



## **Whistleblowing**

### **Policy and Procedure**

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## Cyngor Sir Powys County Council

### Whistleblowing Policy & Procedure

#### 1. Introduction

- 1.1 The Council has introduced this Whistleblowing policy to enable all workers to safely “blow the whistle” without fear of any repercussions so that concerns 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 immediately 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.
  - potential fraud or theft against the Council (this could happen from inside or outside of the Council)
  - potential bribery or corruption
  - miscarriage(s) of justice; and
  - deliberate concealment of any of the above.
- 1.4 Note that the Public Interest Disclosure Act 1998 protects whistleblowers from detrimental treatment from their employer (in this case the Council). In other words, you should not be treated unfairly or lose your job because you “blow the whistle”.
- 1.5 Powys Council has a zero tolerance towards fraudulent or corrupt activities. You can see the full definitions of fraud, theft, bribery and corruption in the Council’s Anti-Fraud and Corruption Policy [<insert link>](#).

Quick definitions are as follows:

*“Fraud or theft are where someone seeks to gain an advantage through a dishonest means, which could include for example (stealing time as an employee) (falsely claiming benefits)”*

*“Bribery or corruption are where some form of inducement or reward is made to influence a person to perform improperly in the discharge of their public or legal duties and where there is abuse of entrusted power for personal or private gain.”*

- 1.6 Personal grievances (for example bullying, harassment, discrimination) should be pursued via the Council’s Grievance Policy. Such complaints are not covered by whistleblowing law unless the case is in the public interest.

## **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.
- 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.

## **3. Scope**

- 3.1 This policy applies to all employees, agency workers, contractors and volunteers working for the Council.
- 3.2 Schools-based staff (teaching and non-teaching) have their own policy [whistleblowing policy for schools based staff](#)

## **4. Protection of the Whistleblower**

- 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 (e.g. such as preventing harm to a vulnerable person). This could be for a variety of reasons depending upon the nature of the concerns raised.
- 4.3 The Council will seek to withhold personal details from 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 considered 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. Fraud, Bribery and Corruption Concerns**

Powys Council has a specialised and trained anti-fraud team of officers who look to prevent, detect, and investigate fraud, bribery, and corruption cases. All cases reported to the team are treated in the strictest of confidence with the ability to raise concerns anonymously by any member of staff or councillor. The team acts with full delegated independence to the rest of the Council to enable it to consider all cases appropriately and investigate without favour.

## **7. How to Raise a Concern Internally**

- 7.1 The following must be adhered to 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.
- 7.2 Step 1A – (Non-Fraud or Corruption issues)

If you have a concern, (unless it's a possible fraud or corruption 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.

OR

### Step 1 B – (Fraud or Corruption issues)

- The Council's Anti-Fraud Team will consider all cases of possible fraud, bribery, or corruption confidentially and independently.
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- Powys Council has a specialised and trained anti-fraud team of officers who look to prevent, detect and investigate fraud, bribery and corruption cases. All cases reported to the team are treated in the strictest of confidence with the ability to raise concerns anonymously by any member of staff or councillor. The team acts with full delegated independence to the rest of the Council

You can contact the team via the following ways:

- Confidential Online Form - [Report-Fraud-Form](#)
- Email – [fraud@powys.gov.uk](mailto:fraud@powys.gov.uk)

### 7.3 Step 2

If you don't feel Step 1A 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.

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### 7.4 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 Head of Legal Service and the Monitoring Officer , Corporate Legal and Democratic Services, telephone: 01597 826746 or 07919 397354; email: [clive.pinney@powys.gov.uk](mailto:clive.pinney@powys.gov.uk)
- The Council's Head of Financial Services/ Section 151 Officer, telephone 01597 827789 or 07989 425675; email: [jane.thomas@powys.gov.uk](mailto:jane.thomas@powys.gov.uk).
- The Leader or Deputy Leader of the Council, telephone 01597 826199.

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- The Council's Anti-Fraud Team will consider all cases of possible fraud, bribery or corruption confidentially and independently. You can contact the team via the following ways:-
- Confidential Online Form - [www.powys.gov.uk/report](http://www.powys.gov.uk/report) fraud
- Email – [fraud@powys.gov.uk](mailto:fraud@powys.gov.uk)

(See sections 12 and 13 for independent external bodies that can advise workers).

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

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) at 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.

## 9. How the Council will Handle the Matter

- 9.1 The person to whom you report your concerns under this policy (Step 1A or 2) must, in turn, report them to the Monitoring Officer within five working days
- 9.2 Within ten working days of a concern being raised, the Monitoring Officer will write to you:
- acknowledging that the concern has been received
  - summarising your concern and indicating how the Council proposes to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on support available to you, and
  - telling you whether further investigations will take place and if not, why not.

If further investigations are required, you will be told who will undertake the investigation and how you can contact them and whether your further assistance will be required. The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a work colleague.

- 9.3 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.

- 9.4 Where the matter is a possible fraud, bribery or corruption case, the Anti Fraud team will acknowledge the concern within 48 hours and will review the case for to establish if there is sufficient evidence to warrant an investigation.
- 9.5 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation, but you must keep that information confidential.
- 9.6 Once a Whistleblowing complaint has been investigated, the investigating officer must send the Monitoring Officer a summary of the outcome of their findings together with the date upon which the complainant has been informed of the outcome.
- 9.7 Where it is decided the matter will be investigated, an Investigating Officer will be allocated to carry out the investigation. This will usually be a manager with no prior involvement. A member of the HR team will support and advise the Investigating Officer. The Investigating Officer's role is to consider how to establish the facts and seek resolution or make recommendation to resolve the concern.
- 9.8 The HR representatives' role is to ensure that the process is conducted fairly and the identity of the whistleblower remains anonymous. It is not the HR representative's role to conduct the investigation, ask questions or write the outcome – this is the responsibility of the Investigating Officer.

#### 9.9 Meeting with the Whistleblower to discuss the complaint

- 9.9.1 The Investigating Officer will arrange to meet you as soon as possible to discuss the complaint and for a formal statement to be taken.
- 9.9.2 Employees have the right to be accompanied by their trade union representative or work colleague at this meeting and should make every effort to attend.
- 9.9.3 If an employee or their trade union representative or work colleague are not available at the time proposed for the meeting, a postponement will be granted to an alternative time which is reasonable to all parties, normally within 5 working days of the original meeting.

#### 9.10 Whistleblowing Investigation

- 9.10.1 Following the meeting, it may be necessary for a full investigation to take place, where witnesses may be interviewed, and evidence gathered. Where this is necessary, you will be given an estimated timescale for the completion of the investigation and outcome. Your concerns will be dealt with as quickly as possible and normally any investigation will be concluded within 6 to 8 weeks.



## 10. Response Time

- 10.1 Matters which have been raised under this policy can often be difficult matters to investigate. However, in all cases, whistleblowers will receive a written acknowledgement of the concern(s) raised within 10 working days.
- 10.2 Your concerns will be dealt with as quickly as possible. Subject to the limitations and provisions of statute and confidentiality, all matters raised should be fully investigated within 6 to 8 weeks.
- 10.3 The outcome of the investigation will be notified to the whistleblower in writing within 10 working days of the completion of the investigation.
- 10.4 It may not be possible to fully disclose what outcomes were reached in respect of all the issue(s) raised. The whistleblower will only be informed that the investigation has been completed and either (a) no action or (b) disciplinary action or informal support is being taken forward. Witnesses who may be interviewed as part of the investigation will not be informed of any detail of the outcome of the investigation.
- 10.5 Where the matter is a possible fraud, bribery or corruption case, the Anti-Fraud team will investigate all cases that have passed the review process but timescales cannot be given due to complexity. The team may not be to provide an outcome in all cases due to evidence gathering requirements.

## 11. Responsibility for this Policy

- 11.1 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.
- 11.2 The HR Department is responsible for reviewing and distributing this policy as and when required.

## 12. Independent Advice

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: [Protect \(formerly Public Concern at Work\) Speak up stop harm | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk/)

### 13. External Contacts

13.1 The Policy is intended to provide the worker with an avenue within the Council by which to raise their concerns. However, 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:

13.2 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.

13.3 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)

13.4 The Care Inspectorate Wales can be contacted for social services concerns.

If you have a specific concern about the safety and quality of a care service in Wales, you can:

- submit your concern via the online web form found on the following webpage: [Raising a concern about care services | Care Inspectorate Wales](#)
- telephone: 0300 7900 126 (option 2)

13.5 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

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- 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 [emergency SMS](#) for this service)**.

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

## 14. Policy History

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
November 2019	Changes required to contact information (e.g., WAO, PCAW, etc.) and general review	S Holcroft	3	October 2021
September 2023	Addition of Fraud process Addition of Investigation Process Updated contact details for Monitoring Officer	J Winston	4	September 2028