

ANNUAL REPORT ON WHISTLEBLOWING INCIDENTS

To: **Constitution and Ethics Committee**

Date: **21 March 2016**

From: **The Monitoring Officer**

Electoral division(s): **All**

Purpose: **A brief summary of whistleblowing incidents in the last 12 months**

Recommendation: **It is recommended that the Constitution and Ethics Committee note the contents of this report.**

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1. INTRODUCTION

- 1.1. The Monitoring Officer is responsible for monitoring the implementation and effectiveness of Cambridgeshire County Council's Whistleblowing policy (attached as Appendix 1). As part of that process, the Monitoring Officer is required to produce an annual monitoring report to the Senior Management Team and to provide a brief annual summary of the same to Members.
- 1.2. This report serves as the summary for the Members of any reported whistleblowing incidents in the 12 months preceding this report.

2. OVERVIEW OF WHISTLEBLOWING INCIDENTS

- 2.1. No Whistleblowing incidents have been reported to the Monitoring Officer in the 12 months preceding this report.

Source Documents	Location
None	

Whistleblowing Policy

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Introduction

The County Council is committed to the highest possible standard of operation, probity and accountability, and recognises that its workers are often the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council and they may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure Act 1998 protects workers who raise concerns from victimisation or harassment. In accordance with this Act, the Council encourages its workers with serious concerns about any aspect of the Council's work to come forward and voice those concerns, in confidence, within the Council, rather than overlooking a problem or blowing the whistle outside.

Objective

This policy has been developed to ensure that an internal mechanism exists to encourage and enable workers to raise serious concerns about any aspect of the Council's work (which do not meet the criteria for being dealt with as a complaint or grievance), in confidence and without fear of reprisals, to ensure that the Council continues to provide the highest standards of service delivery.

Scope

This policy applies to all Council employees and elected members. It applies also to contractors and suppliers providing services under a contract with the Council. The term 'worker' is used throughout this document as a reference to all of the above.

Principles

This policy is based on the following fundamental principles:

All workers have the right to raise concerns about perceived unacceptable practice or behaviour.

The responsibility for expressing concerns about unacceptable practice or behaviour rests with **all** workers, and under the Council's Health & Safety Policy workers are expected to raise concerns about potential health and safety risks.

The Council will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.

The Council will do its best to protect a worker's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence.

In some circumstances the Council may have to disclose the identity of the worker without his/her consent, although this will be discussed with the worker first.

Appropriate advice and support will be made available to workers who raise concerns.

Workers who raise concerns will be kept informed of the progress and outcome of any investigation.

The Council will not tolerate malicious or vexatious allegations, which may be considered a disciplinary offence.

Raising a Concern

Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, workers must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others, and to prevent themselves potentially being implicated.

The earlier a worker expresses a concern, the easier and sooner it is possible for the Council to take action.

Workers are encouraged to raise concerns about the actions/behaviours of other Council workers, private contractors and/or elected members, where they think something is:

- unlawful; or
- against the Council's Standing Orders or policies; or
- falls below established standard or practice; or
- amounts to improper conduct.

Concerns about the welfare of children, young people and vulnerable adults should be raised as quickly as possible as a failure to do so could result in a child, young person or vulnerable adult being placed at risk. Sometimes concerns in relation to safeguarding can be minimised, especially when the reporter is not sure of what they may have observed. It is not necessary to be completely sure about the concern – what is important is that concerns are raised that may need further investigation. It is important to remember that often it is the most vulnerable groups that are targeted by individuals who may seek to abuse those in their care. Therefore, these groups rely on responsible individuals to protect them and to safeguard their welfare.

Concerns about money laundering should be raised in accordance with specific guidance provided (see the Council's Internal Audit web pages).

Concerns that fall outside the scope of the Whistleblowing Policy are those raised by workers:

- about their own conditions of service: these should be addressed via the Council's Grievance Procedure or Bullying and Harassment at Work Procedure, depending on the nature/seriousness of the complaint; or
- as or on behalf of a service user*: these should be addressed via the Council's Complaints and Representations Procedure.

**In exceptional circumstances, where the complaint involves a number of service users, or the service user is unable/unwilling to make the complaint personally, the Whistleblowing Procedure may be followed*

To Whom

The Council encourages workers to raise concerns initially with their immediate manager, manager's superior or their Head of Service. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved. Supervision sessions, team meetings and other opportunities can be used to ask questions and to seek clarification on issues that concern them.

Alternatively, workers who feel that they cannot approach any of the managers within their own area may approach the following:

- Janet Maulder, Head of HR Advisory – 01223 699495
- Martin Cox, Head of People - 07921 092743
- Sue Grace, Corporate Director – 01223 699248
- Chris Young, Health and Safety Manager - 01223 699253
- Quentin Baker, LGSS Director of Legal (Council's Monitoring Officer) - 01223 727961

How

Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the worker is particularly concerned about the situation.

Workers who feel unable to put the concern in writing, can telephone or meet the appropriate officer.

Representation

In some cases it may be appropriate for a worker to ask his/her trade union to raise a matter on his/her behalf.

Responding to a Concern

The action taken by the Council will depend on the nature of the concern. The matters* raised may:- be investigated internally by an appropriate manager, e.g. H&S Adviser;

- be referred to the Police;
- be referred to the external Auditor; and/or
- form the subject of an independent inquiry.

**All issues will be referred to the LGSS Director of Legal, as the Council's Monitoring Officer for record keeping/monitoring purposes.*

Support and Protection

'Blowing the whistle' can be difficult and stressful. Managers will ensure that they do their best to protect the identity of the worker raising the concern and that he/she is not subjected to harassment or victimisation from others. Workers will be given the contact details of people who can offer support and advice, e.g. HR advisers, trade union representatives and will be offered access to the Staff Counselling Scheme.

The Council will do its best to protect a worker's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence. Workers may be required to give evidence where legal proceedings arise.

In some circumstances the Council may have to disclose the identity of the worker without his/her consent, although this will be discussed with the worker first.

Anonymous Allegations

Anonymous allegations will be investigated at the discretion of the Council after an assessment has been made of the nature and seriousness of the concerns, and the ability of the Council to substantiate the allegations from other attributable sources.

Initial Enquiries

In order to protect individuals and the Council, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Normally concerns or allegations that raise issues that fall within the scope of other policies/procedures, (e.g. child protection, health & safety or discrimination issues), will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply, by agreed action or an explanation regarding the concern, without the need for further investigation.

Investigation

The appropriate manager will investigate the concerns thoroughly, ensuring that a written acknowledgement can be provided **within ten working days**. A detailed response should follow **within 28 working days**, once the investigation has been concluded.

The detailed response should explain how the matter was investigated, conclusions drawn from the investigation, and whom to contact should the worker be unhappy with the response and wish to raise the matter externally. Investigating Managers should take care when communicating the outcome of an investigation to ensure that confidentiality is maintained where appropriate, e.g. if subsequently, the investigation has led to disciplinary action against another employee.

If the investigation cannot be completed within the 28-day timescale above, the worker should receive a response that indicates:

- progress to date;
- how the matter is being dealt with; and
- how long it will take to provide a final response.

Copies of all correspondence should be sent to the relevant Strategic HR Business Partner for record keeping/monitoring purposes.

Untrue Allegations

If a worker makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that worker. If, however, there is clear evidence that a worker has made malicious or vexatious allegations, disciplinary action may be taken against that individual in accordance with the Council's disciplinary procedures.

Unfounded Allegations

Following investigation, if an allegation is confirmed as unfounded this should be notified to the worker who raised the concern, who will be informed that the Council deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Records

The Council is required to monitor the number and types of whistleblowing cases, and the outcomes, including actions taken to resolve the issues raised. Therefore, managers must complete a Whistleblowing Cases Tracking Form for each case, and on a quarterly basis, send copies of all tracking forms to the LGSS Director of Legal (as the Council's Monitoring Officer) for record keeping/monitoring purposes.

Review and Monitoring

The LGSS Director of Legal Services (as the Council's Monitoring Officer) is responsible for monitoring the implementation and effectiveness of this policy in accordance with agreed performance indicators:

- the number of concerns raised via the Whistleblowing policy;
- the nature and type of concerns raised;
- the number of concerns raised dealt with via the grievance and complaints procedures;
- the number of concerns resolved at the initial discussion stage of the procedure;
- the number of concerns investigated via other procedures, e.g. child protection, disciplinary and health and safety procedures; and
- the number of concerns raised externally.

The LGSS Director of Legal Services will collate the monitoring information and submit an annual monitoring report to the Senior Management Team. A brief summary report will be provided to Members.

The policy/procedures will be reviewed and their effectiveness evaluated annually in the light of learning points/issues raised or identified as part of the monitoring process.

Further Advice

Further advice and assistance is available from the HR Advisory Team.

(September 2014)