

# Cheshire West and Chester Council Whistleblowing Policy

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## 1. About this policy

*Cheshire West and Chester Council [the Council] is committed to conducting its business with honesty and integrity, and it is expected that all Employees and Members will maintain high standards in accordance with their own Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to be able to address them effectively when they do occur.*

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected as far as possible.
- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy applies to all Employees, Councillors, Consultants, Contractors, Volunteers, Casual and Agency workers.

This policy does not form part of any employee's contract of employment, and it may be amended by the Council at any time.

***All contact details for individuals/ organisations named in this policy are available at the end of this document.***

## 2. What is whistleblowing?

**Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity
- failure to comply with any legal, professional obligation and/ or regulatory requirements.
- miscarriages of justice
- danger to health and safety
- damage to the environment,
- a breach of the Anti-Fraud & Corruption and/or Anti-Bribery Policies
- fraud and/ or mismanagement/ unauthorised use of public funds
- negligence including abuse of Customers (external) including sexual, physical and/or financial.
- breach of the Council's internal policies and procedures, including our Code of Conduct
- conduct likely to damage the Council's reputation.

- unauthorised disclosure of confidential/ sensitive information
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a whistleblowing concern), then you should report it under this policy.

This policy should not be used for complaints relating to an employee's personal circumstances, such as the treatment of individuals at work. In those cases, employees should use the Council's Grievance Procedure and/ or Dignity at Work Policy.

If you are uncertain whether something is within the scope of this policy, you should seek advice from the Council's Whistleblowing Officer, whose contact details are at the end of this policy.

### **3. Raising a whistleblowing concern**

The Council hopes that in the majority of cases staff will feel able to raise any concerns with their line manager; this may be in person or in writing if you prefer. It might be that there is an agreed way of resolving your concern quickly and effectively. In some cases, the matter may need to be referred to the Whistleblowing Officer.

However, where the matter is more serious, or it is felt that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- The Whistleblowing Officer
- The Council's confidential telephone hotline
- Senior Manager Assurance - Audit, Business Continuity, Fraud and Risk (Head of Internal Audit), or
- Director of Governance

If appropriate a meeting will be arranged to discuss your concern and this will take place as soon as possible. You may bring a colleague or union representative to any meetings under this policy. Both you and any companion must respect the confidentiality of any disclosure and subsequent investigation.

A written summary of your concern may be taken, if so, a copy will be provided. An indication may be given as to how the matter will be dealt with.

If Members have concerns about potential wrongdoing within the Council, then these concerns should be raised with the Council's Monitoring Officer (Director of Governance) or the Chief Executive.

### **4. Confidentiality**

The Council hopes that anyone who wishes to raise a whistleblowing concern feels able to do so openly under this policy. However, if there is a desire to raise concerns confidentially, every effort will be made to keep their identity secret. If it is necessary for the appointed Investigating Officer to know the identity of the individual making the original disclosure, then this will be discussed with that individual.

The Council strongly encourages any disclosure not to be made anonymously as this may make effective investigation more difficult or impossible if such information cannot be obtained. 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 discuss their concerns with the Whistleblowing Officer (or one of the other contact points) so that measures can be then be taken, if possible, to preserve confidentiality.

If there is any doubt then advice can be sought internally from the Whistleblowing Officer or externally from Organisations such as “Protect” (previously Public Concern at Work), the independent whistleblowing charity, who offer a confidential helpline.

## **5. Investigation and outcome**

Once a concern has been raised, an initial assessment will be carried out to determine the scope of any investigation and the individual making the disclosure will be informed of the outcome of the assessment. There may also be a need to attend additional meetings in order to provide further information.

In some cases, an investigator or team of investigators will be appointed including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to ensure that the risk of future wrongdoing is minimised.

The appointed investigator will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent specific details of the investigation and/ or any disciplinary action being given. Any and all information about the investigation must be treated as confidential.

If it is concluded that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

## **6. If you are not satisfied**

Whilst the Council cannot always guarantee the outcome that an individual is seeking, all concern/s will be dealt with fairly and in an appropriate way. The appropriate use of this policy will help us to achieve this.

If you are not happy with the way in which any concern has been handled, you can raise it with one of the other key contacts.

Alternatively contact the Director of Governance or the Council's external auditors.

## **7. External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. It is strongly recommended to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, “Protect” operates a confidential helpline and can be contacted for advice. They also have a list of prescribed regulators for reporting certain types of concern.

## **8. Protection and support for whistleblowers**

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support anyone who raises genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern.

If any individual believes that they have suffered any such treatment, then this should be raised with the Whistleblowing Officer immediately. If the matter is not remedied, then employees can raise the matter formally using the Council's Grievance Procedure.

The Council's Grievance Procedure does not apply to any other category of persons listed within this Whistleblowing Policy i.e., Councillors, Consultants, Contractors, Volunteers, Casual and Agency workers. If you fall into one of these categories and believe that you have suffered a detriment for raising a Whistleblowing concern.

then you can raise a further complaint through the Council's complaints procedure and/or with the Monitoring Officer.

Whistleblowers must not be threatened or retaliated against in any way; involvement in such conduct may result in disciplinary action. In some cases, the whistleblower could have a right to sue the individual personally for compensation in an employment tribunal.

The Council also operates the Employee Assistance Programme that offers around –the-clock, free confidential assistance.

## 9. Key Contacts and additional information

<b>Whistleblowing Officer</b>	Helen Peters (Internal Audit) 01244 977 375 07909 533639 <a href="mailto:helen.peters@cheshirewestandchester.gov.uk">helen.peters@cheshirewestandchester.gov.uk</a>
<b>Director of Governance (Monitoring Officer)</b>	Vanessa Whiting 01244 975 970 <a href="mailto:vanessa.whiting@cheshirewestandchester.gov.uk">vanessa.whiting@cheshirewestandchester.gov.uk</a>
<b>Senior Manager Assurance – Audit, Business Continuity, Fraud and Risk (Head of Internal Audit)</b>	Jim Dean <a href="mailto:Jim.dean@cheshirewestandchester.gov.uk">Jim.dean@cheshirewestandchester.gov.uk</a> Contact via Teams
<b>External Auditors</b>	Grant Thornton 0151 224 7200
<b>Whistleblowing hotline (Internal)</b>	01244 973 223 <a href="mailto:whistleblowing@cheshirewestandchester.gov.uk">whistleblowing@cheshirewestandchester.gov.uk</a>
<b>Fraud hotline</b>	0300 123 7030 <a href="mailto:fraud@cheshirewestandchester.gov.uk">fraud@cheshirewestandchester.gov.uk</a>
<b>Council’s Employee Assistance Programme (offers free confidential advice)</b>	0330 380 0658 <a href="https://workingrewards.co.uk">Accessible via the hub (workingrewards.co.uk)</a>
<b>Protect (previously Public Concern at Work)</b>  (Independent whistleblowing charity)	Helpline: (020) 3117 2520 Website: <a href="https://protect-advice.org.uk">Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk)</a>

## **10. Personnel responsible for the policy**

The Council's Director of Governance has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Whistleblowing Officer has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Whistleblowing Officer, in conjunction with a representative from Legal Services and HR will review this policy from a legal and operational perspective at least once a year.

All Employees and Members are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

If you have any questions or suggestions for improvement to **this policy**, please contact:

**Internal Audit - Fraud and Investigations Manager (Whistleblowing Officer) – Helen Peters**

Telephone: 01244 977 375

Email: [helen.peters@cheshirewestandchester.gov.uk](mailto:helen.peters@cheshirewestandchester.gov.uk)

Other relevant policies can be found on the intranet in addition to this Whistleblowing Policy, these include:

Officer Code of Conduct

Councillors Code of Conduct

Gifts and Hospitality Policy

Anti-Money Laundering Policy

Anti-Bribery Policy and Framework

Anti-Fraud and Corruption Policy