

# Confidential Reporting (Whistleblowing) Policy

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## **1. About this Policy**

- 1.1 Cumberland Council's aim is to improve the health and wellbeing of our residents. Our services have a direct and indirect impact on our resident's health and wellbeing so we are committed to being a high performing council. We want our residents to benefit from excellent, efficient and enterprising public services.
- 1.2 To achieve this we must take a positive, risk aware approach to fraud, bribery and corruption in order to protect our resources and enable them to be focused on achievement of these strategic objectives. This includes having the right processes in place to allow all stakeholders an opportunity to raise legitimate concerns.
- 1.3 The Council is committed to the highest standards of honesty, integrity and accountability in carrying out its functions. All staff are expected to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.
- 1.4 This Policy covers all employees, officers, consultants, contractors, casual workers, agency workers and volunteers, and explains the protection and support that is available for 'whistleblowers'. Members should continue to raise any concerns via the Council's Monitoring Officer.
- 1.5 Any prospective 'whistleblower' can seek support from their Trade Union either before raising a concern or at any time during a concern being considered under this Policy.
- 1.6 The Audit Committee is responsible for approving and monitoring the Council's Confidential Reporting (Whistleblowing) Policy. An annual self-assessment report will be provided to the Audit Committee on the operation of the Policy.

## **2. What is whistleblowing?**

- 2.1 Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to any activities that the Council is engaged in. It covers the following specific wrongdoing/practices:
  - a criminal offence.
  - breach of any legal obligation.
  - a miscarriage of justice.
  - danger to the health and safety of any individual.
  - damage to the environment.
  - the deliberate concealment of information about any of the above.

Whistleblowing is for disclosures that are in the public interest, it is not to be used for raising complaints relating to personal circumstances or treatment at work. In those cases, employees should use the grievance procedure or other appropriate Human Resources procedures.

### **3. How to raise a concern**

- 3.1 A whistleblowing concern should be raised with your line manager or, if this is not possible, your Assistant Director or Director. If there are specific reasons why you are unable to report your concerns within your own line management chain, there are named contacts at the end of this Policy to whom you may make a referral. You must advise the person you report to that you are making a disclosure under the Council's Whistleblowing Policy.

A confidential reporting e-mail is also available [confidential@cumberland.gov.uk](mailto:confidential@cumberland.gov.uk) where your concern will be reviewed by Internal Audit in the strictest of confidence.

A record of all whistleblowing concerns is maintained confidentially by the Monitoring Officer.

- 3.2 All reports which indicate there may be possible criminal activity should be immediately reported to the Monitoring Officer / Head of Internal Audit & Risk Management and no further action taken without first seeking advice. It may be necessary to involve the police and any action taken may prejudice a criminal investigation.
- 3.3 Line Managers / Directors in receipt of a whistleblowing referral, should direct the complaint to one of the contacts listed in section 11 to ensure investigations are independently investigated. Assistant Director of Human Resources and Organisational Development (HR and OD) and the Workforce Planning & Employee Relations Manager must be included in all reports that relate to the conduct of a member of staff.
- 3.4 Once your referral is received, a suitable, independent investigating officer will be assigned to the referral, who will arrange a meeting with you to discuss your concern. You may bring a companion (e.g. work colleague or Union representative) to any meetings under this Policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 3.5 Following the initial fact-finding exercise the investigating officer will determine if further investigation is required. The investigating officer will aim to complete this initial assessment within 10 working days of meeting with you and will provide ongoing communication if the process is delayed.
- 3.6 If an investigation is required it will be undertaken in line with this Policy (alongside the Council's disciplinary process if relating to an employee of the Council). Subsequent investigations should be completed within 3 months. Again, if there are delays, you will be kept up to date on progress.
- 3.7 You will also be informed if it has been determined that no further action will be taken and, subject to confidentiality or any legal constraints, we will inform you of the outcomes of the investigation.

## 4. Concerns about safeguarding and the protection of vulnerable adults or children

- 4.1 The Council takes seriously its responsibilities regarding the safeguarding of vulnerable adults and children. Any concerns relating to safeguarding issues are likely to be dealt with via other policies and procedures.
- 4.2 Safeguarding concerns regarding children are dealt with by the **Children and Family Wellbeing** directorate. Safeguarding concerns regarding adults are dealt with by the **Adult Social Care and Housing** directorate.
- 4.3 If you have concerns regarding abuse to vulnerable adults or children, contact the Safeguarding Adult and Children teams rather than using this Policy. Information on raising such concerns has been linked below.

### Adults

[CSAB PiPoT Framework November 2021](#)

### Children

[Allegations Against Staff \(LADO\) - Cumberland](#)

## 5. Confidentiality

- 5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this Policy. 'Blowing the whistle' can be difficult and stressful, with individuals worried about potential repercussions.
- 5.2 We do not encourage staff to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that 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.
- 5.3 All disclosures under this Policy will be treated in a sensitive manner. If you want to raise your concern confidentially, we will make every effort to keep your identity confidential and only reveal it where necessary to those involved in investigating your concern or if required for legal reasons.

## 6. External disclosures

- 6.1 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in relation to the Council's functions. In most cases, you should not find it necessary to alert anyone externally.
- 6.2 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, to ensure that you do not disclose confidential information.

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

- 7.1 The Council aims to encourage openness and will support whistleblowers who raise genuine concerns under this Policy, even if they turn out to be mistaken.
- 7.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Assistant Director of HR and OD or the Monitoring Officer immediately. If an individual is found to threaten or retaliate against whistleblowers in any way, action may be taken against them, including under the Council's disciplinary procedures.
- 7.3 If an individual makes an allegation in good faith, but it is not confirmed by an investigation, no action will be taken against them. If an individual is found to make a false allegation maliciously, action may be taken against them under the Council's disciplinary procedures.
- 7.4 "Protect" operates a confidential helpline providing support and advice. Their contact details are at the end of this Policy.

## **8. A collective responsibility to report concerns**

- 8.1 There is a responsibility for all officers to notify and report any issues of serious concern. Failure to do so may have a negative impact on the delivery of council services, negatively impact on the Council's reputation or impact on the conduct of an individual. As a result, failure to declare or report such concern could be considered a disciplinary matter.

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

- 9.1 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 named contacts identified in Section 11.

## **10. Review of this Policy**

- 10.1 The Policy will be subject to annual review.

## 11. Contacts

### Named Contacts

<b>Head of Internal Audit</b>	Michael Roper Telephone: 07518 294374 Email: <a href="mailto:michael.roper@cumberland.gov.uk">michael.roper@cumberland.gov.uk</a>
<b>Monitoring Officer</b>	Clare Liddle, Chief Legal Officer Telephone: 01228 470241 Email: <a href="mailto:clare.liddle@cumberland.gov.uk">clare.liddle@cumberland.gov.uk</a>
<b>Section 151 (Chief Finance) Officer</b>	Catherine Bell Telephone: 07711 634180 Email: <a href="mailto:catherine.bell@cumberland.gov.uk">catherine.bell@cumberland.gov.uk</a>
<b>Assistant Director of HR and OD</b>	Jacqui Green Telephone: 07817 858167 Email: <a href="mailto:Jacqui.green@cumberland.gov.uk">Jacqui.green@cumberland.gov.uk</a>
<b>Protect</b> (Independent whistleblowing charity)	Helpline: (020) 3117 2520 Email: <a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a> Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>

### Other Contacts

The following are other suggested possible contact points:

- External auditor - [Grant Thornton](#).
- Your trade union – including [GMB](#), [Unite](#) and [Unison](#).
- [Trading Standards](#).
- [Local Citizens Advice Bureau](#).
- [Police](#).
- Relevant [professional bodies or regulatory organisations](#).
- Relevant voluntary organisations such as [Protect](#).