

Cheshire West & Chester Council

Whistleblowing

Helen Peters, Fraud & Investigations
Manager



Compliance
and Assurance



Cheshire West
and Chester

What is whistleblowing?

- **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work.



What might a whistleblowing concern look like.....

- 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.

Examples

- Covid related - Illegal use of furlough workers/ setting up other Companies to by pass furlough rules/ inadequate PPE
- Inappropriate relationships – Children's homes/ Care homes
- Poor standard of care, failing to follow procedure
- Deliberate concealment of wrongdoing
- Wrongdoing that endangers or damages the environment e.g. dumping toxic chemicals
- H&S risk to *any* individual, i.e. whether they are a worker of the employer or not (children/adults in care home, schools)

How to identify a whistleblowing concern

- Accepted no hard and fast rule for identifying WB allegations – general rule of thumb:
- **Is there a risk to others** – whistleblowing is about raising concerns relating to wrongdoing, risk or malpractice that might be witnessed in the workplace.
- **Is it in the Public interest** – concerns should be in the public interest, and unlike grievances, the concerns may not affect the reporting individual at all, but has wider implications on the workforce/public.

Dealing with a whistleblowing concern

- CW&C operate a **WB Policy** – found at - [iWest Intranet - Whistleblowing \(ccusers.com\)](http://iWest Intranet - Whistleblowing (ccusers.com))
- **Process** – there is no set process for investigating whistleblowing concerns (good practice guidance) unlike Grievance/ Dignity at Work. Other differences e.g. no right to be accompanied to a meeting with your employer to discuss your concerns.
- **Confidentiality** – should respect any request/ wish for confidentiality.
- **Feedback** – not routinely entitled to receive feedback/ outcome of a whistleblowing concern, for example, if as a result of a whistleblowing concern, an employee is “disciplined” then this is confidential information and would not be disclosed.
- **Appeal** – there is no general right to appeal if you are unhappy with how whistleblowing concerns are dealt with, however this can often be escalated (Regulated bodies etc)

Public interest Disclosures

- WB is not intended as a “replacement” for complaints relating to an employee’s personal circumstances (treatment at work). Might be more appropriate to use the Council’s Grievance Procedure and/ or Dignity at Work Policy etc
- Distinguish from cases where a worker is going through a personal issue in the workplace or where their employment law rights are affected, making it a grievance matter.
- Raising concerns about wrongdoing which affects people other than just themselves
- However, there may be instances where a concern may also affect the worker raising it, for example culture of bullying/ discrimination in the workplace, which would then make this a public interest concern.

Protection and Support for Speaking Up.

- Whistleblowers must not suffer any detrimental treatment as a result of raising a concern, this might include (but not limited to)
 - dismissal,
 - disciplinary action,
 - threats, or
 - other unfavourable treatment connected with raising a concern.
- If a worker makes a protected disclosure and is treated negatively in any way for doing so, then this is a breach of their legal rights under PIDA. They may be able exercise their rights under the legislation to bring a claim for compensation at Employment Tribunal

Allegations

- ***What do I do as a Manager if I receive what I think is a WB allegation?***
- Managers guidance & practical tips about responding to a concner as well as dealing with the whistleblower themselves
- FAQs – might be helpful for staff or help in communicating the policy.
- All available at - [iWest Intranet - Whistleblowing \(cccusers.com\)](http://iWest Intranet - Whistleblowing (cccusers.com))
- Recognising it might fall under the WB Policy
- Seek Advice – always happy to have chat and discuss most appropriate course of action

Other Bodies

- Schools & ASDV's (Brio, Waste, etc) should operate with their own WB Policy
- Similarly Care Providers - complain to the Council, whilst we might undertake some form of investigation, any “protection” falls to the Employer.

How to make a complaint

- whistleblowing@cheshirewestandchester.gov.uk
- Via website – [Report a non-benefit related fraud - Your data - Self \(cheshirewestandchester.gov.uk\)](#)
- Whistleblowing hotline: 01244 973223
- Directly to Officers – 01244 977375/ 07909 533639