

# **Whistleblowing Policy**

Raising concerns in confidence

June 2020

# Whistleblowing

## 1. The purpose of the whistleblowing policy

- 1.1 This policy explains how employees and others can raise concerns about things happening at the Council that worry them and without fear of any consequences from speaking out. All staff and those who work with the Council should feel able to call out when things don't look right. The policy supports them to do so. It is for times when other routes such as raising a grievance do not provide a way forward.
- 1.2 Employees are often the first to realise that there may be something wrong at work. They may not want to appear disloyal to colleagues or to the Council. They may fear recrimination or victimisation. It may seem easier to ignore a concern rather than report what may just be a suspicion.
- 1.3 The Council is committed to the highest possible standards of openness, fairness and accountability. We want employees and others working with us who have serious concerns to come forward and voice them. We want to make sure all staff feel safe and able to do so.

**You can voice your concern without fear of victimisation, discrimination or disadvantage. You are encouraged to raise concerns about the Council rather than ignoring them or waiting for others to speak up. The County Council wishes to show that it has a listening culture of improvement and openness.**

## 2. Who the policy applies to

- 2.1 The policy applies to all employees regardless of contract type, volunteers, interim staff, secondees and those contractors working for the County Council on Council premises, for example, agency staff, Capita staff, or drivers. It also covers those providing services under a contract with the Council in their own premises, for example, care homes or foster carers. Schools have a separate but identical policy suited to their workplace.
- 2.2 There will be others with a connection with the County Council who become aware of or experience something they feel needs to be reported about the County Council. They include:
  - employees of contractors or providers of council-related services where that organisation's own whistleblowing policy is not effective; or
  - those assisting or involved with services in the adult or childcare sector where avenues for complaint are not clear or not seen as reliable;
- 2.3 The County Council will expect all organisations with which it contracts and which provide a service on behalf of or in partnership with the Council to have in place a robust, clear and well-advertised whistleblowing policy so that the Council can be confident that persons employed by or connected with them have a fair and confidential process by which to raise concerns.

**Whatever your connection with Council's services you should feel able to raise a concern and have it looked into. We will help you find the right way to do that You should feel confident about doing so and be able to take advice in confidence about how best to speak out.**

### **3. How whistleblowing fits with other ways of raising concerns**

- 3.1 The whistleblowing policy is intended to cover concerns that may fall outside the scope of other procedures. These situations could include:
- conduct which is a criminal offence or a breach of the law;
  - falsification of records or the misuse of data;
  - health and safety risks, whether to the public or employees;
  - damage to the environment;
  - the improper use of public funds;
  - fraud and corruption;
  - sexual, physical or verbal abuse or bullying; and
  - any other unethical conduct.
- 3.2 Other procedures are available to raise concerns and these should be considered before assuming you need to use the whistleblowing policy:
- Grievance - where the concern affects your personal experience at work – you should contact your grievance officer or a trade union officer. You can find the Council's grievance policy on the HR Zone on The Point (the intranet) *[add link]*
  - Anti-Fraud and Corruption Strategy - for cases where the concern is about the misuse of public money (see paragraph 7.5 below)
  - Data Protection rules - for concerns about how the Council deals with personal information - contact the Council's Data Protection Team or use the breach notice process. You can find the breach report process on the HR Zone on The Point (the intranet) *[add link]*
  - Financial Regulations - for how the Council deals with its own finances - contact the Chief Accountant or Head of Internal Audit
  - Complaints Policy - for customers or users of services to complain about Council services - contact the Customer Relations Team
  - Member Code of Conduct – complaints about the conduct of county councillors or the elected members of other councils are dealt with by the Standards Committee of the relevant Council and should be referred to the Monitoring Officer (see paragraph 7.5 below).
- 3.3 You should speak to your line manager in the first instance about your concern and check which procedure is the right one. You may prefer to contact one of the officers listed in 7.3 for help. It may be better for you to use one of the procedures above as it may mean we can sort the problem more quickly. The contact officer can allay any worries you may have about the best way to voice your concern.
- 3.4 This whistleblowing policy is for when these other options do not feel right – perhaps because you are worried about the consequences for you or because you do not want to be identified as the complainant – something that:

- makes you feel uncomfortable in terms of the council's values;
- is against the Council's Standing Orders and policies;
- amounts to improper conduct; or
- threatens the reputation of the County Council.

#### **4. Safeguards: Feel safe from discrimination or victimisation**

- 4.1 The Council wants to be supportive of employees who speak out for what matters to them. It recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you have nothing to fear. You will be doing your duty to your employer and those for whom you are providing a service.
- 4.2 The Council will not tolerate any harassment, discrimination or victimisation and will take action to protect you when you raise a concern in good faith. There can be no adverse consequences for your employment at the Council from raising such concerns.

#### **5. Confidentiality**

- 5.1 All concerns raised in this way will be treated in confidence and every effort will be made not to reveal your identity to anyone else if you so wish. At the appropriate time, however, you may need to come forward as a witness if effective action is to be taken to tackle something which is wrong. That will be discussed with you to make sure you are content. It means you should not be afraid of giving your name to the contact officer when you want to make a complaint under this policy.
- 5.2 You are encouraged to put your name to your concern whenever possible, even when you prefer to keep it from others. Concerns expressed anonymously are much less powerful. They may still be looked into depending on their seriousness, the credibility of the information and the likelihood of the allegation being substantiated from attributable sources.

#### **6. False or malicious allegations**

- 6.1 If you raise a concern with a genuine and reasonable belief it is true, but it is not confirmed or cannot be proved by the investigation, no action will be taken against you. The outcome and the reasons for it will be explained to you.
- 6.2 If, however, you make an allegation maliciously or for personal gain, and the investigation confirms this, then disciplinary action may be taken against you.

#### **7. How to Raise a Concern**

- 7.1 As a first step, consider raising your concern with your immediate manager or another manager in your area. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the poor behaviour. It will then be for your manager to deal with it. If you do not feel able to

Speak to your manager you should contact one of the Contact Officers listed below to get advice about how to proceed.

- 7.2 Each Directorate has a Contact Officer as the person to contact if you do not feel able to speak to your line manager or another senior officer. The Contact Officer will be aware of the way this policy works and the protections it gives. They can give you advice on how to deal with your concerns and they can arrange an investigation if that is the right thing to do next. Any advice they give you will be strictly confidential. You do not have to use the Contact Officer for your own directorate. If you have a concern about your own manager or one which affects another service you may prefer to speak to a Contact Officer in another area of the Council or to the Lead Contact Officer. If it is about financial matters the Internal Auditor might be appropriate.
- 7.3 You may wish to make a call to a Contact Officer or arrange to speak to them privately. If you mention 'whistleblowing' they will understand the need to make time for you and to deal with the discussion in confidence.

**The Contact Officers are:**

<b>Service</b>	<b>Contact Officer</b>
Lead Contact Officer	Tony Kershaw Monitoring Officer Director of Law and Assurance (Contact no. 033 022 22662)
Chief Executive's Office	Dave Loveman (Contact no. 033 022 28804)
Adults' Operations	Alan Adams (Contact no. 033 022 28140) or Chief Social Worker
Children's Services	Lucy Butler (Contact no. 033 022 27643)
Communities	Emily King (Contact no. 033 022 23876)
Education and Skills	Paul Wagstaff (Contact no. 033 022 26591)
Environment	Steve Read (Contact no. 033 022 24037)
Finance and Support Services	Katharine Eberhart (Contact no. 033 022 22087)
Fire & Rescue	Neil Stocker (Contact no. 033 022 26486)

<b>Service</b>	<b>Contact Officer</b>
Highways and Transport	Matt Davey (Contact no. 033 022 25622)
Human Resources and Organisational Change	Jamie McGarry (Contact no. 033 022 25277)
Property and Assets	Andrew Edwards (Contact no. 033 022 24261)
Public Health	Anna Raleigh (Contact no. 033 022 24775)

- 7.4 The Contact Officer will ensure you are kept informed of the progress of your complaint and that you are aware as far as possible of the outcome and any action which results. If you are concerned about any aspect of your complaint once you have made it you should speak to the Contact Officer.
- 7.5 There are also officers in the Council who have particular responsibilities for the standards of conduct we seek to uphold. If you feel unable to use either your own management or a Contact Officer, you may contact one of the Responsible officers listed below.

### **Responsible Officer**

Monitoring Officer (Director of Law and Assurance) - Tony Kershaw  
(Contact no: 033 022 22662)

Chief Financial Officer (Director of Finance and Support Services)  
– Katharine Eberhart  
(Contact no: 033 022 22087)

Chief Internal Auditor – Neil Pitman  
(Contact no: 07802 843562)

Head of Paid Service (Chief Executive) – Becky Shaw  
(Contact no: 033 022 24628)

- 7.6 If your concern is about a financial issue you can use the Anti-Fraud Hotline (Tel no: 0330 2228666, E-mail: [fraudhotline@westsussex.gov.uk](mailto:fraudhotline@westsussex.gov.uk)). The Anti-Fraud and Corruption Policy can be found on the HR Zone on The Point (the intranet). *[add link]*
- 7.7 The Monitoring Officer, who is the Director of Law and Assurance, has special responsibility for propriety and standards within the authority. If you feel that your complaint cannot be dealt with other than through the main person responsible for propriety you should contact the Monitoring Officer direct.
- 7.8 If you have a complaint about the Monitoring Officer or the Monitoring Officer's staff which you would otherwise have taken to the Monitoring Officer, you should go to the Chief Executive.

- 7.9 The County Council recognises the role of UNISON in its representative capacity on behalf of its members. For Fire and Rescue staff there are other unions representing you. Anyone wishing to raise a concern under this policy should feel free to contact the UNISON branch secretary or their fire union representative to obtain advice about how to pursue a concern or about the substance of their concern. They will liaise with the relevant responsible officer to ensure that the matter is dealt with in accordance with this policy.
- 7.10 Concerns may be raised orally initially but should be confirmed in writing. The Contact officer may create a record of the complaint for you to confirm. Staff who wish to make a written complaint are invited to use the following approach to setting out the concern:
- the background and history of the issue (giving relevant dates);
  - the reason why you are concerned;
  - Your connection to the matter and the names of other persons who could assist in giving information about it;
  - Your reasons for needing confidentiality – are there particular persons who should not be told?
  - The reason why the County Council should be concerned (where it is not directly connected to the matter).

The contact officer will help you in describing your concern.

- 7.11 The sooner you express the concern the easier it is to take action.
- 7.12 Although you are not expected to provide all of the evidence to support your complaint you try to suggest where other useful information could be found.
- 7.13 You may wish to consider discussing your concern with a colleague first and you might find it easier to raise the matter if there are two or more of you who have had the same experience or concerns.
- 7.14 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised. Anyone who helps you will need to respect the confidentiality of the investigation.

## **8. How the Council will respond**

- 8.1 The person you contact will either deal with the concern or nominate someone to do so who will not have been involved in the matter themselves and will know how to carry it forward. This may involve an interview to take a detailed account of your concerns and to identify any evidence available.
- 8.2 Where appropriate, the matters raised may:
- be investigated by a senior officer, internal audit, or through one of the Council's other processes (see 3.2 above);
  - be referred to the police;
  - be referred to the Council's external auditor; or

- be the subject of an independent inquiry, for example, through the Independent Safeguarding Board for Children or for Adults.
- 8.3 The person nominated to deal with the complaint will make initial enquiries to decide whether a fuller investigation is appropriate. He or she will also decide what form the investigation should take. Some concerns may be resolved by agreed action without the need for investigation.
- 8.4 If the concern is about vulnerable individuals, or a criminal activity, action will be taken promptly to protect the individual and prevent further offences. If urgent action is required (for example to protect someone from harm or to safeguard resources) this will be taken before any investigation is carried out
- 8.5 Within ten working days of a concern being raised with the contact officer the person dealing with your issue:
- (i) will write to you:
    - acknowledging that the concern has been received;
    - indicating how it will be dealt with;
    - giving an idea of how long it will take to deal with;
    - telling you whether any initial enquiries have been made;
    - supplying you with information on staff support; and
    - telling you whether further action will take place and if not, why not; and
  - (ii) will inform the Monitoring Officer or their Deputy that an issue has been raised under this policy and providing a summary of the complaint.
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the concern, the difficulties in getting evidence or in verifying the information. If necessary, the officer will speak to you again.
- 8.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and where appropriate financial or other support.
- 8.8 The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, we will inform you of the outcome of any investigation or explain why this is not possible.

## **9. The Monitoring Officer**

- 9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not compromise your confidentiality) and will report as necessary to the Council, including regular anonymised reports to the Standards Committee on the number and general



nature of reports received. They will also be responsible for ensuring that proper and timely progress is made in dealing with any complaint and that the principles and requirements of this policy are met.

## **10. How the Matter can be Taken Further**

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. We hope you will be satisfied with any action taken. If you are not and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor;
- your trade union (but see above);
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the local government and social care ombudsman
- the police
- [other appropriate authorities](#)

## **11. Contacts for Independent External Advice**

11.1 You may at any stage want to obtain help or advice from outside the County Council and this can be obtained from a charitable organisation called Protect at Work. They can be contacted through their web site [www.pcaw.co.uk](http://www.pcaw.co.uk). Also at [business@protect-advice.org.uk](mailto:business@protect-advice.org.uk). They have a help line at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) and can provide advice through: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk). Their telephone number is 020 3117 2520. They operate Monday to Friday, 9.00 a.m. to 5.00 p.m.