

# Whistle-blowing Policy

## Introduction

Whistle-blowing happens when an employee or someone we work with raises a concern of suspected wrongdoing or danger in relation to our service provision. This can include, but is not limited to, bribery, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment, any breach of legal or professional obligations and concerns that someone is covering up these types of wrongdoing.

It is important that any such concerns by contractors, suppliers, members or employees are reported and properly dealt with. Essex County Council (ECC) encourages all individuals to raise any concerns that they may have about the conduct of others in the council or the way in which services are run. By reporting concerns at an early stage, steps can be taken to safeguard the interests of all employees and prevent fraud and corruption before it escalates.

The whistleblowing policy should not be used in relation to concerns over personal matters such as individual terms and conditions of employment, working relationships or other personal issues in the workplace. These matters will be handled using our resolution approach set out in the resolution standards and grievance policy.

This policy will support employees and workers to meet the whistle-blowing standards and commitments expected of them.

This policy sets out:

- What we expect to happen if someone has a concern that is in the public interest
- How concerns will be investigated
- The protection available to whistle-blowers

All cases will be dealt with in a non-discriminatory and consistent way and in accordance with ECC's diversity and equality in employment policy.

This policy complies with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.

## Raising a concern

Sometimes employees may have concerns about events that are taking place at work. Generally, in the first instance these concerns are resolved by providing information and having a discussion with the line manager or other senior manager.



If an employee feels a discussion with their manager is not appropriate, for example if they reasonably believe their line manager or senior managers are involved in the wrongdoing, or if for any other reason the employee does not wish to approach their line manager, there are a variety of other ways to make a formal disclosure including:

- [People Support](#) by email [people.support@essex.gov.uk](mailto:people.support@essex.gov.uk) or phone on 033301 35888.
- [Counter Fraud Team](#) by email [CounterFraud.Team@essex.gov.uk](mailto:CounterFraud.Team@essex.gov.uk) or phone 03330 138917
- ECC's [Monitoring Officer](#)
- ECC's external provider [Ethicspoint](#) or phone 0800 89 0011 and enter code 833-626-1514

### **Concerns raised in confidence**

At ECC we promote and open and honest culture. Anyone with a genuine concern will be supported and protected if they 'blow the whistle' and are encouraged to raise their concerns in their own name. ECC will not tolerate the victimisation, intimidation or penalisation of anyone raising a genuine concern, anyone involved in the subsequent investigation or anyone acting as a witness. When investigating, the details of the whistle-blowers will only be shared on a need-to-know basis and held securely on ECCs whistleblowing log, maintained by the Counter Fraud team.

### **Concerns raised anonymously**

Employees are encouraged to put their name to their whistleblowing concern whenever possible. This usually means a better investigation can take place. However, where necessary employees may want to raise a concern anonymously and this can be done using our external helpline. It is important to note that it may prove more difficult or impossible to investigate the concern without the ability to have a two-way dialogue with the whistle-blower.

Anonymous whistle-blowers may not also be able to receive feedback or updates on the actions that have taken place because of their disclosure because of their anonymity.

### **Investigating a concern**

A whistleblowing concern will, where possible, be investigated by the first manager it was reported to unless they are implicated in the concerns, or the matter needs to be investigated by a manager or team with a particular technical expertise such as our Counter Fraud team.

The manager will first contact the whistle-blower (if they have provided their details) to let them know that the investigation has started and offer to meet with them to discuss and clarify the allegations that are being made. This exploratory meeting will be held within a reasonable time period and conducted confidentially. The whistle-blower should share any supporting facts or any relevant documents.

Once the meeting has taken place the manager will consider the information and decide whether there is a case to answer or whether they need to carry out further investigations.

After the exploratory meeting, the manager will inform both the Head of Assurance and the People Project and Casework Manager that a whistle-blowing disclosure has been made and how they are proceeding with the matter.

### **Concerns that require further investigation**

If further investigation is needed, the manager will be responsible for keeping the whistle-blower up to date on progress. If possible, they will also update the whistle-blower on any actions that are implemented. In some cases, there may be limitations on what can be disclosed due to ECC's duty of confidentiality and the safety of others.

At the end of the investigation the manager will record the details of the investigation, any decisions made, and any remedial action implemented on the whistle-blowing investigation log and pass this to the Counter-Fraud team. The whistle-blowing investigation log and any written records of concerns raised, and their outcomes will be in a format which does not breach employee confidentiality. The Monitoring Officer will report as necessary to the Audit, Standards & Governance Committee.

### **Concerns that are not whistle-blowing matters**

If the concerns could be managed more appropriately under another procedure (e.g. Disciplinary or Resolution) then the manager will advise the whistle-blower accordingly and the matter will be dealt with under the relevant procedure.

### **Concerns that do not require investigation**

If the manager decides not to proceed with an investigation, they will explain this in as much detail as possible to the whistle-blower.

The manager will record the details of the concerns raised and their rationale and decision not to investigate matters on the whistle-blowing investigation log and pass this to the counter-fraud team.

## **Protection for whistle-blowers**

### **Data Protection**

ECC will process any personal data collected as part of the whistleblowing process in accordance with its data protection policy. Information collected from the point when a whistle-blower raises a concern is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

### **Unfair Treatment**

Individuals may be anxious that by reporting genuine whistleblowing concerns their actions may leave them vulnerable. It is important to emphasise that ECC will not tolerate the victimisation, intimidation, or penalisation of anyone raising a genuine concern, anyone involved in the subsequent investigation or anyone acting as a witness.

Negative treatment towards anyone making genuine concerns, anyone involved in the subsequent investigation or anyone acting as a witness will be investigated under ECCs disciplinary procedure. Whistle-blowers can report any unfair treatment by contacting:

- Their line manager or a senior manager
- [People Support](#). by email [people.support@essex.gov.uk](mailto:people.support@essex.gov.uk) or phone on 033301 35888.
- ECC's external helpline (details for ethics point)

It's important to remember that usually whistle-blowers who report concerns to the media, usually lose their whistleblowing protection rights.

For those with concerns about speaking up [Protect](#) is a whistleblowing charity that provides free independent advice about whistleblowing.

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**Changes made:** New style policy, updated ways to raise a concern, additional information for concerns that are not whistleblowing, additional information on protection for whistle-blowers