Whistleblowing Policy – Raising Concerns

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Document summary

Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects the organisation or others.

This policy provides a clear framework which is intended to give people the confidence to raise workplace concerns without fear of reprisal or victimisation.

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Accessibility help

Zoom in or out by holding down CTRL and turning the mouse wheel.

CTRL and click on the table of contents to navigate.

Press CTRL and Home key to return to the top of the document.

Press Alt-left arrow to return to your previous location.

References shown in blue text are available on the Intranet and/or Czone.

References shown in underlined blue text are hyperlinks to other parts of this document.

Whistleblowing policy – raising concerns

Key points

- The public have an expectation that we will run the organisation with the highest standards of openness and integrity.
- This policy encourages, enables and reassures all employees to raise workplace concerns about risk, malpractice and wrongdoing. The principles of this policy apply equally to elected Members.
- Employees will not be penalised, victimised or harassed for honestly raising workplace concerns and this policy provides assurance that you will be protected.
- All concerns will be treated in confidence and listened to. You are encouraged to put your name to allegations, as anonymous concerns are more difficult to investigate and provide feedback. However, anonymous concerns can still be raised.
- This policy is about raising a workplace concern where the risk is possibly to the organisation or others, as opposed to a grievance.

1. Introduction

1.1. At one time or another, all of us may experience concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern feels serious because it involves possible health and safety, or a person's welfare, malpractice or a wrongdoing that might affect others or the organisation, it can be difficult to know what to do.

1.2. You may be worried about raising such a concern and may think it is best not to say anything, or keep it to yourself, perhaps feeling it's none of your business or that it is only a suspicion. You may feel you would be disloyal to your colleagues, manager or to the organisation if you raised it. You may decide to say something but find that you have spoken to the wrong person, you may have raised it before and nothing was done or you may have raised it in the wrong way and are not sure what to do next.

1.3. The public have an expectation that we will run the organisation with the highest standards of openness and integrity. Furthermore, the Corporate Management Team (CMT) is committed to running this organisation in the best way possible and to do so, your help is needed. This policy is designed to reassure you that it is safe and acceptable to speak up and raise any workplace concerns you may have and that you are showing loyalty and commitment to the organisation by raising concerns.

1.4. Rather than wait for proof, it is preferred that you raise the matter as early as possible and when it is still a concern. Speaking out early could stop the issue from becoming more serious, dangerous or damaging.

1.5. The Whistleblowing Policy is primarily for concerns where the interests of the organisation or others are at risk. Therefore, if something is troubling you that you think we should know about and look into, please use this policy.

2. Who does this policy apply to?

2.1. This policy applies to all County Council employees whether full-time or part-time, including School based employees where the Governing Body has adopted the policy (subject to any changes that may have been adopted by the Governing Body of the school). Throughout this policy, reference to the 'County Council' or 'organisation' therefore includes 'Schools'.

2.2. In addition, the policy applies to Members, all contractors and their staff working for the County Council e.g. agency staff, consultants and builders; also providers of works, services and supplies, including the County Council's external contractors and those providing services under a contract with the County Council in their own premises.

3. Our assurances to you

3.1. CMT are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering from any form of retribution as a result. Provided you are acting honestly and in good faith, it does not matter if you are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter they know not to be true.

3.2. With these assurances, we hope that you will raise your concern openly. However, we do recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required to do so by law. Please understand that there may be times when we are unable to resolve a concern without revealing your identity and in such cases, we will discuss this, and how best to proceed, with you.

3.3. Please remember that if you do not tell us who you are (report it anonymously) it will be much more difficult for us to look into the matter. We will also not be able to protect your position or provide feedback.

3.4. If you are unsure about raising a concern, you can get independent advice from the independent whistleblowing charity Protect (see contact details under External Contacts).

4. What kind of concerns would I disclose under this policy?

4.1. This policy covers any serious concerns about any aspect of service provision or the conduct of officers or Members of the County Council or others acting on behalf of the County Council. This could be something against County Council policy; that falls below established standards of practice; or which relates to improper conduct or criminal activity (including fraud).

4.2. Concerns that fall within this policy could include, but are not limited to:

- Practice that puts people or the County Council at risk;
- a criminal offence has been committed, is being committed or is likely to be committed;
- failure or likely failure to comply with any legal obligations;
- health and safety risks, including risks to the public;
- damage to the environment;
- something that is against County Council standing orders and policies;

- information relating to any of these concerns that is being or is likely to be deliberately concealed;
- weaknesses in procedure(s) that could put the organisation or people at risk.

4.3. This list is not exhaustive and even if your concern does not fall into any of the categories above, you are encouraged to raise it.

4.4. Please note that the Grievance and Workplace Conflict Policy exists to enable you to lodge a grievance relating to any matter concerning your own employment or how you have been treated, that you are unhappy about. It is very important that the Whistleblowing Policy is not used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

5. How do I raise a concern internally?

5.1. Please remember that you do not have to have firm evidence before raising a concern. You only need to have a reasonable belief that wrongdoing is taking place. Any evidence you can provide will be useful in helping the County Council investigate your concern, although it could be that you are not able to provide any evidence. We do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

5.2. Please raise your concern(s) either orally or in writing, to your immediate line manager, a more senior manager or your Chief Officer. In the case of schools, contact the head teacher or chair of governors. It is your choice as to how you raise a concern. You may wish to communicate via email, over the phone, or arrange a meeting away from the workplace.

5.3. East Sussex County Council has a Confidential Reporting Hotline which can be used to report concerns. This can be accessed by either dialling **01273 481995** or emailing: **confidentialreporting@eastsussex.gov.uk**. Please note this hotline is monitored by Internal Audit.

5.4. Should you not wish to report your concerns using the normal management structure or the Confidential Reporting Hotline, or if your concerns are about management, you can use any of the contacts listed below:

- The Chief Executive, County Hall – 01273 481950
- The Assistant Chief Executive, County Hall – 01273 481564
- The Chief Operating Officer, County Hall – 01273 481412
- The Chief Finance Officer, Business Services, County Hall – 01273 481399
- Chief Internal Auditor, Orbis, County Hall – 01273 481447

5.5. If you wish to raise your concerns in writing to any of the above, please address your letter to:

County Hall
St Anne's Crescent
Lewes BN7 1UE

5.6. School based employees whose concerns relate to the head teacher / principal may wish to approach the Chair of Governors, the Director of Children's Services, or any of the individuals listed above.

5.7. Remember to allow us to investigate and assess the situation it would be helpful to provide as much information as possible. We encourage you to put your name to allegations, as anonymous concerns are more difficult to investigate, and we want to be able to take any appropriate action to protect you and provide you with feedback.

6. How will the County Council respond?

6.1. Once you have told us your concern, we will assess it and consider what action may be appropriate. This may involve a formal review, an internal enquiry or a more formal investigation. We will tell you who will be your point of contact, what further assistance we may need from you, and agree a timetable for feedback. If you ask, we will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern or if there is any information missing, please let us know.

6.2. When you raise the concern it will be helpful to know how you think the matter might be best resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls within our Grievance or Workplace Conflict policy or another relevant policy, we will let you know.

6.3. Regardless of what action may be appropriate in resolving your concern, we will not tolerate victimisation or harassment, and will take all necessary steps to protect you from any detriment.

6.4. Wherever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we might not be able to tell you about the precise actions we take where this would infringe the duty of confidence we owe to other persons.

6.5. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

7. Data protection

7.1. When responding to a concern raised under this policy, we will ensure your personal data is handled in accordance with all relevant data protection legislation, and as described in our Employee Privacy Notice, available on the ESCC website.

7.2. We will not routinely disclose any information about you without your express permission. However, there are circumstances where we must or can share information about you owing to a legal/statutory obligation, for example in order to prevent or detect a crime.

7.3. Any disclosures of personal data are always made on case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place. Information is only shared with those agencies and bodies who have a "need to know" or where you have consented to the disclosure of your personal data to such persons.

8. External contacts

8.1. It is hoped that this policy gives you the reassurance to raise matters internally within the organisation. Whilst we would prefer you to raise your concern internally, we do recognise that there may be circumstances where you may wish to raise matters with outside organisations or regulators. In fact, we would rather you raised a matter with an appropriate outside organisation or regulator than not raise it at all.

8.2. If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Protect's whistleblowing helpline on 020 3117 2520, or via email at whistle@protect-advice.org.uk

Regulator/Organisation	Contact details
Health and Safety Executive http://www.hse.gov.uk/contact/concerns.htm Protect people against the risk to health or safety arising out of work activities.	HSE Concerns Team Phone: 0300 0031647 in office hours, (Monday – Friday from 8.30am – 5.00pm) Email: concerns@hse.gsi.gov.uk
Ofsted http://www.ofsted.gov.uk/contact-us/whistleblower-hotline Inspect and regulate services which care for children and young people, and those providing education and skills for learners of all ages.	Phone : 0300 123 3155 (Monday to Friday from 8.00am -6.00pm). Email: whistleblowing@ofsted.gov.uk Write: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD
External Audit https://sites-grant-thornton.vuturevx.com/5/16/landing-pages/contact-us.asp	Phone: 020 7383 5100 Write: Grant Thornton UK LLP 30 Finsbury Square London EC2A 1AG
Protect https://protect-advice.org.uk/ An independent charity which run a confidential advice line, providing confidential advice on raising concerns.	Phone: 020 3117 2520 Online reporting form: whistle@protect-advice.org.uk Write:Protect, CAN Mezzanine 7 - 14 Great Dover Street London SE1 4YR
Care Quality Commission http://www.cqc.org.uk/content/report-concern-if-you-are-member-staff Check whether hospitals, care homes, GP's dentists and services in your home are meeting national standards	Phone: 03000 616161 Write: CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA
Other prescribed persons and bodies	In the event that you do not want to contact one of the organisations named above, a full list of prescribed organisations you may contact is available here