

# Whistleblowing Policy

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### **A. Introduction**

1. This policy explains the types of concerns that are regarded as whistleblowing; how they can be raised directly with the council; and details of alternative channels, where this is more appropriate. The aim of this policy is primarily to ensure that our employees, agency workers, self-employed contractors, volunteers and councillors with Oxfordshire County Council know how to raise concerns about the council .
2. This policy aims to:
  - a) encourage people working for the council to report any suspected wrongdoing as soon as possible, in the knowledge that their concern will be taken seriously and investigated as appropriate, and that their confidentiality will be respected as far as possible.
  - b) provide guidance on how to raise those concerns.
  - c) reassure anyone raising a genuine concern, made in the public interest, that this can be done without fear of reprisals, even if they turn out to be mistaken.
3. Concerns about an employee's own employment should be raised by following the procedures set out in the council's Resolving Grievances Policy.

## **B. What is 'Whistleblowing'?**

4. Whistleblowing is the raising of any serious concern about a fraud, crime, danger or other serious risk that could threaten customers, the public, colleagues or the Council's reputation. The concern must relate to something which it is in the public interest, and not solely a person's own interests, to raise. An employee who makes a disclosure under this policy must reasonably believe:
  - (i) that they are acting in the public interest; and
  - (ii) that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
    - conduct which is an offence or breach of the law;
    - health and safety risks, including risks to the public as well as employees/workers;
    - damage to the environment;
    - abuse of clients;
    - safeguarding concerns relating to children, young people or adults with care and support needs;
    - practice which falls below established standards of practice;
    - unauthorised use of public funds;
    - possible fraud, corruption or financial irregularity including unauthorised use of Council funds (please see the Anti-Fraud and Corruption Policy);
    - unauthorised disclosure of confidential information;
    - unreasonable conduct resulting in unfair pressures on staff;
    - any other unethical conduct; and
    - covering up information about anything listed above.
5. The above list is neither exclusive nor exhaustive. Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision can be reported under the Whistleblowing Policy. In some instances, concerns expressed about the conduct of officers or members of the council or others acting on behalf of the council will need to be considered under the relevant complaints arrangements, e.g. complaints about councillors would normally need to be reviewed under the Complaints Arrangements underpinning the Member Code of Conduct
6. These issues could have arisen in the past, be currently happening or likely to happen in the future.

## **C. Who can use this Policy?**

- A Council employee (current or past)
- A Council Contractor, agency worker or consultant
- A Volunteer with the council
- A Councillor
- Supplier (or someone working for the supplier, employed or self-employed)
- If necessary, a member of the public

7. Members of the public can raise concerns through the Council's complaints processes or via the Local Government and Social Care Ombudsman or the Council's External Auditors. However, while the Whistleblowing Policy is intended mainly for concerns raised by employees, and for those working with or for the Council, any concerns from the members of the public raised through this Policy will be reviewed.
8. If a member of the public or a member of staff contacts a County Councillor with a whistleblowing concern, then the Councillor should contact the Monitoring Officer in the first instance.

#### **D. Confidentiality**

9. All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect a whistleblower's wishes. However, the Council does not encourage staff to make disclosures anonymously as this can constrain the process of investigation. The information will, normally, need to be passed on to those with a legitimate need to see it in order to investigate the matter and to act upon any findings. Annex 3 includes some further guidance about the protections when a concern is raised.
10. It may be necessary for the whistleblower to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with the whistleblower first.
11. Where concerns are expressed anonymously, the Council's Monitoring Officer will determine how best an investigation may still be carried out, depending on the nature of the allegations, the evidence/information presented, and the public interest involved.

#### **E. Supporting and protecting whistleblowers**

12. Staff will not suffer any detrimental treatment as a result of raising a concern or making a disclosure. Employees have a right to report their concerns if they have reasonable belief that wrongdoing may be occurring, or has occurred, within the Council. We recognise that deciding to report a concern can be a difficult decision to make. We will not tolerate any harassment or reprisals of whistleblowers and will take appropriate action to protect you when you raise a concern in good faith.
13. The Public Interest Disclosure Act 1998 protects employees from reprisal, victimisation or harassment at work if they raise a concern that they reasonably believe is in the public interest. If any persons raising a concern believe themselves to be suffering a detriment for having raised a concern, this should be made known to the Monitoring Officer (contact details below).

## **F. Untrue allegations**

14. If you make an allegation in good faith and in the public interest but it is not confirmed by the investigation, no action will be taken against you. Allegations that are made without a reasonable belief as to their truth or made maliciously are a serious matter and are likely to be a disciplinary offence.

## **G. Role of trade unions and professional associations**

15. Employees can raise concerns directly themselves or can ask their trade union or professional association to do so on their behalf. Whistleblowers can bring a trade union or professional association representative or friend with them to any meetings.

## **H. How to blow the whistle**

### **Step 1 – Blowing the whistle**

16. You can raise your concern in writing at [whistleblowing@oxfordshire.gov.uk](mailto:whistleblowing@oxfordshire.gov.uk) or verbally via the Whistleblowing hotline: XXXXX.
17. This is a confidential email address and telephone number, attended by the service reporting directly to the Council's Chief Internal Auditor. You can also whistleblow in writing to the Chief Internal Auditor (Whistleblowing), Oxfordshire County Council, New Road, Oxford, OX1 1ND.
18. It is hoped that in many cases employees will be able to raise any concerns with their line manager or director, as a means of resolving concerns quickly, effectively and at the earliest opportunity. A list of senior managers is included at Annex 1. Similarly, there are external organisations you may wish to contact or consult, listed at Annex 2. You should give as much evidence or other reasonable grounds as you can when you raise your concern. This will help with any investigation into the alleged wrongdoing.

### **Step 2 – how the Council will respond to your whistleblow**

19. Once you've raised your concern it will be acknowledged as soon as possible. Within 10 working days you'll receive a reply setting out:
- How the concern will be dealt with
  - Whether any further information is needed from you at this stage.
  - An estimate of how long it will take to provide a final response.
  - Whether any initial enquiries have been made.
  - Whether further investigations will take place, and if not why not.
  - Details of support available to you.

20. Advice for managers and councillors on dealing with concerns is available from the Counter Fraud Team at [whistleblowing@oxfordshire.gov.uk](mailto:whistleblowing@oxfordshire.gov.uk)

### **Step 3 - Investigation**

21. If an investigation has been considered necessary, it may lead to one or more of the following:

- an internal investigation under the direction of the Monitoring Officer for example it might take the form of a disciplinary investigation or an investigation by Internal Audit.
- a referral to the Police.
- a referral to the council's external auditor.
- arranging an external independent investigation.

### **Step 4 - Outcome**

22. The council will inform you in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law.

23. If you do not believe your concern has been addressed adequately, you can raise it with an independent body such as:

- the council's external auditor
- Trade Union
- Citizens' Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- Police
- Local Government and Social Care Ombudsman
- Equalities and Human Rights Commission
- NSPCC should the concern relate to a child.

See Annex 2 for contact details.

24. There is a continuing duty to the Council not to disclose confidential information. This does not prevent you from seeking independent advice at any stage nor from discussing the issue with the charity Protect (previously called Public Concern at Work) on 020 3117 2520 and [www.protect-advice.org.uk](http://www.protect-advice.org.uk), in accordance with the provisions of the Public Interest Disclosure Act 1998.

## I. Review of this policy

25. The Council's Monitoring Officer has overall responsibility for this Policy, how it is used and how the Policy is working. It will be reviewed annually, with the Monitoring Officer taking an annual report to the Audit & Governance Committee to assess the effectiveness of the Policy and the arrangements and training underpinning it. The Monitoring Officer will also make an annual report on the type of cases dealt with under this Policy.

Responsible Officer: Monitoring Officer

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### Annex 1 - Contact Details (Oxfordshire County Council)

**Confidential email:** [whistleblowing@oxfordshire.gov.uk](mailto:whistleblowing@oxfordshire.gov.uk)

List of senior managers:

Director of Finance
Chief Internal Auditor
Monitoring Officer and Director of Law & Governance
Head of Paid Service / Chief Executive
Head of Legal and Deputy Monitoring Officer
<b>Directors</b>
Corporate Director – Commercial Development Assets and Investment
Corporate Director for Adult and Housing Services
Corporate Director for Children's Services
Corporate Director for Public Health and Wellbeing
Corporate Director for Environment and Place
Corporate Director for Customers and Organisational Development
Chief Fire Officer and Corporate Director for Community Safety
Your Local Councillors (if you live in Oxfordshire)

## Annex 2 – External Organisations

Contact	Details
<b>External Auditors Ernst &amp; Young LLP</b>	Apex plaza, Forbury Road, Reading. RG1 1YE Web: <a href="http://www.ey.com">www.ey.com</a> Or: 0118 928 1100
<b>The Local Government and Social Care Ombudsman</b>	PO Box 4771, Coventry. CV4 0EH <a href="http://www.lgo.org.uk">www.lgo.org.uk</a> Tel no. 0300 061 0614
<b>The Equalities and Human Rights Commission</b>	<a href="http://www.equalityhumanrights.com/en/whistleblowing#report">www.equalityhumanrights.com/en/whistleblowing#report</a>
<b>The Health and Safety Executive (Regional Office)</b>	Priestley House, Priestley Road, Basingstoke, Hampshire. RG24 9NW Web: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a> Tel no. 0300 790 6787
<b>The Environment Agency (Thames Regional Office)</b>	Kings Meadow House, Kings Meadow Road, Reading. RG1 8DQ Web: <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a> Tel No. 03708 506506
<b>Citizens Advice Bureau</b>	<a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>
<b>Whistleblowing Helpline</b> Free advice for NHS and Social Care	<a href="https://speakup.direct/">https://speakup.direct/</a> Tel No. 08000 724725
<b>The NSPCC whistleblowing helpline (when it relates to children)</b>	0800 028 0285 <a href="#">Whistleblowing Advice Line   NSPCC</a>
<b>Police</b>	<a href="http://www.gov.uk/contact-police">www.gov.uk/contact-police</a>
<b>Your Local Councillors</b> (if you live in Oxfordshire)	You can find your Oxfordshire County Councillor <a href="#">on our website:</a>

Any directly relevant Body listed in the Department for Business, Energy & Industrial Strategy website under “[Blowing the whistle: list of prescribed people and bodies](#)”

### **Annex 3 – Whistleblowing & protections**

- a) If a whistleblower has any doubt about whether it is lawful to make a disclosure, it is recommended that they take advice in general terms about whom to approach, before disclosing the detail to avoid inappropriate disclosure. This is so the whistleblower keeps any protection the law affords as a consequence of their actions. The law protects the whistleblower from any retaliation or discrimination which may occur, so long as any “protected disclosure” made is done so in good faith, it is proportionate to the circumstances and importantly that it is made to a prescribed person or relevant body only.
- b) An employee is not protected or immune from other action being taken against them if making the disclosure breaks the law
- c) Any protection the whistleblower may be entitled to by law, may be compromised or lost if the disclosure is made to the press.

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## Whistleblowing Procedure – Flow chart

