



# Powys

## Whistleblowing

### Policy and Procedure

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# Cyngor Sir Powys County Council

## Whistleblowing Policy & Procedure

### 1. Introduction

- 1.1 This Council has introduced this Whistleblowing policy to enable all workers to safely “blow the whistle” without fear of any repercussions so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes receipt of your concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.
- 1.2 All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a **danger (to public or colleagues), professional misconduct or financial malpractice**, it can be difficult to know what to do.
- 1.3 To meet the requirements of this policy, a qualifying or “protected disclosure” is a disclosure of information made in the public interest which in the reasonable belief of the worker tends to show one or more of the following in terms of the Public Interest Disclosure Act 1998:
- illegal practices (for example, a criminal offence);
  - a failure to comply with a legal obligation;
  - the health and safety of an individual, whether this is a member of the public or staff being endangered;
  - damage to the environment;
  - miscarriage(s) of justice; and
  - deliberate concealment of any of the above.
- 1.4 Note that the Public Interest Disclosure Act 1998 protects whistle blowers from detrimental treatment from their employer (in this case the Council).

### 2. Principles

- 2.1 This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the Council. Where you have a concern which is personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply.
- 2.2 In circumstances where unwanted conduct or unnecessary behaviour is displayed to exert power, fear or anxiety on yourself or a work colleague(s), the provisions of the Council’s Grievance Policy can be used. There is of course a need to ensure

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that any investigation process is not misused and therefore any abuse such as raising unfounded malicious allegations may be treated as a serious disciplinary matter, possibly amounting to gross misconduct.

### **3. Scope**

- 3.1 This policy applies to all workers and as such, includes permanent employees, temporary (fixed-term) employees, agency workers, secondees, contractors and voluntary staff working for the Council.
- 3.2 Schools-based staff (teaching and non-teaching) have their own policy – see <http://intranet.powys.gov.uk/index.php?id=7602>

### **4. Protection of the Whistle-Blower**

- 4.1 The Council will not tolerate the harassment or victimisation of anyone raising a concern. The Council hopes that staff feel able to voice their concerns openly. However, we recognise that you may nonetheless be anxious. If so, you can ask to talk privately to a senior officer within your Service or to one of the persons identified in section 6. If you want to raise your concerns confidentially, we will make every effort to ensure that your name will not be revealed without your consent, unless it is required by law. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.
- 4.2 There may be occasions when it may become necessary to disclose your personal details. This could be for a variety of reasons depending upon the nature of the concerns raised. For example, it could be to ensure fairness for all involved.
- 4.3 The Council will seek to withhold personal details being released; it cannot guarantee that others will not try to deduce (correctly or otherwise) your identity. This may be the case where the worker has already voiced their concerns to colleagues or their manager. In addition, at the appropriate time you may need to come forward as a witness. Where it is necessary for your identity to be disclosed we will discuss this with you, explaining the reasons why your identity needs to be disclosed. We will also discuss and provide any reasonable support to try to alleviate concerns that you may have regarding the need to make the disclosure.

### **5. Anonymous Concerns**

- 5.1 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the facts to be taken into account would include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from available sources. It is better that concerns are raised anonymously rather than not at all.

## 6. How to Raise a Concern Internally

6.1 The following must be adhered to in order for the concern to be raised in a safe and protected way:

- You should not attempt to investigate suspected malpractice yourself;
- You should raise the matter promptly if you feel your concerns are warranted, involving your recognised trade union or professional body as necessary;
- You should make an immediate note of your concerns (taking note of all relevant details such as what was said in a telephone discussion or other conversations), the date, time and the names of any parties involved particularly details of any witnesses.

### 6.2 Step 1

If you have a concern, you should feel able to raise it with your line manager so that, as far as reasonably possible, it can be resolved locally. If the concern involves your line manager, it will be appropriate to move to step 2.

### 6.3 Step 2

If you don't feel step one is appropriate or it hasn't worked, please raise the matter with your Head of Service or Corporate Director (as appropriate). Please indicate if you want to raise the matter in confidence so that they can make appropriate arrangements. We may ask if you would like us to write to you summarising your concern and the action we propose to take.

### 6.4 Step 3

If these steps have been followed but you remain dissatisfied, or you feel that the matter is so serious or due to the sensitivity of the issues involved, you can confidentially report your concerns to:

- The Council's auditors: Ian Halstead, South West Audit Partnership (SWAP), Abbey Manor Business Centre, The Abbey, Preston Road, Yeovil, BA20 2EN, telephone: 01597 826 809;
- The Council's Monitoring Officer/ Head of Legal and Democratic Services, telephone: 01597 826746.;
- The Council's Head of Financial Services/ Section 151 Officer, telephone 01597 827789 ;
- The Leader or Deputy Leader of the Council, telephone 01597 826199.

(See sections 11 and 12 for independent external bodies that can advise workers).

## 7. Protection of Children and/or Vulnerable Adults

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- 7.1 If you witness or have concerns about the safety or welfare of a child or vulnerable adult or if you suspect that abuse may be taking place, please report your concerns immediately to the Front Door (Children) 01597 827 666 or Assist (adults) at 0345 602 7050. Alternatively, you can call the Police by 'phoning 101 (non-emergencies) and asking for your local police station or 'phoning 999 in the case of emergencies. .

## **8. How the Council will Handle the Matter**

- 8.1 Once you have told us of your concern, the concern will be looked into to assess what action should be taken. This may involve an informal review, an internal inquiry or an investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance will be required. We will write to you summarising your concern and setting out how we propose to handle it.
- 8.2 When you raise the concern we may ask you how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the grievance or other procedures we will inform you.
- 8.3 Your concerns will be dealt with as quickly as possible and normally any investigation will be concluded within 6 to 8 weeks.

## **9. Responsibility for this Policy**

- 9.1 All whistleblowing complaints will be co-ordinated by the Council's Monitoring Officer who has operational responsibility for the policy. In exceptional circumstances and where appropriate, other persons identified at 6.4 can be contacted.
- 9.2 The HR Department is responsible for reviewing and distributing this policy as and when required.

## **10. Response Time**

- 10.1 Matters which have been raised under this policy can often be difficult matters to investigate. However, in all cases, whistle blowers will receive a written acknowledgement of the concern(s) raised within 10 working days.
- 10.2 Subject to the limitations and provisions of statute and confidentiality, all matters raised should be fully investigated within 4 to 6 weeks.
- 10.3 The outcome of the investigation will be notified to the whistle-blower in writing within 10 working days of the completion of the investigation although it may not be

possible to fully disclose what outcomes were reached in respect of all the issue(s) raised.

## 11. Independent Advice

- 11.1 If a worker is unsure whether or how to raise a concern or whether they want free independent advice at any stage, they may wish to contact:
- Their trade union or professional association;
  - The whistleblowing charity, Protect (formerly known as Public Concern at Work) at 020 3117 2520 or via their website: <http://www.pcaw.org.uk>. E-mail: [whistle@pprotect-advice.org.uk](mailto:whistle@pprotect-advice.org.uk)

## 12. External Contacts

- 12.1 The Policy is intended to provide the worker with an avenue within the Council by which to raise their concerns. However and whilst the Council hopes the worker will be satisfied with any action taken, they may wish to contact specific prescribed persons (under the legislation) such as:

- 12.2 The Health and Safety Executive can be contacted at:

<http://www.hse.gov.uk>

Incidents can be reported online or for reporting serious incidents, the Incident Contact Centre can be contacted at 0345 300 9923.

- 12.3 Wales Audit Office can be contacted at:

<http://www.audit.wales/whistleblowing>

Telephone: 029 20 320 522

PIDA Officer  
The Auditor-General for Wales  
24 Cathedral Road  
Cardiff  
CF11 9LJ

[whistleblowing@audit.wales](mailto:whistleblowing@audit.wales)

- 12.4 The Care Inspectorate Wales can be contacted for social services concerns

<http://careinspectorate.wales/raiseaconcern/whilstblowing/>

Telephone: 0300 7900 126

- 12.5 Dyfed-Powys Police can be contacted to report a crime or incident:

## Non-Emergency 101

Call **101** to report:

- Non-emergency enquiries
- An incident that has already happened
- For advice or help

If you're deaf or hard of hearing, you can contact them by text on **07811 311 908**.

## Emergency 999

Call **999** if:

- a serious offence is in progress or has just been committed
- someone is in immediate danger or harm
- property is in danger of being damaged
- a serious disruption to the public is likely

If you're deaf or hard of hearing, **contact 999 by text (but you must have registered with [emergencySMS](#) for this service)**.

<https://www.dyfed-powys.police.uk>

## 13. Policy History

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
September 2019	Changes required to contact information (e.g. WAO, PCAW, etc.) and general review	S Holcroft	3	April 2020