



WHISTLEBLOWING POLICY

1. Introduction to whistleblowing

- 1.1 East Cambridgeshire District Council (“the Council”) is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life in all 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 speaking up to prevent harm.
- 1.3 In this policy, ‘Whistleblowing’ means a worker raising a concern with someone in authority – internally and/or externally (e.g. to regulators, members, the media) – about wrongdoing, risk or malpractice that affects others. 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. It is important to note that concerns can be raised about a risk that may not have happened yet.
- 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 falls short of these principles (i.e. they are encouraged to ‘whistleblow’).
- 1.5 To help achieve these standards of honesty, openness and accountability, “speaking up” or whistleblowing 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 and employees or workers can be assured that the Council will not tolerate retaliation against whistleblowers and victimising a whistleblower will result in disciplinary action. Further, employees who report wrongdoing within the workplace are also protected by the Employment Rights Act 1996.

Please see the following link which explains the law in simple terms - <https://protect-advice.org.uk/pida/>

2. Purpose

- 2.1 The Council aims to provide a safe and effective working environment in which individuals can safely speak up about wrongdoing, risk or malpractice without fear of retribution. The Policy is intended to encourage and empower employees and others to disclose concerns about serious wrongdoing or unlawful conduct without fear of victimisation.
- 2.2 The Council aims to investigate disclosures fairly, properly and promptly and to protect the confidentiality of whistleblowers as far as possible.
- 2.3 The Council will not tolerate retaliation against whistleblowers and will treat victimisation as a serious disciplinary matter.
- 2.4 This policy does not apply to concerns of a personal or professional nature that relate to the individual treatment of an employee, or the application of an employment policy to them as an individual. These should be handled through the Council's Grievance Policy and Procedure. For guidance on the difference between whistleblowing and grievances, please see the following link for more guidance:

<https://protect-advice.org.uk/what-is-whistleblowing/#:~:text=What%20is%20the%20difference%20between%20whistleblowing%20and%20raising%20a%20grievance%3F>

3. Concerns that should be reported

- 3.1 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 or
 - are improper behaviour

- 3.2 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;
 - 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 (i.e. inappropriate disposal of waste);
 - showing undue favour over a contractual or employment matter;
 - sexual, physical or verbal abuse of clients, employees and others;
 - breach of standing orders or financial regulations;
 - 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)

4. Anonymous allegations

- 4.1 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.
- 4.2 Anonymously raising concerns means that no one knows who you are. This may seem like an appealing option, but there are some downsides. The person who receives your concern will be unable to ask you follow up questions for further information. It will also make it harder for the Council to protect you from victimisation, as the Council will struggle to confirm your identity as the whistleblower.
- 4.3 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, as the protection is based on an ability to demonstrate who it is that has blown the whistle. If the recipient of the concerns does not know who the whistleblower is, it becomes impossible to establish. It also becomes difficult to judge whether the individual raised the concern in the public interest or maliciously.
- 4.4 Openly raising concerns means that the whistleblower is not concerned about being identified. Concerns raised in confidence is where the person receiving



the whistleblower's concerns undertakes not to reveal their identity. Raising concerns openly or confidentially are more effective ways to raise concerns. Both methods mean follow up questions can be asked, and action can be taken against any victimisation of the whistleblower.

- 4.5 All information is held in the strictest confidence and the Council will seek to protect the identity of any employee as far as possible.
- 4.6 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.
- 4.7 Appropriate disciplinary or legal action may be taken if an employee makes a false or malicious allegation that they know is untrue.

5. Safeguarding and confidentiality

- 5.1 The Employment Rights Act 1996 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.
- 5.2 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.
- 5.3 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.
- 5.4 In line with the Employment Rights Act 1996 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.
- 5.5 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.

- 5.6 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. 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.
- 5.7 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.
- 5.8 Provided whistleblowers 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.
- 5.9 The Council will try to ensure that any negative impact of either a malicious or unfounded allegation about a person is minimised.

6. Raising a concern

Appendix 1 consists of the whistleblowing process with further guidance provided at Appendices 2 and 3 of this policy

- 6.1 As a first step, your concerns should normally be raised with your line manager.
- 6.2 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)

6.3 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; (*link to be created and included*)
- by telephoning 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

6.4 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.

6.5 Any personal interest in the matter should be disclosed at the outset.

6.6 An informal approach to any of the above Officers will be treated as completely confidential and will not result in any report to anyone within the Council, unless you agree.

6.7 A concern raised by two or more employees can add weight to allegations that may be made.

6.8 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.

6.9 Employees have the right to be accompanied by a trade union representative, any other professional representative or friends during any meetings or interviews.

6.10 Initial concerns may be raised orally or in writing, although normally 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.

7. Response from the Council

- 7.1 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.
- 7.2 If the concern raised involves the Monitoring Officer, the Chief Executive will initially deal with the allegation and will nominate a responsible employee (i.e. alternative Investigating Officer) to conduct initial enquiries with the same authority that the Monitoring Officer would have.
- 7.3 During the initial enquiry, the Monitoring Officer or Investigating Officer will:
- determine the factors that gave rise to the suspicion;
 - examine factors to determine whether any irregularity has occurred (i.e. 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.
- 7.4 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.
- 7.5 Within 10 working days of a concern being raised, and following the initial investigation, the Monitoring Officer or Investigating Officer will write to the person raising the concern:
- acknowledging that the concern has been received
 - indicating the initial findings and how he/she proposes to deal with the matter; and giving an estimate of how long it will take to provide a final response.
- 7.6 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.
- 7.7 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:

- Agreed steps such as disciplinary process
- Referral to the Police
- An independent enquiry

- 7.8 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 necessary, further information may be sought from the person raising the concern but anyone raising a concern can also request not to be contacted for further information. However, this might hinder the success of an investigation. 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.
- 7.9 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.
- 7.10 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.
- 7.11. 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.
- 7.12 The Monitoring Officer or Investigating Officer can decide to take no further action if a complaint appears to be trivial or malicious.
- 7.13. 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 elect to have correspondence and such like forwarded to their home address.
- 7.14 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.

- 7.15 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.
- 7.16 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.

8. Taking the matter further

- 8.1 This policy is intended to provide an avenue to raise concerns within the Council and to avoid possible prejudice to any internal investigation process, a disclosure should not normally be made to external bodies before it is raised through the internal mechanisms set out in this Policy. However, under legislation, in certain limited circumstances, an individual making a disclosure to an external body relating to any matters contained in legislation may be protected from detriment or dismissal. The Council hopes you will be satisfied with any action taken but 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.
- 8.2 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 (e.g. 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.
- 8.3 Before taking a matter to an external body, the Council advises individuals check the list of prescribed bodies, who can advise you on what falls under their regulatory remit, but which may be unable to advise you on your legal rights. A link to the Gov UK list of prescribed people and bodies can be found below:
- <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>
- 8.4 The Council would encourage you to contact the Charity Protect's (formerly Public Concern at Work) free confidential advice line before raising a concern internally or externally if you have concerns about wrongdoing in the workplace. Protect advise callers how to whistleblow safely and in accordance with the law.



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

Their dedicated hotline is 020 3117 2520.

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 concerns which they know to be false.

APPENDIX 1

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
 - Full investigated either internally or referred to the 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 2

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 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 Employment Rights Act 1996 provides whistleblowers with the right not to be victimised or dismissed for making a Protected Disclosure.

A disclosure must satisfy the following criteria to be protected legally:

Provide specific information about a wrongdoing;

Fall under the six categories of wrongdoing: legal breach, criminal offence, health and safety endangerment, miscarriage of justice, environmental damage or a cover up of any of the above; and

Be in the public interest (have or risk having an impact on others)

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

APPENDIX 3

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 Councils' 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.