

Whistleblowing Policy

1. **Aim - our promise**

- 1.1 This policy explains how employees and others can raise concerns about things that are happening at the Council which worry them. Concerns can be raised without fear of consequences from speaking out. Staff and those who work with the Council should feel able to speak up when things don't look right.
- 1.2 The Council is committed to the highest standards of openness, fairness and accountability. Employees and those working with the Council who have concerns are encouraged to come forward and voice them, assured that it is safe to do so.

2. **Scope - who can act and about what**

- 2.1 The policy applies to all employees however employed, volunteers, interim staff, secondees and those contractors working for the County Council on Council premises, for example, agency staff, Capita staff, or drivers. It also covers those providing services under a contract with the Council in their own premises, for example, care homes or foster carers. Schools have a separate but identical policy suited to their workplace.
- 2.2 There are others with a connection with the County Council who may become aware of or experience something they feel needs to be reported about the County Council. They include:
 - employees of contractors or providers of council-related services where that organisation's own whistleblowing policy is not effective; or
 - those assisting or involved with services in the adult or childcare sector where avenues for complaint are not clear or not seen as reliable;
- 2.3 The County Council will expect all organisations with which it contracts and which provide a service on behalf of or in partnership with the Council to have in place a robust, clear and well-advertised whistleblowing policy so that the Council can be confident that persons employed by or connected with them have a fair and confidential process by which to raise concerns.
- 2.4 Whatever your connection with Council's services you should feel able to raise a concern and have it looked into. The procedures below and the flow chart will help you find the right way to do that; It should give you the confidence to speak out and get confidential advice about how best to do so.

3. What this policy covers and routes to raise concerns

3.1 The policy is another route when other options do not feel right to use and also, because you may not want to be identified as the concern raiser or you are worried about the consequences for you in relation to something that:

- Makes you feel uncomfortable in terms of the council's values;
- Is against the Council's standards of behaviour and policies;
- Amounts to improper conduct; or
- Threatens the reputation of the County Council.

3.2 Employees are often the first to realise that there may be something wrong at work. They may not want to appear disloyal to colleagues or to the Council. They may fear recrimination or victimisation. It may seem easier to ignore a concern rather than report what may be just a suspicion.

3.3 The areas identified below could be regarded as a concern for raising under this policy but there may be other options available. This is explained here:

- Concerns that may fall outside the scope of other procedures can be considered under this policy. In the first instance, check the other procedures such as the grievance policy first.
- The improper use of public funds- breach of Financial Regulations and how the Council deals with its own finances. Contact the Chief Accountant or Head of Internal Audit to see if your concerns may be valid.
- Fraud and corruption- Anti-Fraud and Corruption Strategy is there for cases where the concern is about the misuse of public money. There is an Anti-Fraud Hotline (Tel no: 0330 2228666, E-mail: fraudhotline@westsussex.gov.uk).
- Falsification of records or the misuse of data – breaching Data Protection rules. For concerns about the use of personal information contact the Council's Data Protection Team or use the breach notice process. The breach report process is on the HR Zone on The Point (the intranet).
- Conduct which is a criminal offence or a breach of the law should be reported to the police or relevant authority. You may however wish to speak to one of the contact officers listed below if you are in any doubt about what to do.
- Conduct by councillors – The Member Code of Conduct should be used to raise a concern about the conduct of county councillors. Concerns about the elected members of other councils are dealt with by the Standards Committee of the relevant Council. All such concerns should be referred to the Monitoring Officer (see paragraph 3.2 below).

- Health and safety risks, whether to the public or employees. We have a health and safety team to which concerns can be raised in the first instance.
- Damage to the environment can be raised with the sustainability team within the Environment Directorate.
- **Complaints Policy** - for customers or users of services to complain about Council services contact the Customer Relations Team. This whistleblowing policy is not aimed at customers or service users.
- **Grievance** - where the concern affects your personal experience at work you should contact your grievance officer or a trade union officer. You can find the Council's grievance policy on the HR Zone on The Point

3.4 There are officers in the Council who have particular responsibilities for upholding standards of conduct. You may contact one of the those listed below.

- Monitoring Officer (Director of Law and Assurance) - Tony Kershaw
- Chief Financial Officer (Director of Finance and Support Services)
Katharine Eberhart
- Chief Internal Auditor – Neil Pitman

4. **How the policy works – what protection it gives**

- 4.1 You can voice your concern without fear of victimisation, discrimination or disadvantage. You are encouraged to raise concerns about the Council rather than ignoring them or waiting for others to speak up. The County Council wishes to show that it has a listening culture of improvement and openness.
- 4.2 There are safeguards to support you, build your confidence to report your concerns and give you assurance that the Council takes concern raising seriously.
- 4.3 **Feel safe from discrimination or victimisation:** The Council wants to be supportive of employees who speak out about what matters to them. It recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you have nothing to fear. You will be doing the right thing by your colleagues, the community and supporting the Council to uphold the highest standards.
- 4.4 The Council will not tolerate harassment, discrimination or victimisation and will act to protect you when you raise a concern in good faith. There can be no adverse consequences for your employment from raising such concerns.
- 4.5 If you raise a concern with a genuine and reasonable belief that it is true, but it is not confirmed or cannot be proved by the investigation, no action will be taken against you. The outcome will be explained to you where appropriate.
- 4.6 **Confidentiality:** All concerns raised under this policy will be treated in confidence and every effort will be made not to reveal your identity to anyone else if you so wish. At the appropriate time, however, you may need to come forward as a witness if effective action is to be taken to tackle

something which is wrong. That will be discussed with you to make sure you are content. It means you should not be afraid of giving your name when you raise a concern.

- 4.7 **Anonymity:** Concerns expressed anonymously are much less powerful and difficult to investigate. You are encouraged to put your name to your concern, and it will be kept from others if you so wish. It also means that you can be kept abreast of what the Council is doing about your concern. Nonetheless, any anonymous concerns will still be looked into depending on the seriousness, the credibility of the information and the likelihood of the allegation being substantiated.
- 4.8 **False or malicious allegations:** If you make an allegation maliciously or for personal gain, and the investigation confirms this, then disciplinary action may be taken against you.
- 4.9 **The Monitoring Officer:** The Monitoring Officer, who is the Director of Law and Assurance, has special responsibility for standards of conduct within the Council and overall responsibility for the maintenance and operation of this policy. This officer will make sure that proper and timely progress is made in dealing with any complaint and that the principles and requirements of this policy are met. The Monitoring Officer may ask for your feedback on your experience of using the process (not of the outcome) so improvements can be made. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not compromise your confidentiality) and will report as necessary to the Council, including regular anonymised reports to the Standards Committee on the number and general nature of reports received.

5. The contact officers

- 5.1 Your concern, however big or small is taken seriously and for that reason the named contact officers below are at a senior enough level to give you that assurance. The contact officer can advise you on how to deal with your concerns and allay any worries you may have about the best way to voice your concern. Each Directorate has a contact officer and if you do not feel able to speak to your line manager or another senior officer in your department then please contact any of the contacts named below. They will speak with you in confidence and won't consider it strange that you have contacted them.

Service area	Contact Officer
Lead Contact Officer	Tony Kershaw Monitoring Officer Director of Law and Assurance
Chief Executive's Office	Andy Smith
Adults' Services	Julie Philips or Chief Social Worker
Children's Services	Linda Steele
Communities	Emily King
Education and Skills	Ellie Evans
Schools	Helen Johns
Environment	Steve Read
Finance and Support Services	Katharine Eberhart
Fire & Rescue	Mark Andrews

Service area	Contact Officer
Highways, Transport and Planning	Matt Davey
Human Resources and Organisational Development	Sue Evans
Property and Assets	Andrew Edwards
Public Health	Kate Bailey

6. Procedure

The flow chart at the back of this policy shows how the process works.

6.1 Step one - raising a concern

If you are concerned about a something you think is wrong, how you raise it will depend on the seriousness and sensitivity of the issues involved and what it involves. You could:

- Look for a relevant policy/ procedure, which means that the problem can be sorted more quickly. For example, if it is about financial matters then the Internal Auditor might be appropriate.
- You may wish to consider discussing your concern with a colleague first and you might find it easier to raise the matter if there are two or more of you who have had the same experience or concerns.
- If you feel you can, you should speak to your line manager or another manager in your area about your concern and check which procedure is the right one.
- The County Council recognises the role of UNISON in its representative capacity on behalf of its members. For Fire and Rescue staff there are other unions which may represent you. Anyone wishing to raise a concern under this policy should feel free to contact the UNISON branch secretary or their fire union representative to obtain advice about how to pursue a concern or about the substance of their concern. They will liaise with the relevant responsible officer to ensure that the matter is dealt with in accordance with this policy.

6.2 Step 2 – other routes to raise a concern

- 6.2.1 The sooner you express the concern the easier it is to take action. If none of the options in step one feels appropriate and if you do not feel able to speak to your line manager or another senior officer in your department; then you may prefer to contact one of the contact officers listed above. The contact officer can give you advice on how to deal with your concerns and allay any worries you may have about the best way to voice your concern.
- 6.2.2 If you have a concern about your own manager or one which affects another service you may prefer to speak to a Contact Officer in a different area of the Council or to the Lead Contact Officer.
- 6.2.3 Concerns may be raised orally initially but should be confirmed in writing. You may wish to telephone a Contact Officer and arrange to speak to them privately. If you mention 'whistleblowing' they will understand the need to make time for you and to deal with the

discussion in confidence. The contact officer will help you in describing your concern and may create a record of the complaint for you to confirm. Employees will be asked to provide the following information when setting out their concern:

- The background and history of the issue (giving relevant dates)
- The reason why you are concerned
- Your connection to the matter and the names of other persons who could assist in giving information about it
- Your reasons for needing confidentiality and whether there are particular persons who should not be told about your concern
- The reason why others should be concerned and how it affects the Council.

6.2.4 Although you are not expected to provide all of the evidence to support your concern you should suggest where other useful information could be found.

6.3 **Step 3. How the Council will respond**

6.3.1 The Contact Officer will be aware of the way this policy works and the protections it gives. They can arrange an investigation if that is the right thing to do next. Any advice they give you will be strictly confidential. They will either deal with the concern themselves or nominate someone who will not have been involved in the matter themselves and will know how to carry it forward. The nominated person may want a meeting with you to take a detailed account of your concerns and to identify any evidence available. How your concern is dealt with will depend on the severity of the concern, for example it may:

- Be investigated by a senior officer, internal audit, or other process;
- Be referred to the police;
- Be referred to the Council's external auditor; or
- Be the subject of an independent inquiry, for example, through the Independent Safeguarding Board for Children or for Adults.

6.3.2 If the concern is about vulnerable individuals, or a criminal activity, action will be taken promptly to protect the individual and prevent further offences. If urgent action is required (for example to protect someone from harm or to safeguard resources) this will be taken before any investigation is carried out.

6.3.3 Where the contact officer deems it necessary to nominate someone to investigate your concern, they will arrange that. The nominated person will make initial enquiries to decide whether a fuller investigation is appropriate. They will also decide what form the investigation should take. Some concerns may be resolved by actions agreed with you and not requiring any investigation. Within ten working days of being given the concern to investigate, the nominated person will write to you:

- acknowledging that the concern has been received;
- indicating how it will be dealt with;
- giving an idea of how long it will take to deal with;
- telling you whether any initial enquiries have been made;

- giving you information on staff support; and
 - telling you whether further action will take place and if not, why not.
- 6.3.4 They will also inform the Monitoring Officer or their Deputy that an issue has been raised under this policy and providing a summary of the complaint.
- 6.3.5 The amount of contact between you and the officers considering the issues will depend on the nature of the concern, the difficulties in getting evidence or in verifying the information. If necessary, the officer will speak to you again.
- 6.3.6 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised. Anyone who helps you will need to respect the confidentiality of the investigation.
- 6.3.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and where appropriate financial or other support. You may be accompanied by a colleague of your choice or your union representative at any hearings or proceedings.
- 6.3.8 The Contact Officer will ensure you are kept informed of the progress of your complaint and that you are aware as far as possible of the outcome and any action which results. If you are concerned about any aspect of your complaint once you have made it you should speak to the Contact Officer.
- 6.3.9 The Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will be informed of the outcome of any investigation or get an explanation of why it is not possible.

7. How the Matter can be Taken Further

- 7.1 The Council will support you and take all reasonable steps to deal with your concern in the most appropriate way.
- 7.2 If you feel that your complaint cannot be dealt with other than through the main person responsible for conduct within the Council you should contact the Monitoring Officer direct.
- 7.3 If you have a complaint about the Monitoring Officer or the Monitoring Officer's staff which you would otherwise have taken to the Monitoring Officer, you should go to the Head of Paid Service and Chief Executive, Becky Shaw.
- 7.4 If however, you feel it is right to take the matter outside the Council, or that the Council hasn't dealt with your concern adequately then you can contact the following for further advice:
- The external auditor;

- Your trade union;
- Relevant professional bodies or regulatory organisations;
- A relevant voluntary organisation;
- The local government and social care ombudsman;
- The police;
- Other contacts relevant to the area of business affected.

8. Contacts for Independent External Advice

- 8.1 You may at any stage want to obtain help or advice from outside the County Council and this can be obtained from a charitable organisation called PROTECT. They provide free, confidential [Advice Line](#) to those who have seen wrongdoing in the workplace.

Tony Kershaw

Director of Law and Assurance

August 2021

Whistleblowing Flowchart

Colour Key
Seeking advice
Raise concern informally
Raise concern formally
Escalate internally

