Confidential Reporting Code (Also known as "Whistle Blowing" Policy)

November 2024

Version 4.2

1. Introduction

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

1.2 Employees are often 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.

1.3 The Public Interest Disclosure Act 1998 encourages individuals to raise concerns about malpractice in the workplace and this policy document makes it clear that employees can raise serious concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable employees to raise those concerns within the Council, rather than overlooking a problem.

1.4 This code acknowledges the amendments recently made to the Public Interest Disclosure Act by the introduction of the Enterprise and Regulatory Reform Act 2013.

1.5 The code applies to all employees and those contractors working for the Council, on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example care homes. Members of the public are also encouraged to raise concerns, which will be responded to in accordance with this code.

1.6 These procedures are in addition to the Council's complaint procedures and other statutory reporting procedures applying to some service areas. Service managers are responsible for making service users aware of the existence of these procedures if and when necessary.

1.7 This code has been discussed with the relevant trade unions and professional organisations and has their support.

2. Aims and Scope of this Code

2.1 This code aims to:-

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues 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 them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that any disclosure is made in the public interest.

2.2 The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other policies and procedures (such as the Grievance procedure, which is in place to enable you to lodge a grievance relating to your own contract of employment). Personal grievances (e.g. bullying, harassment, discrimination) are not usually covered by whistleblowing law, unless your particular case is in the public interest. If the Monitoring Officer or delegated officer considers that a concern raised under the Confidential Reporting Code should more properly be dealt with under the provisions of another policy, the whistle-blower will be referred to that policy. Advice from relevant officers should be sought where required.

Those major concerns that fall outside of other policies and procedures are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by someone who has a reasonable belief that any of the below matters are being, has been, or is likely to be, committed:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damages to the environment
- the unauthorised use of public funds
- possible fraud and corruption, including bribery
- sexual or physical abuse of clients, or
- other unethical conduct
- covering-up of any of the above

2.3 Therefore, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribe to; or
- is against the Council's Constitution and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This code does not replace the corporate complaint procedure which is in place to address complaints about the Council's services.

2.5 The Council encourages you to raise your concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with your line manager, trade union representative or the Monitoring Officer.

2.6 Individuals who make a public interest disclosure ('whistleblow') within the context of protections provided within the Employment Rights Act 1996, which details that the protections are that the dismissal of an employee will be automatically unfair if the reason, or principal reason, for their dismissal is that they have made a "protected disclosure" and that workers are protected from being subjected to any detriment on the ground that they have made a protected disclosure

You would normally be expected to first raise the issue with their employer directly. However, they can also make disclosures to prescribed persons or bodies. The Government has recently updated the List of prescribed persons and bodies which is accessible on the Government website. Under the list, individuals need to raise the issue with the correct prescribed person for the sector or industry concerned. There are a number of prescribed persons and bodies relating to local authorities depending on their areas of responsibility. Guidance in the list also provides information for individuals to help them identify the relevant auditor for a particular local authority.

3. Safeguards

3.1 Harassment or Victimisation

3.2 The Council is committed to good practice and high standards and wants to be supportive of employees and others covered by this code.

3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, and you have reasonable belief that the disclosure is being made in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.4 The Council will not tolerate any bullying, harassment or victimisation (including informal pressure) by managers and colleagues and will take appropriate action to protect you when you raise a concern in the public interest. Victimisation of a worker for raising a qualifying disclosure will be a disciplinary offence.

3.5 If you report your concerns via a disclosure you have the right not to be dismissed or subjected to any other detriment because of it.

3.6 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, sickness, capability or redundancy procedures that

already affect you or may affect you in the future.

4. Reporting Adult Social Care whistleblowing concerns to the Care Quality Commission (CQC)

4.1 CQC is the independent regulator of healthcare and adult social care services in England who register and monitor health and social care providers under the Health and Social Care Act 2008.

4.2 Ideally any whistleblowing concern should be dealt with by the Council. However if you feel that the management have not dealt with your concerns by responding appropriately to them, within this policy, or you do not feel confident that your concerns are being dealt with properly you can make a disclosure to CQC.

4.3 If you are concerned that vulnerable adults are not being cared for in a way that keeps them safe you can also raise this via the Council adult safeguarding procedures. You can do this as well as whistle blowing to CQC.

4.4 **How does CQC handle whistleblowing disclosures:**

There are a number of ways that CQC may respond to a disclosure depending on the situation and how serious the matter is, by deciding if:

- the concern is within the scope of CQC's regulatory duties
- if CQC are the right organisation to investigate the concern
- or if another organisation is best placed to deal with the concern instead, or as well as CQC

CQC will always ask you if you have tried to raise the concern with CBC and they will still respond to the concerns if you have not.

Details on what actions CQC will undertake is available on the CQC website: Raising a concern with CQC: A quick guide for health and care staff about whistleblowing

5. Confidentiality

5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the whistle-blower may be required as part of the evidence. This may mean that witness statements or correspondence is also disclosed. In these situations the Council will contact you and any additional witnesses to advise of this and to offer any guidance where necessary.

5.2 The Council may need to reveal your identity and disclose information where there are legal proceedings following on from the whistleblowing disclosure and as above

will inform you prior to this information being released.

5.3 If the Council feels for example that allegations relate to serious criminal offences which the Police should investigate we may also be required to disclose your identity to third parties.

6. Anonymous Allegations

6.1 This code encourages you to put your name to your allegation whenever possible.

6.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. You should remember that wherever possible, confidentiality will be preserved.

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

- the seriousness of the issues raised
- the credibility of the allegation; and
- the likelihood of confirming the allegation from attributable sources.

6.4 Anonymous whistle-blowers should also bear in mind that, if they do not make their name known, the Monitoring Officer or delegated officer will not know whose identity to keep confidential. It will also not be possible to provide direct feedback to them on the progress and outcome of any investigations.

7. False or Unproven Allegations

7.1 Where it is established, after investigation, that the allegations are unproven, the whistle-blower will be notified. The Council will deem the matter "closed" and will not expect the issue to be raised again unless new evidence becomes available.

7.2 If you make an allegation which you believe to be in the public interest, but it is not confirmed by the subsequent investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you. The Council will manage such situations using its agreed Disciplinary Procedure which is accessible on My Central.

8. How to raise a concern

8.1 As a first step, you should normally raise concerns with your immediate manager or their superior. 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, Director of Resources and Organisational Change, the Monitoring Officer or the Head of Internal

Audit and Risk. Should the concern be relating to the Chief Executive, Director of Resources and Organisational Change, the Monitoring Officer or the Head of Internal Audit and Risk your concerns should be raised with the Service Director – Human Resources & Organisational Development.

8.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.
- and providing as full and comprehensive information as is known at the time of the disclosure

If you raise your concern verbally, a written note will be taken in accordance with the above format.

All concerns received will be registered with the Monitoring Officer.

8.3 The earlier you express the concern the easier it is to take action.

8.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

- Monitoring Officer
- Director of Resources and Organisational Change
- Head of Internal Audit and Risk
- Chief Executive

8.6 You may wish to consider discussing your concern with a colleague or your trade union representative 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. However, once you have raised a concern under the Confidential Reporting Code you should be mindful that any further discussions with other parties may impede the maintenance of confidentiality or compromise any investigation.

8.7 You may invite your trade union or colleague to be present during any meetings or interviews in connection with the concerns you have raised.

9. How the Council will respond

9.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as adjudicating the validity of them.

9.2 Where appropriate the matters raised may:

- be investigated thoroughly 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

9.3 In order to protect individuals and those accused of misdeeds or possible malpractice, 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 Council will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

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

9.5 Within ten working days of a concern being raised, the Monitoring Officer will write to you:

- acknowledging that the concern has been received
- indicating how we propose 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
- supply you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

9.6 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 Council will seek further information from you.

9.7 Where any meeting is arranged, off-site if you so wish, a union or professional association representative or a friend can accompany you.

9.8 The Council 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 Council will arrange for you to receive advice about the procedure.

9.9 The Council 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 outcomes of any investigation.

10. The Responsible Officer

10.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this code. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. They will also ensure that proper and timely progress is made in dealing with any complaint and that the principles and requirements of this code are met.

11. How the matter can be taken further

11.1 This code 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, possible contact points are set out after paragraph 10.4.

11.2 Before taking matters outside the Council you may wish to take independent advice and the charity Protect (formerly known as Public Concern at Work) offers such facilities to employees. Contact details can be accessed on the protect advice organisation website https://protect-advice.org.uk/contact-protect-advice-line.

11.3 The following are possible external contact points:

- the Council's external auditor
- your trade union/professional association representative
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police

11.4 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

Further Information:

Rober Ling – Director of Resources and Organisational Change

TEL: 0300 300 6147 EMAIL: Robert.Ling@centralbedfordshire.gov.uk

Clint Horne – Head of Internal Audit and Risk

TEL: 0300 300 4758 EMAIL: Clint.Horne@centralbedfordshire.gov.uk

24 Hours CBC Fraud Hotline

TEL: 0300 300 8182 EMAIL: tellusaboutfraud@centralbedfordshire.gov.uk

Monitoring Officer EMAIL: monitoringofficer@centralbedfordshire.gov.uk

Marcel Coiffait - Chief Executive

TEL: 0300 300 5637 EMAIL: marcel.coiffait@centralbedfordshire.gov.uk

Vikki Chapman - Service Director – Human Resources & Organisational Development

TEL: 0300 300 6213 EMAIL: Vikki.Chapman@centralbedfordshire.gov.uk

NSPCC National Whistleblowing Helpline for employees

TEL: 0808 800 5000 EMAIL: help@nspcc.org.uk

WEBSITE: https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line