

Whistleblowing Policy

Introduction

Whistleblowing happens when an employee or someone we work with raises a concern of suspected wrongdoing or danger in relation to our service provision. A qualifying disclosure 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
- 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 relates to concerns that are raised in the public interest and 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 [Resolution policy](#).

This Whistleblowing policy will support employees and workers to meet the whistleblowing 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 whistleblowers

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 using the [Assyst Online Portal](#)
- [Counter Fraud Team](#) by email to CounterFraud.Team@essex.gov.uk or phone 03330 138917
- ECC's [Monitoring Officer](#)
- ECC's external provider [Ethicspoint](#) at <https://secure.ethicspoint.com/> or phone 0800 89 0011 and enter code 833-626-1514.

Concerns raised in confidence

At ECC we promote an 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 so that, where appropriate, they can be contacted for further information. 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 whistleblowers 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 usually be initially explored by the manager it was reported to, unless they are implicated in the concern, or the matter needs to be investigated by a manager or team with a particular technical expertise such as our Counter Fraud team.

The initial exploration will determine if the concern can be resolved informally or if a formal process is appropriate.

Concerns that do not require further investigation

If the manager decides not to proceed with a formal investigation, they will explain this in as much detail as possible to the whistleblower (if they have provided their details). This may be because the concern is not a [whistleblowing qualifying disclosure](#) and relates to a minor or personal matter and could be satisfactorily resolved informally or managed more appropriately under another policy (such as raising a grievance under the [Resolution policy](#)).

The manager will record the details of the concerns raised and their rationale and decision not to formally investigate the matter as a whistleblowing disclosure on the whistleblowing investigation log and pass this to the Counter Fraud Team.

Concerns that require a formal investigation

Where a formal process is required, the manager will contact the whistleblower (if they have provided their details) to let them know that a formal investigation has started and offer to meet with them to discuss and clarify the allegations that are being made.

If the manager's initial assessment of the case causes them to believe that the actions of an employee implicated in the case may be considered as gross misconduct, they will refer to the case to People Support using the [Assyst Online Portal](#) and an independent manager will be assigned to complete the investigation.

This investigation meeting will usually be held within 2 weeks of the whistleblower being informed that a formal process has started (depending on operational challenges) and will be conducted confidentially. The whistleblower should share any supporting facts or any relevant documents.

Once the meeting has taken place, the manager will consider all the information and decide whether there is a case to answer or whether they need to carry out further investigations. Where appropriate, the manager may recommend for the case to proceed under the relevant Disciplinary, Resolution or Improving Performance policy.

After the investigatory meeting, the manager will inform both the Head of Assurance and People Support using the [Assyst Online Portal](#) that a whistleblowing 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 whistleblower up-to-date on progress. If possible, they will also update the whistleblower 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. In these cases, ECC will not be able to provide information relating to the outcome of the investigation and any actions taken against employees who may be affected by the whistleblowing concern raised.

Whistleblowing investigation record-keeping

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 whistleblowing investigation log and pass this to the Counter Fraud team. The whistleblowing 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 lead to disciplinary or improving performance proceedings

Where a whistleblowing concern is raised in relation to the actions of an employee, and following an investigation, it is recommended that further formal proceedings are required, the relevant employee may undergo formal proceedings. If the investigation finds that the employee's actions may be due to:

- misconduct; the employee may undergo formal disciplinary proceedings.
- capability issues; the employee may undergo formal improving performance proceedings.

When subject to disciplinary or improving performance proceedings, the employee will be treated fairly and in a non-discriminatory way and in accordance with ECC's [disciplinary policy](#), or [improving performance policy](#) and [diversity and equality in employment policy](#) and [ACAS guidance](#).

Concerns that are not whistleblowing matters

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

Protection for whistleblowers

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 whistleblower 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. Whistleblowers can report any unfair treatment by contacting:

- Their line manager or a senior manager
- People Support using the [Assyst Online Portal](#)
- ECC's external helpline [Ethicspoint](#) at <https://secure.ethicspoint.com/> or phone 0800 89 0011 and enter code 833-626-1514

Raising concerns with a third-party organisation

If the employee is dissatisfied with how their concerns have been managed by ECC, they will be legally protected from unfair treatment if they raise their [qualifying disclosure](#) with a number of approved authorities, including:

- HM Revenue & Customs
- the Financial Services Authority
- the Office of Fair Trading
- the Health and Safety Executive
- the Environment Agency.

It is important to remember that whistleblowers may lose their whistleblowing protection rights if they report a concern to the media, or to a third-party that is not a [prescribed person or body](#).

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

This Version: 7th November 2023

Changes Made: Added wording relating to how a concern will be initially explored prior to formal investigation. Clarification included on where the concern will be managed under a formal disciplinary, resolution of improving performance process. Inclusion of how whistleblowing disclosures may lead to disciplinary or improving performance proceedings with the subject of a whistleblowing concern. Section on raising concerns with third parties.

Previous Version: 2 March 2023

Changes made: updated contact information

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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 whistleblowers