



# Confidential Reporting (Whistleblowing) Policy

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**Document Control**

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**Revision History**

<b>Version Reviewed</b>	<b>Date Reviewed</b>	<b>Reviewed By</b>	<b>Description of Revision</b>
Confidential Reporting Code 2014	November 2019	Safeguarding Forum	Policy converted to current format Officer details updated
V1.2	February 2021	Monitoring Officer HR	Updated

**Document Approval**

<b>Version</b>	<b>Approved By</b>	<b>Date</b>
V1.3	Human Resources	February 2021
	Corporate Leadership Team	24 March 2021
	Trade Union Consultation	22 April 2021
	Standards and Ethics Committee	
	Executive	

**Document Distribution**

This policy is to be distributed to all staff and elected members of Copeland Borough Council and placed on the Council's Intranet Site and website. A copy must also be provided to contractors and third parties undertaking work on Copeland Borough Council premises.

**Contributors**

CBC	Confidential Reporting Code 2014
XpertHR	Model Whistleblowing policy

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## Purpose

The purpose of this policy is to provide a framework and guidance for council officers, elected members, contractors and members of the public who have serious concerns regarding any aspect of the Council's work to voice those concerns and ensure they are addressed consistently and fairly.

## Policy Benefits

The benefits of having a policy are to:

- Encourage you to feel confident in raising serious concerns and to question and act upon them regarding any practice or set of circumstances within the organisation about which you are concerned .
- Provide channels for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue your concerns if you are not satisfied
- Give assurance that you will be protected from possible reprisals or victimisation if you reasonably believe that you have made any disclosure in good faith.

## Introduction

Members of the Council or its employees can be the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation.

In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This policy, however, is not confined solely to employees. Should a member of the public or a councillor or a contractor of the Council prefer to use this policy then they may do so.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect elected members, employees, and others who have serious concerns about any aspect of the Council's operations to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees and other persons described above to raise serious concerns about the Council rather than overlooking a problem or 'whistle-blowing' external to the organisation

The policy applies to all employees, members of the public, councillors and those contractors working for the Council on Council premises, for example, consultants, agency staff, builders and suppliers.

These procedures are in addition to the Council's Complaints Procedure and the agreed Code of Conduct procedure for dealing with complaints about elected members. The policy caters for the relatively rare occasions where someone feels unable to use one of the existing procedures.

This policy has been discussed with the relevant trade unions and has their support.

## Scope

There are existing procedures in place to enable you to lodge a grievance relating to your own employment or to use the Council's complaints procedure which is designed for use by residents, customers and members of the public who may be dissatisfied with a standard of service received from the Council.

The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Non-compliance to Health and Safety i.e. health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual or physical abuse
- Other unethical conduct.
- The Council's Standing Orders, including contract standing orders and financial regulations, which have been, or are being, or are likely to be breached.
- Information relating to any of the above which has been, is being, or is likely to be deliberately concealed.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or elected members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy.

This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's Standing Orders and policies; or
- Falls below established and expected standards of practice; or
- Amounts to improper conduct.

## Policy Details including Procedures

### Harassment or Victimisation

The Council is committed to good practice and high standards and wants to be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and you are otherwise assisting the Council.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

The Council will also take appropriate action to similarly protect non-employees.

### Confidentiality

All concerns will be treated in confidence and every effort will be made to deal with your concerns anonymously.

At the appropriate time, however, you may need to come forward as a witness. If it is possible to establish the truth about allegations from an independent source then the relevant investigating officer will seek to do this.

### Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful and will be not normally be considered, other than in exceptional circumstances at the discretion of the relevant officer. Anonymous whistle-blowers will not ordinarily be able to receive feedback and that any action taken to look into a disclosure could be limited.

In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The timeliness of the concern/allegation being reported
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

### **Untrue allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

If, however, you make an allegation frivolously, maliciously or for personal gain, action may be taken against you. Such allegations include those which are trivial and do not have any substance or are made persistently and anonymously for the wrong reasons, for example, simply to make trouble, vindictiveness, or, purely out of self-interest.

### **How to raise a concern**

If you are an employee your first step should normally be to raise concerns with your immediate manager or their superior (if the concern is about your immediate manager).

If the complaint/concern/allegation is being initiated outside of the Council it should be raised with the relevant line manager or service head. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Monitoring Officer or Section 151 Officer. If the Chief Executive is involved, you should approach the Monitoring Officer.

If a Councillor is involved you should, in the first instance, approach the Monitoring Officer. The Monitoring Officer, after consideration but pre-investigation, will signpost this to the Chief Executive.

Concerns may be raised verbally or in writing. If you wish to make a written report, it would be useful to include the following:

- The background and history of the concern (giving relevant dates, and if applicable, who is directly involved);
- State clearly what concerns you about the situation/incident and why.

The earlier you express the concern/ bring forward your allegation, the easier it will be to investigate, and if necessary, to take appropriate action.

Whilst you are not required to provide evidence about the allegations you should be able to provide sufficient information to enable the employer to understand the nature of the allegations and sufficient to decide how to proceed next.

Advice and guidance on how to pursue matters of concern may be obtained from:

- Chief Executive - Pat Graham

Tel – 01946 598325

[pat.graham@copeland.gov.uk](mailto:pat.graham@copeland.gov.uk)

- Monitoring Officer – Sarah Pemberton  
01946 598443  
[sarah.pemberton@copeland.gov.uk](mailto:sarah.pemberton@copeland.gov.uk)
- Section 151 Officer – Steven Brown  
[steven.brown@copeland.gov.uk](mailto:steven.brown@copeland.gov.uk)

If you are an employee you may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union representative, professional association representative or a friend to be present during any meetings or interviews in connection with the concern(s) you have raised

### **How the Council will respond**

The relevant officer will respond to your concerns.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry investigation

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the relevant officer will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent and corrective action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the relevant officer will write to you:

- Acknowledging that the concern has been received
- 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 staff support mechanisms, for example counselling, and
- Telling you whether further investigations will take place and if not, why not.

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. If necessary the relevant officer will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative, or a friend.

The relevant officer will take steps to minimise any difficulties which you may experience as a result of raising a concern.

For instance, if you are required to give evidence in criminal or disciplinary proceedings the relevant officer will arrange for you to receive advice about the procedure.

The relevant officer 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

### **How the matter can be taken further**

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points as an alternative or in addition to contacting the Audit Committee:

- Your Trade Union
- Citizens Advice
- Relevant professional bodies or regulatory organisations, a relevant voluntary organisation
- The police
- ACAS

## **Roles and Responsibilities**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report annually to the Standards and Ethics Committee on the operation of this policy.

Members and officers are responsible for making service users aware of the existence of these procedures.

## Monitoring of Policy Adherence

The Monitoring Officer is responsible for ensuring that all concerns raised follow practice and procedure laid down in this policy.

## References

CBC Dignity at Work Policy  
CBC Unacceptable Behaviour Policy  
CBC Comments, Compliments and Complaints Policy  
CBC Safeguarding Adults Policy  
CBC Employees Code of Conduct  
CBC Members Code of Ethics and Conduct  
CBC Data Protection and GDPR Policy

Employment Rights Act 1996  
Public Interest Disclosure Act 1998  
Whistleblowing. Guidance for Employers and Code of Practice 2015. (H.M. Govt Department for Business, Energy and Industrial Strategy)