


Agenda Item No:	12	
Committee:	Audit and Risk Management Committee	
Date:	21 June 2021	
Report Title:	Revised Whistleblowing Policy	

1 Purpose / Summary

- To provide an update to the Audit and Risk Management Committee on the Council's revised Whistleblowing Policy.


2 Key issues

- 'Whistleblowing' is when a worker provides certain types of information which has come to their attention, usually to the employer or a regulator, to raise a concern about danger or illegality that affects others. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party.
- In the UK, the Public Interest Disclosure Act 2018 is a key piece of legislation protecting individuals who 'blow the whistle' in the public interest. All employers should have such a policy.
- The Council's policy makes it clear to all staff what to do if they come across malpractice in the workplace and encourages individuals to inform the appropriate designated officer to act.
- This policy has been used infrequently over the past four years, despite the fact that the policy is published internally.
- This policy has now been reviewed and updated in accordance with an ongoing programme of policy reviews, and the proposed changes to the policy are as follows:
 - Clarification/update on the various external bodies who can be contacted for advice, with their relevant contact details.
 - Clarification/update on the titles of designated officers to contact to raise a concern.
 - Further clarity around anonymous disclosures
- A comprehensive consultation process has also been undertaken on this revised policy with CMT and also with the Management, Trade Union and Staff Partnership (MTSP), who have endorsed the changes.
- This revised policy is now being recommended for formal adoption and communication to staff.
- It is intended that the revised policy will also be promoted at staff induction sessions, which are delivered by HR team, and circulated to all staff (via the Council's staff communication channels) and posted on the Council's intranet.

3 Recommendations

- The Audit and Risk Management Committee is requested to note and approve the attached revised policy.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Chris Boden – Leader and Portfolio Holder for Corporate Governance
Report Originator(s)	Sam Anthony – Head of HR&OD
Contact Officer(s)	Paul Medd – Chief Executive Peter Catchpole –Corporate Director & Chief Finance Officer Carol Pilson – Corporate Director Sam Anthony – Head of HR&OD
Background Paper(s)	Previous reviews of the Corporate Risk Register: minutes of Audit and Risk Management Committee

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1.0 INTRODUCTION

1.1 This Policy sets out Fenland District Councils approach to Whistleblowing. The Council recognises that its staff are often in the best position to know when the interests of the public are being put at risk. It also recognises that staff can act as an early warning system on matters of safety or to help uncover fraud and mismanagement in the workplace. However, the Council is aware that staff may feel uncomfortable about disclosing such information because of:

- a) feeling disloyal to colleagues or the Council;
- b) fearing reprisals through harassment or victimisation; or
- c) being unsure of the best way to proceed.

However, the Public Interest Disclosure Act (2018) recognises these concerns. The Act applies to people at work raising genuine concerns about crime, civil offences, miscarriages of justice, danger to health and safety or the environment. It protects staff when making disclosures of information in the public interest from detriment or dismissal. This Act only covers "workers" - who are defined in simple terms as those who work under a contract of employment.

1.2 This Whistleblowing Policy is to encourage staff to make such disclosures without fear of retribution.

2.0 POLICY STATEMENT

2.1 Fenland District Council is committed to ensuring that all its activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to safeguard and protect public safety and public money. In line with that commitment the Council expects its staff and others it deals with to voice their concerns about any Council activity over which they have serious concern. This policy will ensure that this can be actioned by individuals without fear of reprisal.


3.0 SCOPE

3.1 The Council does have a range of policies and procedures in place for staff to lodge a concern in relation to their employment. These include:

- Code of Conduct for Employees
- Equal Opportunities Policy
- Disciplinary Procedure
- Grievance Procedure
- Dignity At work.

All officers and members are encouraged to use the provisions in these procedures where appropriate.

3.2 However, there may be matters of either a major concern or those that fall outside

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of other policies/procedures that need to be handled in a different way. This policy details how all Council employees can progress any issues of concern without the fear of harassment, victimisation and subsequent discrimination or disadvantage. All staff should raise serious concerns within the Council rather than ignoring the problem or reporting the matter outside.

For the purposes of **this** policy only, ‘employees’ shall be taken to include:

- All employees under a contract of employment
- Self employed contractors or consultants working for the Council
- Agency employees
- People on work experience or placement schemes
- Volunteers based at the Council.

3.3 Any serious concerns regarding a Council activity or the conduct of any of its officers, members, or any person or persons acting on behalf of the Council (e.g. contractors, consultants, volunteers etc) can be reported under this Whistleblowing Policy. The type of major concerns that are covered include:


- conduct which is an offence or a breach of the law
- conduct which amounts to improper/unethical practices
- a criminal offence has been, is being or is likely to be committed
- suspected fraudulent activity
- health and safety risk to either employees or the public
- damage to the environment
- showing undue favour over a contractual or employment matter
- a breach of standing orders or financial regulations
- a breach of legal obligation
- unauthorised use of public funds
- a miscarriage of justice
- a breach of a code of conduct, and
- the deliberate covering up of information indicating any of the above.

The list is not exhaustive, and the policy can cover any other unethical conduct. The list merely illustrates the types of issues that can be raised under this policy.

3.4 Concerns that fall outside the scope of this policy are:

- concerns raised by employees relating to their own employment which should be addressed under the Council’s Grievance Policy; or
- concerns raised on behalf of service users which should be addressed via the Council’s 3C’s (Correspondence, Compliments and Complaints) procedure.

3.5 The policy is intended to encourage and enable employees to raise serious concerns within the Council first, using this process, rather than overlooking a problem or ‘blowing the whistle’ outside before the Council has had an opportunity to address and remedy the issue itself.

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4.0 SAFEGUARDS

4.1 Council Responsibility

4.1.1. The Council recognises that the decision to report a concern is difficult to make. However, if the employee believes it is the truth, then they will have nothing to fear as they are fulfilling their duty to the Council.

4.1.2. When a concern is raised the Council will be as supportive as possible. Harassment or victimisation (including informal pressure) will not be tolerated. If, as a result of raising a concern in good faith, employees experience any pressure the Council will take action to protect them from any form of victimisation.

4.1.3. Any employee found to be victimising another employee who has raised a genuine concern will be considered to be committing a serious disciplinary offence (deemed as gross misconduct), which will be dealt with under the Council's Disciplinary (Conduct) Policy.

4.1.4. All concerns raised will be treated in confidence and every effort will be made to protect the employee's identity if the employee wishes, and the Council will make every effort not to reveal the identity of the person (Whistleblower) making the complaint.


4.1.5. The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from the individual. It is also more difficult to establish whether any allegations are credible.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Designated Officers (listed at Section 6) and appropriate measures can then be taken to preserve confidentiality. If employees are in any doubt, they can seek advice from the Council's Employee Assistance Programme or Protect, the independent whistleblowing charity, who offer a confidential helpline (Contact details are shown in Appendix 2).

4.1.6. However, it is important that employees understand that, in some circumstances, the Council will be unable to take action about a concern raised without the employee's identity and a written statement being put forward as evidence (E.g. In a disciplinary hearing.)

4.1.7. In some circumstances the Council may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first. In certain circumstances, depending on the nature of the concern and the outcome of the resulting investigation, the Whistleblower may be required to come forward as a witness.

4.1.8. If employees raising a concern under the Council's Whistleblowing Procedure are already the subject of disciplinary or redundancy procedures, these procedures will not be halted as a result of the whistleblowing.

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4.2 Staff Responsibility

4.2.1. All employees have a responsibility to report their concerns about unacceptable or inappropriate practice or behaviour. Whilst it can be difficult to raise a concern against a colleague or manager, employees are encouraged to act to prevent an escalation of bad practice and prevent themselves being potentially implicated in that bad practice

4.2.2. Employees are encouraged to put their name to an allegation whenever possible. The Council attaches less weight to concerns that are expressed anonymously, but these may still be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account include:

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

4.2.3. If an allegation is made in good faith that is not confirmed through investigation, no action will be taken against the employee raising the concern, and the matter will be considered closed. However, if there is clear evidence that an employee has made an allegation frivolously, maliciously or for personal gain, then disciplinary action may be taken against that employee.

4.3 Management Responsibility

4.3.1. All managers have a responsibility to:


- explain the policy and procedure to employees and to create a culture where all employees are comfortable in expressing their concerns
- encourage employees to come forward and raise concerns on a confidential basis without fear of reprisal:
- take any concerns seriously
- investigate any concerns/allegations quickly and appropriately, and
- escalate concerns and provide feedback in a timely manner.

5. HOW TO RAISE A CONCERN

5.1 Where appropriate a concern should be first raised with your line manager who will consider taking the matter forward. However, concerns can be raised with one of the Designated Officers (listed below) rather than your line manager in the first instance if preferred.

If you believe that the concern is of a serious enough nature or that management is involved you should approach one of the Designated Officers directly.

5.2 Concerns should be raised in writing, using the form at Appendix 1, and should cover the following:

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- the background and history of the concern (giving dates where possible); and
- the reasons for being concerned about the situation
- the name and contact details of the employee raising the concern
- assistance in completing the form can be provided from any member of the HR team, if required. Staff should contact the Head of HR/OD (Tel: 01354 622268, E-mail: santhony@fenland.gov.uk who will arrange for this assistance to be provided).

5.3 If an employee believes that colleague(s) have similar concerns, they should discuss the matter with them first. It may be easier for the matter to be raised where two or more employees share the same concerns.

5.4 Any employee raising a concern under the Council's Whistleblowing Policy will have the right to be accompanied by a trade union representative or work colleague during meetings or interviews.

6. DESIGNATED OFFICERS

6.1 It is essential that allegations are heard by an officer who is impartial and capable of taking an independent view on the concerns raised. In the first instance, if possible, any concern should be raised with your line manager. However, the Council has agreed for the following to act as Designated Officers for independent consultation if you believe that to be necessary.

For any matter (including all Financial Matters)

Peter Catchpole - Corporate Director & Chief Finance Officer

Tel: 01354 622201

E-mail: petercatchpole@fenland.gov.uk

Kathy Woodward - Internal Audit Manager

Tel: 01354 622230

E-mail: kwoodward@fenland.gov.uk

For non-financial matters:

Amy Brown – Head of Legal, Procurement and Member Services

Tel: 01354 622483

E-mail: abrown@fenland.gov.uk


Carol Pilson – Corporate Director and Monitoring Officer

Tel: 01354 622360

E-mail: carolpilson@fenland.gov.uk

Paul Medd - Chief Executive

Tel: 01354 622202

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E-mail: paulmedd@fenland.gov.uk

Sam Anthony – Head of Human Resources and Organisational Development

Tel: 01354 622268

E-mail: santhony@fenland.gov.uk

7. INVESTIGATING THE CONCERN

7.1 Once a written concern has been received, the appropriate manager or Designated Officer will respond to all concerns raised under this policy, and will arrange an initial, confidential interview to ascertain the nature of the problem. Employees may be asked to make either a written or verbal statement. The manager/Designated Officer will produce a brief summary of the meeting, which will be agreed and signed by both persons. The summary will identify that this concern is being raised under the Whistleblowing policy. This should not be construed as either an acceptance or rejection of the concern.

7.2 The manager/Designated Officer will then review the situation and decide upon the course of action following appropriate consultation. This decision, with reasons, is to be formally recorded. All managers will have to report this matter to their Director or a Designated Officer. If the allegation is a financial irregularity the matter must also be reported to the Executive Director (Finance). In the event that a complaint involves the Chief Executive or the Executive Director (Finance), the Designated Officer will report to the Leader of the Council who will authorise further proceedings.

7.3 A decision will be made as to whether an investigation is appropriate or not and, if so, what form it should take. If the concern falls within the remit of other Council procedures the matter will normally be referred for consideration under those procedures.


7.4 Once a concern has been lodged, the employee will be responded to in writing within ten working days, acknowledging:-

- that the concern has been received;
- how the matter will be dealt with, and;
- whether initial enquiries have been made.

A copy of this correspondence will be sent to the Monitoring Officer.

7.5 The employee will be given an indicative timescale of when a final response will be produced. While every effort will be made to keep the employee informed of progress, this will be subject to legal constraints on matters of confidentiality.

7.6 The Council will endeavour to minimise any difficulties experienced as a result of raising a concern. Full support and advice will be given at all stages of any and all proceedings.

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8. HOW THE MATTER CAN BE TAKEN FURTHER

8.1 If the employee raising the concern is not satisfied with the outcome of the investigation, they will have the right to appeal. Any such appeal must be lodged in writing and sent to the Head of HR & OD, within 10 working days of receipt of the decision, stating clearly their grounds for appeal. This will form the final stage of the Council's whistleblowing process.

The Council does recognise that disclosures can be made to prescribed persons as determined by the Government and other outside bodies. This list includes:

- Public Concern at Work
- The Health & Safety Executive
- Recognised Trade Unions
- External Auditors
- Local Government Ombudsman
- Police
- Other relevant professional bodies or regulatory organisations; and
- Other relevant voluntary organisations.


(the contact information for these and other named bodies are detailed in appendix 2 – pages 10 - 14)

8.2 If the employee does decide to take the matter outside the Council, they should not disclose confidential information, and the advice of the Director of Central Services/Monitoring Officer should be sought before taking this action.

9.0 QUALITY AND CONSISTENCY

9.1 The Human Resources team will monitor the Whistleblowing Policy and Procedure to help ensure fair and consistent application, and the Whistleblowing Policy and Procedure will be reviewed at intervals to ensure that it remains fit for purpose.

Author	Human Resources/Internal Audit/
Date	First approved January 2004
Status	Approved
Date of revisions (if applicable)	June 2021
Date agreed	
Date for revision	June 2024
Links to other People Policies	Equal Opportunities, Disciplinary (Conduct) Policy, Grievance Policy, Dignity at Work

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Whistleblowing Concern Form

Fenland District Council is committed to openness, honesty and accountability, and wants to be alerted to problems as early as possible. The Council therefore encourages staff and Members who have serious concerns about any aspects of the Council's work, to express those concerns.

This electronic form should be used to lodge any such concerns.

Assistance in completing this form can be provided from any member of the HR team, if required. Please contact the Head of HR (Tel: 01354 622268, E-mail: santhony@fenland.gov.uk who will arrange for this assistance to be provided).

The full Policy is available on the Council's Intranet under People Policies.

Background and history

Please set out, in as much detail as possible, the background and history of your concern, giving names, dates, places and other information where possible.


(Please type here)

Reason for concern

Please express, in as much detail as you can, the reasons why you are particularly concerned about the situation.

(Please type here)

Name and contact details

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The Council encourages people raising concerns to give their full name for the following reasons:

- concerns expressed anonymously are much less powerful;
- the Council can give you direct feedback on the progress and outcome of any investigations;


So, if you can give you your name and contact details in the box below, that would assist in the investigation of your concern.

(Please type here)

Thank you

Thank you for raising your concern, which will be taken seriously.
 Please forward your completed form confidentially to either your line manager or a Designated Officer.

You will hear from the Designated Officer within ten working days.

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Appendix 2

External Contacts

Public Concern at Work

Public Concern at Work is an independent organisation which can provide guidance and training to employees on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Tel: 0203 117 2520

E-mail: helpline@pcaw.co.uk

Public Sector Audit appointments

www.psaa.co.uk

The Certification Officer

For matters in respect of:

- Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations

Local Ground Floor
 Fleetbank House
 2 – 6 Sailsbury House
 London
 EC4Y 8JX

Tel: 0330 109 3602

Chief Executive of the Criminal Cases Review Commission

For matters in respect of:

- Actual or potential miscarriages of justice


Criminal Cases Review Commission
 5 St Philips Place
 Birmingham
 B3 2PW

Tel: 0121 233 1473

Independent Office Police Conduct

For matters in respect of:

- The conduct of a person serving with the police, or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation.

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Independent Office for Police Conduct
 PO Box 473
 Sale
 M33 0BW
 Tel 0300 020 0096

Controller and Auditor General of the National Audit Office

For matters in respect of:

- The proper conduct of public businesses, value for money, fraud and corruption in relation to the provision of centrally funded public services

The Controller and Auditor General
 National Audit Office
 157-197 Buckingham Palace Road
 Victoria
 London
 SW1W 9SP
 Tel: 020 7798 7000

The Director of the Serious Fraud Office

For matters in respect of:

- Serious or complex fraud

The Director of the Serious Fraud Office
 2 – 4 Cockspur Street
 London
 SW1Y 5BS

The Environment Agency

For matters in respect of:


- Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, fisheries and migratory salmon or trout.

The Environment Agency
 PO Box 544
 Rotherham
 S60 1BY

Tel: 03708 506506
 Email: enquires@environmental-agency.gov.uk

The Health and Safety Executive

For matters in respect of:

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- Matters which may affect the health and safety of any individual at work; matters which may affect health and safety of any members of the public arising out of, or in connection with, the activities of persons at work

Health and Safety Executive
 Information Services
 Caerphilly Business Park
 Caerphilly
 South Wales
 CF83 3GG
 Tel: 0300 0031647

Information Commissioner

For matters in respect of:

- Compliance with the requirements of legislation relating to data protection and to freedom of information

The Office of the Information Commissioner
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF
 Tel: 01625 545700

Advisory, Conciliation and Arbitration Service (Acas)


Acas operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law.

Tel: 0300 123 1100
 E-mail: www.acas.org.uk

Local Government Ombudsman

The Local Government Ombudsman is concerned with council matters including housing, planning, education and social services.

Tel: 0300 061 0614
<http://lgo.org.uk>

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Disclosure and Barring Service

The Criminal Records Bureau's aim is to help organisations in the public, private and voluntary sectors by identifying candidates who may be unsuitable to work with children or other vulnerable members of society. Their role is to reduce the risk of abuse by ensuring that those who are unsuitable are not able to work with children and vulnerable adults.

General Enquiries: 03000 200 190
 DBS barring
 PO Box 3963
 Royal Wootton Bassett
 SN4 4HH

Social Services - Cambridgeshire County Council

www.cambridgeshire.gov.uk

Address: Shire Hall
 Castle Hill
 Cambridge
 CB3 0AP

Tel: 01223 717111 (Main switchboard)
 0345 045 5200 (Cambs Direct)

Protect

Protect aims to make whistleblowing work for individuals, organisations and society.

<https://protect-advice.org.uk>

Advice line: <https://protect-advice.org.uk/contact-protect-advice-line/>