

CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 4 April 2023

Title: Report on Amendments to the Whistleblowing Policy

Purpose of the report: To amend the Whistleblowing Policy

For: Decision

Cabinet Portfolio and Cabinet Member: Cllr Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

Background:

The Whistleblowing Policy has been reviewed and amendments have been made to ensure the policy is up to date.

A report on amendments to the Whistleblowing Policy was considered by the [Overview and Scrutiny Co-ordinating Committee on the 22nd of March 2023](#). The report sets out the amendments which have been made to the Whistleblowing Policy.

The Overview and Scrutiny Co-ordinating Committee recommended on the 22nd of March that Cabinet approves the amendments to the Whistleblowing Policy.

Current Position:

The amended Whistleblowing Policy is attached at **Appendix 1** with tracked changes used to show where amendments have been made.

Cabinet is requested to approve the amendments to the Whistleblowing Policy as shown in **Appendix 1**.

Has an Integrated Impact Assessment been completed? If, not, please state why	No, this report does not represent a change in policy or strategy.
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Wellbeing of Future Generations:

Summary:

Long term:

Collaboration:

Involvement:

Prevention:

Integration:

Recommendation(s):	That Cabinet approves the amendments to the Whistleblowing Policy as shown in Appendix 1 .
Reasons for decision:	To ensure that the Whistleblowing Policy is up to date and remains fit for purpose.
Overview and Scrutiny:	Overview and Scrutiny Co-ordinating Committee 22/03/2023
Policy Framework:	Whistleblowing Policy
Corporate Well-being Objectives:	N/A
Finance and Procurement implications:	N/A
Legal Implications:	Ensuring compliance with the Public Interest Disclosure Act 1998
Staffing implications:	N/A
Property / asset implications:	N/A
Risk(s):	N/A
Statutory Powers:	Public Interest Disclosure Act 1998
Background Papers:	Report to the Overview and Scrutiny Co-ordinating Committee 22/03/2023: https://council.ceredigion.gov.uk/documents/s4741/Report%20on%20Amendments%20to%20the%20Whistleblowing%20Policy.pdf?LLL=0
Appendices:	Appendix 1 – Draft Whistleblowing Policy
Corporate Lead Officer:	Elin Prysor, CLO – Legal & Governance
Reporting Officer:	Elin Prysor
Date:	22/3/23



CEREDIGION

Whistleblowing Policy

Author: Monitoring Officer/ [CLO-People & Organsiation](#)

Cabinet Approval: 17/05/16

Cabinet Approval: 19/06/2018

[Amended 14/02/23](#)

[Cabinet Approval: x/x/2023](#)

Deleted: Human Resources

Deleted: Final: 07/04/16

Deleted: Agreed by Trade Unions 14/3/16¹

Deleted: Date Published: 17/05/16¹

Deleted: Amended by the Monitoring Officer: 23/11/2017¹
Re-amended by the Monitoring Officer: 16/05/2018

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PREAMBLE

Employees are often the first to realise that there may be something seriously wrong with the way that certain activities are carried out within the Council. However, they may not be able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation as a result of their actions. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. 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 or to address them when they do occur.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals.

AIMS AND SCOPE OF THIS POLICY

This policy aims to:

- encourage you to report suspected wrongdoing as soon as possible, in the knowledge that your concerns will be taken seriously and investigated as appropriate, and that your confidentiality will be respected.
- provide guidance and avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with the Council's response
- reassure you that you should be able to raise genuine concerns without fear of reprisals or victimisation for whistleblowing, even if they turn out to be mistaken

There are existing procedures in place which enable you to lodge a grievance relating to your own employment or contract of employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

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

WHO IS COVERED BY THIS POLICY?

This policy applies to all individuals working at all levels of the Council, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff as well as volunteers (collectively referred to as **staff** in this policy).

WHAT IS WHISTLEBLOWING?

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

- (a) criminal activity;
- (b) miscarriage of justice;
- (c) danger to health and safety;
- (d) damage to the environment;
- (e) failure to comply with any legal or professional obligation or regulatory requirements;
- (f) bribery;
- (g) financial/procurement fraud or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures;
- (j) conduct likely to damage our reputation;
- (k) unauthorised disclosure of confidential information;
- (l) improper conduct;
- (m) behaviour and actions falling below established standards or practice
- (n) actions against the Council's standing orders or policies;
- (o) slavery/human trafficking
- ~~(p) safeguarding concerns~~
- ~~(q) the deliberate concealment of any of the above matters.~~

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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 our activities (a **whistleblowing concern**) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or the Policy on Bullying and Harassment at Work.

The Investigatory Powers Commissioner (IPCO) has stated that: where appropriate, this policy should be considered first when

- raising a concern in relation to the Authority's use of investigatory powers, and
- any disclosures concerning any matters which fall within the IPCO's oversight

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BRIBERY

Bribery prevention is covered by a separate policy and procedures.

All employees are required to report all matters where they suspect persons or companies of offering or receiving bribes. A local authority can be liable to prosecution if an employee, agent or subsidiary bribes another person, intending to obtain an advantage for the authority. Corruption undoubtedly results in substantial financial loss to the public purse and corrupt individuals are capable of pervading any level of an organisation whilst remaining undetected.

If you are uncertain whether something is within the scope of this policy you should seek advice from the Monitoring Officer (Corporate Lead Officer: Legal & Governance) whose contact details are contained on page 4 of this policy.

Safeguarding

Safeguarding concerns may be reported initially as whistleblowing concerns. However, these may in appropriate circumstances be referred to the Council's Safeguarding or Professional Concerns Strategy procedure.

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Employees are advised to refer to the 'Policy and Guidelines for Safeguarding Children & Adults at Risk' for further information on reporting safeguarding concerns.

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ANTI-SLAVERY

Anti-slavery prevention is covered by a separate policy and procedures.

SAFEGUARDS

Staff dealing with whistleblowing complaints must respect the confidentiality of the process. Documents received within the process do not necessarily need to be marked 'Confidential' and/or 'Whistleblowing', to be treated as such. Complaint documents must not be disclosed without prior authorisation by the Monitoring Officer.

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The Public Interest Disclosure Act 1998

The above Act came into force on the 2nd July, 1999 and protects you from unfair dismissal or victimisation for blowing the whistle on wrongdoing at work. It was amended by the Enterprise and Regulatory Reform Act 2013.

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Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern.

CONFIDENTIALITY

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. If your identity does need to be divulged then the Council will make provisions to support you throughout the process.

There may be circumstances where information divulged relating to safeguarding matters may be passed onto appropriate Officers (eg Director of Social Services) or regulatory authorities.

Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered by the Council's Monitoring Officer (Corporate Lead Officer: Legal & Governance).

Proper investigation may be more difficult or impossible if we cannot obtain further information from you. 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 contact the Monitoring Officer or one of the other contact points listed below and appropriate measures can then be taken to preserve confidentiality.

Monitoring Officer

In considering the allegation, the Monitoring Officer will take account of:

Deleted: If you are in any doubt you can seek advice from Public Concern at Work, an independent whistleblowing charity that offers a confidential helpline. ¶
Their contact details are:- ¶
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CAN Mezzanine
7 - 14 Great Dover Street
London SE1 4YR¶
¶
Telephone
Whistleblowing Advice Line: 020 7404 6609
General enquiries: 020 3117 2520¶
¶
Fax
020 7403 8823¶
¶
Email
UK advice line: whistle@pcaw.org.uk
Media enquiries: press@pcaw.org.uk
UK services: services@pcaw.org.uk¶
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- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

If the Monitoring Officer (Corporate Lead Officer: Legal & Governance) decides not to pursue an anonymous allegation they, shall record the reason for their decision.

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HOW TO RAISE A CONCERN

- You should normally raise concerns with your immediate manager or their superior. They may be able to agree a way of resolving your concerns quickly and effectively. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

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- If you feel that you do not wish to raise your concerns with your line manager or their superior, or the matter is more serious, then you are encouraged to contact the Council's Monitoring Officer.

- Alternatively, you may wish to raise your concerns in the case of financial impropriety with the Corporate Lead Officer: Finance and Procurement or the Chief Internal Auditor (Corporate Manager-Internal Audit).

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- You should set out 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.

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- If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

- The earlier you express your concern, the easier it is to take action.

- Any serious complaints may be reported to the Monitoring Officer directly. A serious complaint being defined as an allegation of misconduct or of financial impropriety.

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- Advice and guidance on how matters of concern may be pursued can be obtained from:

The Monitoring Officer (Corporate Lead Officer: Legal & Governance)	Section 151 Officer (Corporate Lead Officer: Finance and Procurement)	Chief Internal Auditor, (<u>Corporate Manager-Internal Audit</u>)	Corporate Lead Officer: People and Organisation
Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron,	Canolfan Rheidol Rhodfa Padarn, Llanbadarn Fawr,	Canolfan Rheidol, Rhodfa Padarn, Llanbadarn Fawr,	Canolfan Rheidol, Rhodfa Padarn, Llanbadarn Fawr Aberystwyth,

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Ceredigion, SA46 0PA.	Aberystwyth, Ceredigion, SY23 3UE	Aberystwyth, Ceredigion, SY23 3UE	Ceredigion, SY23 3UE
Tel. No. (01545) 572120	Tel. No. (01970 633121)	Tel. No. (01970) 633323	Tel. No. (01545) 572019

If a meeting is required, this will be arranged, as soon as possible to discuss your concern. A meeting may be face to face or remote.

You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting.

We will also aim to give you an indication of how we propose to deal with the matter.

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 you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external.

If you are in any doubt you can seek advice from the independent whistleblowing charity, Protect (formerly Public Concern at Work (PCaW)), which operates a confidential helpline. Protect has a list of prescribed regulators for reporting certain types of concern.

Their contact details are:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Phone: 020 3117 2520

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

Media enquiries: press@protect-advice.org.uk

Prescribed persons and bodies

A list of prescribed persons and bodies is available at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

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UK advice line: whistle@pcaw.org.uk
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UK services: services@pcaw.org.uk¶
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For matters relating to local authorities in Wales, including the proper conduct of public business; value for money, fraud and corruption in public bodies in Wales, the relevant contact is the Auditor General for Wales.
The Auditor General will consider, but is not obliged to investigate, every disclosure they receive.

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The Auditor General for Wales (Audit Wales);

PIDA Officer

The Auditor General for Wales

[1 Capital Quarter](#)

[Tyndall Street](#)

[Cardiff](#)

[CF10 4BZ](#)

Tel: [029 20 320 522](tel:02920320522)

E-mail: whistleblowing@audit.wales

Website: www.audit.wales/whistleblowing

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The relevant contact is the Auditor General for Wales at:¶

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Deleted: Cardiff CF11 9LJ ¶

Deleted: 01244 525980

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Further information can be found at:

Safecall:

[\(Whistleblowing Hotline\)](#)

[\(Global Whistleblowing Service Provider\)](#)

[Safecall London](#)

[8th Floor](#)

[100 Bishopsgate](#)

[London](#)

[EC2N 4AG](#)

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[Safecall Sunderland](#)

[RTC Loftus house](#)

[Colima avenue](#)

[Sunderland](#)

[SR5 3XB](#)

[0191 516 7720](tel:01915167720)

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[UK Government Website:](#)

www.gov.uk/whistleblowing

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Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier, contractor, consultant or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or their superior, or one of the other individuals set out above for guidance.

HOW THE COUNCIL WILL RESPOND

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- The action taken by the Council will depend on the nature of the concern. Generally, the matters raised may:

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- be investigated internally by the Monitoring Officer (Corporate Lead Officer: Legal & Governance), senior management, internal audit or investigation team, through the disciplinary process or external investigation.
- be referred for consideration by the Council's Governance & Audit Committee
- be referred for consideration by the Council's Ethics and Standards Committee
- be referred to the Police
- be referred to the Audit Wales, or other appointed external Auditors
- be referred to Audit Wales, CIW, Estyn or other regulator
- form the subject of an independent inquiry

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- In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

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- Staff receiving complaints direct should refer the complaint to the Monitoring Officer and/or the, Corporate Lead Officer: Finance and Procurement, Chief Internal Auditor, and/or the Corporate Lead Officer: People and Organisation.

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- Concerns are better raised in writing, and ideally, marked 'Confidential' and /or 'Whistleblowing'.
- Staff involved in the process must consider whether any conflicts of interest arise. If in doubt, the Monitoring Officer's advice must be sought.
- Some concerns may be resolved by agreed action without the need for investigation.
- In response to your concerns, you will receive:

- 1) Within 10 working days, an acknowledgement from the Monitoring Officer that the matter has been raised by you.
- 2) As soon as possible thereafter,

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- a) An indication of how the matter will be dealt with and
- b) An estimate of how long it will take to provide a final response
- 3) Thereafter, information on a regular basis, on the progress being made in dealing with your complaint

- You may be contacted by the investigator(s). This will depend on the need to clarify issues. You will be given the opportunity to have a friend (who is not directly involved in the work relating to the concern), or a representative from the Trade Union or Professional Association to be present at any interviews.
- If the concerns are referred on to any other proceedings e.g. disciplinary or police, then the Council will advise and where possible support you through the procedures.
- We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- The Council will inform you of the outcome of the investigation and any resultant action, subject to legal constraints. You may not receive a full copy of the report for reasons including confidentiality.
- The Monitoring Officer will consider the contents of any investigation report, together with any findings, and recommendations. The Monitoring Officer will consider whether any issues of public interest have arisen, and these will be reported to relevant Chief Officers.

PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

An employee has the right not to be subjected to a “detriment” and a right not to be dismissed for making a public interest disclosure.

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff 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 you believe that you have suffered any such treatment, you should inform the Monitoring Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

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The whistleblower needs to hold a reasonable belief that the disclosure is made in the public interest. 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.

THE RESPONSIBLE OFFICER

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

The Monitoring Officer will retain details of all whistleblowing referrals/complaints. A record of all concerns raised and the outcomes will be kept by the Monitoring Officer (in a form which does not endanger your confidentiality).

The Monitoring Officer will report on matters pertaining to Whistleblowing periodically to the Overview & Scrutiny Committee.

THE PROCEDURE OUTLINED ABOVE DOES NOT PRECLUDE YOU FROM RAISING THE MATTER IN ANY OTHER WAY, AS DEEMED APPROPRIATE.

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Cyngor Sir CEREDIGION County Council

REPORT TO: Cabinet

DATE: 4 April 2023

LOCATION: Hybrid

TITLE: Feedback from the Overview and Scrutiny Co-ordinating Committee on the Amendments to the Whistleblowing Policy

PURPOSE OF REPORT: To provide feedback from the Overview and Scrutiny Co-ordinating Committee held on 22 March 2023

BACKGROUND:

In Councillor Matthew Vaux's absence, Harry Dimmack explained that a report on amendments to the Whistleblowing Policy was last presented to the committee on the 16th of May 2018, which was later approved by Cabinet on the 19th of June 2018. An overview of the key amendments as shown in tracked changes in Appendix 1 of the report was provided. The address for Audit Wales would be amended before the report was presented to Cabinet.

Members were provided with the opportunity to ask questions which were answered by Harry Dimmack. The main points raised were as follows:

- As there were only minor changes to the policy, presenting the policy to Scrutiny and Cabinet was sufficient.
- In the event a person wished to raise a concern externally, the relevant contact details were noted on page 8 of the policy.

Following questions by the Committee Members, it was agreed to recommend that Cabinet approves the amendments to the Whistleblowing Policy as shown in Appendix 1, subject to updating the contact details for Audit Wales.

Councillor Keith Evans
Chairman of the Overview and Scrutiny Co-ordinating Committee