing process

1. Concern is identified and you are unable to report using existing procedures.
2. “Blow the whistle”. You can do this in writing, telephoning or emailing. Please provide names, dates, places, background and details relating to your concern to:
 - your line manager
 - the Monitoring Officer
 - the Chief Executive
3. The initial enquiry will take place within 10 working days. The Investigating Officer will report to the whistleblower their initial findings and confirm how the matter will proceed and provide an estimated timescale.
4. The matter will then be (one of the following):
 - resolved by agreed action without a full investigation
 - fully investigated either internally or referred to appropriate external organisation (to be undertaken within 28 working days if possible; outcome with reasons reported where appropriate)
5. Whistleblower is provided with feedback on outcome and next steps.

Appendix B

Guidance for employees

Reacting to concerns or inappropriate behaviour

The action taken when first suspecting inappropriate behaviour may be crucial. This guidance explains what to do and what not to do on suspicion of inappropriate behaviour.

Acting upon suspicions, the do’s and don’ts

If suspecting inappropriate behaviour affecting the council, there are a few simple rules to follow to help the council with subsequent enquiries.

Do make an immediate note of concerns and note as many relevant details as possible, ideally:

- the background details and nature of the suspicions (including relevant names, dates and locations)
- details of the job and responsibilities of the individuals involved
- action taken to date (if any) before raising the concern

Do communicate suspicions to someone with the appropriate authority and experience in accordance with this Whistleblowing Policy.

Do deal with the matter promptly if the concerns are warranted.

Any delay may result in accidents, cause the council to suffer loss or make further enquiries more difficult.

Don’t do nothing.

Don’t be afraid to raise concerns.

An individual will not suffer any recrimination from the council because of voicing reasonably held concerns. The council will treat the matter sensitively

Appendix C

Guidance for managers

Reacting to inappropriate behaviours

The action taken when first identifying, or becoming aware of suspected inappropriate behaviour, may be crucial in determining the success of any subsequent investigation.

Managers should familiarise themselves with the council's anti-fraud and corruption policies and Whistleblowing Policy to equip themselves to deal with allegations if they arise.

Acting upon suspicions, the do's and don'ts

The following simple rules should help to ensure that matters are properly handled.

Do be responsive to employees' concerns.

Encourage employees to voice any reasonably held concerns or suspicions. As a manager, treat them seriously, confidentially, and sensitively. Reassure the individual that they will not suffer because of concerns raised in the public interest.

Do note all relevant details.

Details should ideally include:

- the background details and nature of the suspicions (including relevant names, dates and locations)
- details of the job and responsibilities of the individuals involved
- the reasons why the person is raising the concerns
- action (if any) taken to date before this concern was raised

Get as much information as possible from the employee reporting the suspicion and encourage them to record this in writing.

If the employee has made any notes, obtain a copy of them.

In addition, note any documentary evidence that may exist to support the allegations, but do not interfere with this evidence in any way. Thereafter, contact the Monitoring Officer to discuss the report received.

If in doubt, report suspicions anyway.

If deciding that no further action is necessary, record the decision and inform the Monitoring Officer of the original notification details and the reasons why no further action is considered necessary. In recommending that no further action is necessary, be objective when evaluating the issue. Consider the facts as they appear based on the information to hand. The Monitoring Officer will then help to determine if further action is necessary.

Deal with the matter promptly, particularly if the concerns are considered warranted, and bearing in mind the 10-day deadline that the council has set to respond to the whistleblower.

Any delay may cause the council to suffer financial or reputational loss or make enquiries more difficult.

Don't ridicule or belittle any suspicions raised by employees.

The council cannot operate an effective anti-fraud and corruption culture or whistleblowing policy if employees are reluctant to pass on their concerns to management out of fear of ridicule or recrimination.

Give all employees' concerns a fair hearing and reassure employees that they will not suffer recrimination by raising any reasonably held suspicion in the public interest.

Don't approach the suspect or accuse any individuals directly.

Don't communicate suspicions to anyone other than those indicated in the council's Whistleblowing Policy.

Don't try to investigate the matter.

Remember that investigations by employees who are unfamiliar with the requirements of evidence are highly likely to jeopardise a successful outcome. They may also alert the suspect and result in the destruction of evidence. Remember that the primary responsibility is to report the issue and all associated facts to the appropriate employee, wherever possible.

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and confidentially if it is able to take reasonable steps to protect the individual.

Don't approach or accuse any individuals directly.

Don't try to investigate the matter.

There are special rules about gathering evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may weaken or destroy any future prosecution.

Don't convey suspicions to anyone other than those indicated in this Whistleblowing Policy.

The Public Interest Disclosure Act 1998 (as amended) will protect individuals from any reprisals as long as the requirements of the act are met.

These are that the individual:

- discloses the information in the public interest
- reasonably believes it to be substantially true
- must not seek any personal gain

Protect (formerly Public Concern at Work, www.protect-advice.org.uk; 020 3117 2520) can offer free, confidential advice to people concerned about crime, danger or wrongdoing at work.