

**Reason for this Report**

1. To allow the Committee to consider further information on whistleblowing arrangements; a revised Whistleblowing Policy for approval; and to note the proposals in respect of communication of the revised arrangements.

**Background**

2. The Standards & Ethics Committee has responsibility to 'oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising' (paragraph (e) of the Committee's terms of reference).
3. At its last meeting, the Standards & Ethics Committee considered proposed changes to the Council's current Whistleblowing Policy and a proposed Communications Plan. The Committee approved the proposed changes, subject to further amendments and requested further information on a number of identified issues.

**Issues**

**4. Amendments to Whistleblowing Policy**

The Whistleblowing Policy has been further amended to reflect comments made at the last Committee meeting, specifically:

- 4.1 Concerns in respect of harm to children or vulnerable adults – The Policy has been amended to reflect the current procedures, as advised by officers from Children Services and Adults Services during the last Committee meeting.
  - 4.1.1 Members may also wish to note that the Wales Audit Office is currently reviewing the governance and management arrangements in all Welsh authorities, with particular regard to Human Resources and personnel processes, to provide assurance that children are safeguarded, and the Council's whistleblowing arrangements will be considered as part of that review. The outcome of this review, in so far as it concerns whistleblowing

arrangements or other ethical issues, will be reported to back to this Committee in due course.

4.2 Confidentiality – in response to observations made at the last meeting, further consideration has been given to the question of whether it is appropriate for the Council to give a firm assurance that the whistleblower's identity will not be revealed without their consent, except as may be required by law. The whistleblowing charity, Public Concern at Work, recommends a firm assurance should be given. However, it is acknowledged that there may be circumstances where the Council may wish to disclose the whistleblower's identity, for example, where disciplinary action is instigated against a Council employee following a whistleblower's report. Such disclosure may not be required by law, but may be necessary in order for the Council to take appropriate action, for example, to pursue disciplinary proceedings. Having further considered this issue and looked at the policies of a number of other councils and government bodies, as well as guidance published by the National Audit Office, the Monitoring Officer's view is that it may be more appropriate to retain a little flexibility for the Council to cover cases where disclosure may be necessary for the Council to address the concerns raised, but with the assurance that any disclosure will be first discussed with the whistleblower. Paragraph 4 of the policy has been amended accordingly.

4.3 External Contacts – it was noted that the Audit Commission, whose contact details were included in the External Contacts list at the end of the policy, is being abolished. The External Contacts list has therefore been reviewed and amendments made to check that it correctly reflects the statutorily prescribed Regulators to whom a 'Protected Disclosure' (meaning a whistleblowing report qualifying for statutory protection) may be made. Supporting information has also been added to the relevant section of the policy (Section 10) to make clear that, whilst the policy is intended to encourage whistleblowers to raise their concerns within the Council, they may also be protected if they report their concerns to one of the statutorily prescribed Regulators (provided the relevant conditions are met), and to recommend that advice should be sought before making any wider disclosure.

4.4 The above amendments have been incorporated in the revised draft Whistleblowing Policy, attached as **Appendix A**.

## **5. Further Information on Whistleblowing Arrangements**

In response to queries raised at the last Committee meeting, Members are invited to note the following information:

### **5.1 Whistleblowing arrangements for Schools**

5.1.1 Enquiries have been made with officers in the Education Directorate about whistleblowing arrangements in schools. It is noted that the Welsh Assembly Government (WAG) has published Guidance and a Model Policy for Whistleblowing in Schools dated December 2007. The Guidance sets out the respective responsibilities of School Governing Bodies and the Local

Education Authority (LEA) (in paragraphs 1.6 and 1.7 of the Guidance), which indicates that School Governing Bodies are responsible for adopting a whistleblowing policy in all schools except for any community, community special or voluntary controlled school, which does not have a delegated budget (in such schools, whistleblowing arrangements are the LEA's responsibility).

5.1.2 Enquiries have been made to ascertain the position in Cardiff with respect to:

- (i) Any community, community special or voluntary controlled school, without a delegated budget – to confirm what arrangements have been put in place by the Council for whistleblowing in those schools; and
- (ii) All other schools, where the Governing Body is responsible for whistleblowing arrangements – to confirm whether whistleblowing policies (reflecting the WAG model policy) have been adopted by the School Governing Bodies.

5.1.3 The Committee is invited to make any further observations on this issue; and to instruct the Monitoring Officer to check the adequacy of whistleblowing arrangements for schools in Cardiff, with specific regard to the points in the paragraph above, and report back any concerns to a future meeting of this Committee.

## 5.2 Contractors

5.2.1 Members were particularly concerned to receive further information about whistleblowing arrangements for staff of contractors. It was noted that contractors are widely used by the Council for social care provision, which is a recognised high risk area, and that employees of contractors are included as being within the scope of the Council's Whistleblowing Policy. However, doubt was expressed over whether contractors' staff are aware of the Council's whistleblowing arrangements.

5.2.2 Members should note that under the Public Interest Disclosure Act 1998 (PIDA), contractors and their staff are within the definition of 'workers'. They are entitled to make 'Protected Disclosures' to the Council if the failure relates mainly or solely to the conduct of Council staff or matters for which the Council is legally responsible. The Council's Whistleblowing Policy is intended to cover such situations.

5.2.3 However, if the failure relates solely or mainly to the conduct of the contractor or matters for which the contractor is legally responsible, the worker should first consider reporting their concerns, as a Protected Disclosure, to their employer, ie. the contractor. This is in the interests of the whistleblower, to ensure their disclosure is protected, but PIDA recognises that there may be some circumstances where it is necessary or appropriate to blow the whistle to a third party, such as the Council. Third party disclosures *may* be protected, depending on various statutorily prescribed conditions, but it is advisable for the worker to seek advice before making such a disclosure to check that they are protected.

5.2.4 Whistleblowing to the worker's employer (the contractor) will be protected under PIDA regardless of whether or not the employer has its own whistleblowing policy. However, a whistleblowing policy is best practice for employers to ensure that their workers are aware of their statutory protection and to reassure workers that they will not face dismissal or detriment, and that their concerns will be properly investigated.

5.2.5 It is suggested that to ensure the adequacy of whistleblowing arrangements for contractors' staff, the Committee will want to be satisfied that:

(i) contractors and their staff are made aware of the Council's Whistleblowing Policy and its scope (ie. for Council wrongdoing / responsibilities); and

(ii) contractors have in place their own whistleblowing arrangements, which are effectively communicated to their staff.

5.2.6 The Council's Policy has been amended to explain the application of the policy to contractors' staff (paragraph 2.4 of the revised draft Policy).

5.2.7 The issues set out in paragraph 5.2.5 above are currently receiving further consideration, in liaison with officers in Procurement, Legal Services and Communications, and improvement actions are being identified, including the following:

(i) the Communications Plan for the revised Whistleblowing Policy specifically includes contractors and their staff within the target audience, and further consideration is being given to how best this can be achieved;

(ii) the Procurement page on the Council's website currently contains a link to the Whistleblowing Policy (alongside other information for contractors), which is to be reinforced with a 'cover page' explaining the application and scope of the Policy;

(iii) the insertion into the Council's standard contracts of a whistleblowing clause (to be included / deleted as appropriate), requiring contractors to have in place their own whistleblowing policies, to ensure their policies are communicated to all their staff and to provide copies to the Council upon request. (Whistleblowing clauses are currently inserted into certain contracts only, dependent on the instructions of service area officers); and

(iv) Procurement team to ensure that whistleblowing arrangements are considered, where appropriate, at the selection of tenderers and during contract monitoring.

5.2.8 Members are invited to offer any further comments as appropriate; and to instruct the Monitoring Officer to progress all identified improvement actions to ensure the adequacy of whistleblowing arrangements for contractors' staff, and to report back to a future meeting of this Committee.

### 5.3 Number of whistleblowing reports – Comparative data

5.3.1 It was noted that in Cardiff we have recorded 2 whistleblowing reports in each of the last two years, 2012 and 2013, ie. 4 in total over the 2 year period (not including any child protection or vulnerable adults' referrals or reports dealt with under the anti-fraud strategy.) It was suggested that these numbers seem relatively low in relation to the number of staff employed by Cardiff Council (approximately 18,000), and the Monitoring Officer was asked to find out how Cardiff's figures compare with other authorities.

5.3.2 Enquiries were made with Monitoring Officers in other Welsh Authorities about the number of whistleblowing reports in the last 2 years, and the information received is set out in **Appendix B** to this report.

5.3.3 Members will note that the number of whistleblowing reports made over the last 2 years in Cardiff is broadly similar to the figures supplied by other local authorities. The Committee is invited to make any further observations as appropriate.

### 5.4 Compromise Agreements

5.4.1 It was noted that PIDA provides that any contractual clause in an agreement between a worker and their employer, including a Compromise Agreement (or 'Gagging Agreement'), which seeks to prevent a worker from making a Protected Disclosure is invalid. Concern was expressed about such agreements and assurance sought in respect of whether they are used by the Council.

5.4.2 Enquiries have been made with Human Resources and the Council's employment lawyer. Members are invited to note the following information.

5.4.3 Compromise Agreements (now called Settlement Agreements) are a particular form of legal agreement that has been created by the legislation which deals with employment rights. They are used where there is a mutual agreement to bring the employment relationship to an end, usually by way of an agreed compensation package (including Voluntary Severance). Public authorities have always used this approach for employees leaving the organisation. This is because use of Settlement Agreements protects the Council as employer from potentially costly Employment Tribunal proceedings which may be brought by an employee (eg. unfair dismissal claims). The legislation states that an employee has to receive independent advice, usually legal, before they can settle their claim and sign away their right to go to an Employment Tribunal. In order to be fully effective, the agreement has to be in the form of a Settlement Agreement.

5.4.4 All Settlement Agreements have a standard confidentiality clause relating to the terms of the settlement. These include restrictions to prevent staff from releasing information which might reasonably be expected to damage the business, interests or reputation of the Council or its employees; or to disclose confidential information belonging to, or which relates to, the affairs of the Council or its employees. They do not prevent former employees from raising concerns about service users or any other safety matters. The revised Policy makes this clear.

## **6. Communications Plan**

The Council's Communications team are working on an employee leaflet and poster designs, and have updated the Communications Plan, which is appended as **Appendix C**. The Committee is invited to authorise the Monitoring Officer to implement the Communications Plan once the revised Policy has been finalised and adopted.

## **7. Legal Implications**

The legal implications are contained within the body of the report.

## **8. Financial Implications**

There are no direct financial implications resulting from this report.

## **RECOMMENDATIONS**

The Committee is recommended to:

1. Agree the draft revised Whistleblowing Policy attached as **Appendix A**, subject to any further amendments the Committee thinks appropriate; and to authorise the Monitoring Officer, in consultation with the Chair, to finalise the revised Policy and recommend the same to the Executive for adoption, subject to consultation with staff and trade unions as appropriate.
2. Note the information provided on whistleblowing arrangements in schools, as set out in paragraph 5.1 of the report, and make any further observations as appropriate; and to instruct the Monitoring Officer to check the adequacy of whistleblowing arrangements for schools in Cardiff, with specific regard to the issues identified, and report back any concerns to a future meeting of this Committee.
3. Note the information provided on whistleblowing arrangements for contractors staff as set out in paragraph 5.2 of the report, and make any further comments as appropriate; and to instruct the Monitoring Officer to progress all identified improvement actions; and to report back to a future meeting of this Committee.
4. Note the comparative data provided on the number of whistleblowing reports in other Councils over the last 2 years, as shown in **Appendix B**, and make any further observations as appropriate.

5. Note the updated Communications Plan appended as **Appendix C**, and to authorise MO to implement the Plan once the revised Whistleblowing Policy has been finalised and adopted.

**Marie Rosenthal**

County Clerk & Monitoring Officer

5 March 2014

The following Appendices are attached

Appendix A Draft Revised Whistleblowing Policy

Appendix B Comparative Data on Whistleblowing Reports in other Councils 2012 & 2013

Appendix C Communications Plan (updated)

The following Background Papers have been taken into account:

Report of Monitoring Officer to the Standards & Ethics Committee - 'Whistleblowing Policy dated 28 January 2014

Wales Audit Office, 'All Wales Local Government Improvement Study: Local Authority Arrangements to Support Safeguarding of Children' Project Brief, issued January 2014

National Audit Office Criteria for Assessment of Whistleblowing Policies, January 2014

Welsh Assembly Government Guidance and Model Policy for Whistleblowing in Schools, December 2007, Circular 036/2007

## **WHISTLEBLOWING POLICY**

### **1. INTRODUCTION**

- 1.1. Workers are often the first to realise that there may be something significantly wrong within the Council, and under the Employees' Code of Conduct are required to report such matters. 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.
- 1.2. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect workers, 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.
- 1.3. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Policy is intended to encourage and enable workers to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
- 1.4. This policy has been discussed with the relevant trade unions and professional organisations and has their support.

### **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 This policy 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 you have made any disclosure in the public interest

2.2 The Whistleblowing Policy is intended to cover major concerns such as:

- 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, service users, as well as other employees
- damage to the environment
- the inappropriate or unauthorised use of public funds or other resources
- possible fraud and corruption
- abuse of clients, or
- other unethical conduct.

### **Who can raise a concern under this Policy?**

2.3 The Policy applies to all:

- employees of Cardiff County Council
- employees of contractors working for the Council, for example, agency staff, builders and drivers
- employees of suppliers
- those providing services under a contract or other agreement with the Council in their own premises, for example, care homes
- voluntary workers working with the Council.

2.4 **Contractors' staff** - are entitled to make 'Protected Disclosures' to the Council if the failure relates mainly or solely to the conduct of Council staff or matters for which the Council is legally responsible. However, if the failure relates solely or mainly to the conduct of the contractor or matters for which the contractor is legally responsible, you should first consider reporting your concerns to your employer. This is in your interests to ensure your disclosure is protected. If, however, you do not feel able to raise your concerns with your employer, it may be appropriate to report them to a third party, such as the Council. Such disclosures *may* be protected, depending on various conditions set by law, but you should seek advice before blowing the whistle to a third party to check that you are protected. Free confidential advice is available from the independent charity, Public Concern at Work (contact details listed in the External Contacts List at the end of this Policy).

### **This policy does not apply in the following circumstances:**

2.5 Grievances

If you are an employee, there are existing procedures in place to enable you to lodge a grievance relating to your own employment. You

should always use the *Grievance Policy* before this Whistleblowing Policy.

## 2.6 Elected Members Conduct

Concerns relating to the conduct of elected Members should be raised in accordance with the *Members' Code of Conduct*.

## 2.7 Complaints

This policy does not replace the corporate *Complaint Policy* which is concerned with addressing complaints from members of the public about Council services.

## 2.8 Other Services

If you have any concerns about a service provided by another organisation on behalf of the Council you should contact the service provider in the first instance. In cases where the Council contracts with a private organisation it may be appropriate to notify the relevant Service Area of the Council. In some cases it may also be necessary to inform the appropriate regulatory organisation.

### **Concerns raised under the Whistleblowing Policy may lead to other Council policies or procedures being instigated, in cases such as:**

## 2.9 Concerns about children or vulnerable adults

- (i) If any information raises concerns about harm or potential harm to any child, a child protection referral should be made immediately to the Children's Access Point or, if outside of office hours, to the Emergency Duty Team (please see Contact List at the end of this Policy) where an experienced Social Worker will ensure Child in Need or Child Protection Procedures are instigated if needed, and will provide you with any required advice and guidance.
- (ii) **If any information raises concerns about harm or potential harm to a vulnerable adult**, these concerns should be reported immediately to the Protection of Vulnerable Adults (POVA) Support Team or, if outside of office hours, to the Emergency Duty Team (please see Contact List at the end of this Policy) where an experienced Social Worker will ensure that any appropriate procedures are instigated, and will provide you with any required advice and guidance.

- (iii) If you have concerns about immediate danger needing an emergency response or if you think a crime is being committed, the police should be contacted on 101 or 999. You should never delay taking emergency action to safeguard a child or vulnerable adult.

#### 2.10 Disciplinary matters

If a matter raised results in disciplinary action, the Council's *Disciplinary Policy and Procedure* will apply.

#### 2.11 Fraud or Corruption

Where there is suspicion of any fraud, corruption or financial impropriety, your concerns will be investigated in accordance with the *Anti-Fraud and Anti-Corruption Strategy*.

2.12 In respect of concerns dealt with under paragraphs 2.9, 2.10 and 2.11 above, it is important to note that you will still be entitled to the protection given to whistleblowers in accordance with the terms of this Policy. If there is any conflict between the provisions of the Whistleblowing Policy and any other relevant policy or procedure, the Monitoring Officer will determine which should prevail.

### **3. SAFEGUARDS AGAINST HARASSMENT OR VICTIMISATION**

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

#### **Your legal rights**

3.2 The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in the public interest about malpractice. The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

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, 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 harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action if necessary, to protect you when you raise a concern in the public interest.

## **Support to you**

- 3.5 Throughout this process:
- you will be given full support from Senior Management
  - your concerns will be taken seriously; and
  - the Council will do all it can to help you throughout the investigation e.g. provide advocacy services, interpreters etc.
- 3.6 If appropriate, the Council will consider temporarily re-deploying you for the period of the investigation.
- 3.7 For those who are not Council employees, the Council will endeavour to provide appropriate advice and support wherever possible.
- 3.8 Any investigation into allegations of potential malpractice will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other dismissal procedures that already affect you or may affect you in the future.

## **4. CONFIDENTIALITY**

All concerns will be treated in confidence and your identity will not be revealed without your consent, unless disclosure is required by law or is necessary for the Council to address the concerns. This will be discussed with you. You should appreciate that it may not be possible to properly investigate your concerns without revealing the source of the information, and you may be asked to come forward as a witness and give a statement as part of the evidence at the appropriate time.

## **5. ANONYMOUS ALLEGATIONS**

- 5.1 This Policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. It should be remembered that wherever possible confidentiality will be preserved.
- 5.2 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

5.3 The Council would prefer you to express your concerns anonymously, if necessary, rather than remain silent about wrongdoing within the Council.

## **6. 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 untrue allegation frivolously, maliciously or for personal gain, disciplinary or any other appropriate action may be taken against you.

## **7. HOW TO RAISE A CONCERN**

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. In some cases it may be more appropriate to raise concerns with someone more senior or directly with one of the internal contacts listed at the end of this document. 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 your management is involved, you should approach the Chief Executive, the Chief Financial Services Officer, the Monitoring Officer or the Audit & Risk Manager. If any information raises concerns about harm or potential harm to either children or vulnerable adults, then these concerns should be reported immediately to the Children's Access Point (CAP) or the POVA (Protection of Vulnerable Adults) Support Team as the case may be, or out of hours to the Emergency Duty Team.

7.2 Concerns may be raised verbally or in writing. If you wish to make a written report, you are invited to use the following format:

- the background and history of the concern (giving relevant dates); and
- the reason why you are particularly concerned about the situation.

The Council's Whistleblowing Report Form may be used (CIS document 4.C.241).

7.3 If your concern is raised verbally, a written note will be taken in line with the format above.

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

7.5 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.

7.6 Advice or guidance on how to pursue matters of concern may be obtained from your line manager or the people named in the Internal Contact List at the end of this document.

- 7.7 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 have the same concerns.
- 7.8 You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. HOW THE COUNCIL WILL RESPOND**

- 8.1 The person to whom you report your concerns under this policy must, in turn, report them to the Monitoring Officer within five working days.
- 8.2 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.3 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 Wales Audit Office
  - form the subject of an independent inquiry.
- 8.4 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, vulnerable adults, discrimination or harassment issues) will normally be referred for consideration under those procedures.
- 8.5 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.
- 8.6 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 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 support available to you, and
  - telling you whether further investigations will take place and if not, why not.

- 8.7 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.
- 8.8 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a work colleague.
- 8.9 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.
- 8.10 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 outcome of any investigation but you must keep that information confidential.

## **9. MONITORING AND REVIEW**

- 9.1 The Monitoring Officer has 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 as necessary to the Standards Committee.
- 9.2 The Standards Committee is authorised on behalf of the Council to oversee and monitor the Council's Whistleblowing procedures and consider any ethical issues arising. The Committee will annually review the policy and its operation and make any necessary amendments, except for minor corrections and updates which may be made by the Monitoring Officer.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council believes this is the most effective way to address your concerns and 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, further possible contact points are given in the External Contact List at the end of this booklet.
- 10.2 If you raise your concerns outside of the Council with a 'Prescribed Regulator' (please see the External Contacts List), you will still be entitled to the statutory protection of the Public Interest Disclosure Act *if* you reasonably believe you have acted in the public interest, the information / allegations are true and the matter is within the responsibility of that Regulator. If you make a wider disclosure, for example, to the media, there is a risk that you may not be statutorily

protected, depending on whether or not there is a valid cause to go wider.

- 10.3 If you do take the matter outside the Council, you will also need to ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.
- 10.4 You should take advice, for example, from the independent charity, Public Concern at Work (contact details listed in the External Contacts List below), before raising your concerns outside of the Council to make sure that you are protected.

**INTERNAL CONTACT LIST**

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below:

Chief Executive	Paul Orders	029 2087 2401
County Clerk and Monitoring Officer	Marie Rosenthal	029 2087 3860
Corporate Director, Resources and Section 151 Officer	Christine Salter	029 2087 2300
Audit and Risk Manager	Derek King	029 2087 2248
Standards & Ethics Committee Chair (Independent)	Paul Stockton	Contactable via Committee Services 029 2087 2567

Any Chief Officer or any local trade union official.

Concerns about harm or potential harm to either children or vulnerable adults should be reported immediately to:

The Children's Access Point (CAP)	029 2063 6490
POVA Support Team (Protection of Vulnerable Adults)	029 2053 6436
Emergency Duty Team (out of hours)	029 2078 8570

**EXTERNAL CONTACT LIST**

If you have used the appropriate internal procedures and are not satisfied with any action taken in relation to your concerns and if you feel it is right to take the matter outside the Council, further possible contact points are given below. It is stressed that the list below is not exhaustive and you are free to contact any organisation which you feel will be able to deal properly with your concerns.

**Prescribed Regulators**

A full list is available from the independent charity, Public Concern at Work (contact details below), but the potentially relevant Regulators include:

Auditor General for Wales	029 2032 0500
Wales Audit Office Whistleblowers' Hotline 525980	01244
Public Services Ombudsman for Wales	0300 790 0203
Environment Agency 0800 807060 (24 hour line)	03708 506 506 or

## **APPENDIX A**

Health and Safety Executive (fatal and major incidents only) or <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>	0845 300 9923
Care and Social Services Inspectorate for Wales Children's Commissioner for Wales	0300 062 8800 01792 765600
Food Standards Agency 020 7270 8960 (emergencies only)	020 7276 8000 or
Information Commissioner	01625 545745

### **Other**

Professional bodies

Eg. The Chartered Institute of Public Finance and Accountancy (Wales) 029 2052 3470

South Wales Police 101 or 999 (emergencies only)

Your local Citizens Advice Bureau See Yellow Pages for local numbers

Your trade union

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.

**Comparative Data on Whistleblowing Reports in other Councils 2012 & 2013**

LOCAL AUTHORITIES	COMMENTS
Carmarthenshire County Council	Carmarthenshire very low between 0 and 3 over last few years.
Swansea County Council	None.
Torfaen Borough Council	We have very few as well, from the reports to Ethics and Standards, here I can see there was one in 2009 and one in 2011. HR confirmed no cases for 2012/13, but expect they will be similar. HR confirmed no cases.
Merthyr County Council	We are conducting a similar exercise and have similar figures, although not always made strictly as whistleblowing we have four issues that broadly fall within that description and were investigated as such.
Brecon Beacons County Council	The Authority has a Whistleblowing Policy, however has no recorded Whistleblowing reports for 21012 and 2013.
Caerphilly County Council	None in Caerphilly in recent years, I understand from HR that two are coming through shortly.
Conwy County Council	Conwy have 2 recorded during 2012 and 2013.
Blaenau Gwent County Borough Council	Blaenau Gwent County Borough Council has only had one, and that is within the last 3 months.
Monmouthshire County Council	We have had just 1 since 2009.
CONWY County Borough Council Bodlondeb, Conwy LL32 8DU	We have has two whistleblowing referrals in Conwy.
Isle of Anglesey County Council	We have had four enquiries during the relevant time. Three of those did not make out the test for qualifying disclosures and were dealt with under grievance / anti-bullying. The one legitimate whistleblowing was logged under the Policy and investigated.

Project Reference	Project title			
	Whistleblowing Policy			
Project agreed by	Project start date	Target completion date	Actual completion date	
Kumi Ariyadasa and Marie Rosenthal Communications Project Manager: Helen Witham	January 2014	End of June 2014		
Project Brief	<p>In 2008 a series of communications was delivered, internally, to raise awareness of the Council's Whistleblowing Policy. Analysis of the number of reports and queries, relating to whistleblowing, clearly shows an increase following the internal messages that were rolled out across the organisation.</p> <p>Since that date, the data has shown a steady decrease in the number of reports. With the latest figures showing nil reports. This of course could be a result of the number of incidents having decreased, or possibly employees are reluctant to report incidents. However, there is a strong argument to suggest that awareness of whistleblowing, and the policies and procedures the Council has, has decreased which has resulted in a decrease in the number of reports.</p> <p>To ensure that the Whistleblowing Policy is being utilised fully, it's important that we make sure that employees are reminded of the policy and that employees who have joined after the first flurry of information in 2008 are made aware of the policies in place. To achieve this, a comprehensive communications plan will be delivered to place the subject of whistleblowing back in the minds of employees and managers. Members and Trade Unions will also be an important audience to engage with as part of the campaign.</p>			
Main objectives	<ul style="list-style-type: none"> <li>• To raise awareness amongst all employees of the Council's Whistleblowing Policy – with focus on reaching non PC based employees and contractual agency employees.</li> <li>• Accessibility - To clearly explain to employees what whistleblowing is and provide examples of when the policy could come into force, to achieve a good level of understanding.</li> <li>• To clearly sign post where employees can find out more information and/or who to contact if they have any concerns or queries.</li> <li>• Communication messages to clearly explain the detail around anonymity and confidentiality to gain employees trust in the policy and procedures.</li> <li>• To ensure managers are provided with the relevant information to be able to support the communications activity and reinforce messages in their team briefings and one to ones, where necessary.</li> <li>• To provide Members with a clear update on the communications activity taking place.</li> <li>• To liaise with all Trade Unions to ensure they are made aware of the activity, which could result in an increase in the number of queries they receive.</li> <li>• To provide an overview externally of the Council's policy to reinforce how seriously the Council takes tackling misconduct and the support it has available to employees who report these incidents.</li> </ul> <p><b>Considerations</b></p> <ul style="list-style-type: none"> <li>• Timing – Given employee morale across the organisation, the policy could be misinterpreted and used inappropriately by employees, so context is important.</li> <li>• The reach of employees who do not have access to a computer (roughly 12,000) and those who do not work direct for the organisation, but are employed by agencies such as care providers will be challenging and will need resource put in</li> </ul>			

	<p>to effectively engage with these audiences.</p> <ul style="list-style-type: none"> <li>• It is vital that all activity is underpinned by the organisation's values.</li> <li>• Need to establish a longer term communications approach which will ensure the profile of the policy is maintained.</li> <li>• It is possible that raising awareness may also lead to increased interest in the related activity from media given the subject matter.</li> <li>• Need to establish what level of detail, if any at this point, that we communicate externally to members of the public.</li> <li>• Look at opportunities to link messages to other relevant Council policies such as the Social Media Policy, Code of Conduct, Complaints and the Health and Wellbeing policies to further support employees.</li> <li>• Comms message will need to be clear that if it's a case dealing with a vulnerable adult or child – these incidents will need to be urgently reported via a Vulnerable Adult or Child Protection referral routes.</li> </ul>
<b>Key messages</b>	<ul style="list-style-type: none"> <li>• Cardiff Council has a Whistleblowing Policy and Procedures in place to support employees because it is an open and transparent organisation which does not condone misconduct and reports of any incidents will be investigated fully.</li> <li>• Professional integrity is important and employees should abide by the Council's Code of Conduct at all times.</li> <li>• Employees have a duty to raise any concerns to their line manager or alternatively to the Audit Investigation Team.</li> <li>• Employees who report an incident, their identity will be protected as much as possible and will not impact on their job/career or reputation.</li> <li>• More information on the Whistleblowing Policy can be found on the staff intranet (insert link) or contact the Audit Investigation Team on 20xxxxxx.</li> </ul>
<b>Audiences</b>	<ul style="list-style-type: none"> <li>• All Council employees</li> <li>• Senior Managers</li> <li>• Members</li> <li>• Trade Unions</li> <li>• Schools &amp; Governing Bodies</li> <li>• Teachers, Carers and Housing Officers</li> <li>• C2C</li> <li>• Council's key stakeholders</li> <li>• Standards and Ethics Committee</li> <li>• Contractual staff who are employed via agencies such as care providers</li> <li>• Cardiff Residents - TBC</li> <li>• Local Media - TBC</li> </ul>
<b>Activity</b>	<p>All internal channels to be utilised to reach all 18,000 employees in a carefully planned and timed approach to maximise impact:</p> <ul style="list-style-type: none"> <li>• Employee Payslips – message box/Our News/ separate leaflet including a summary of the policy – reaches all 18,000 employees.</li> <li>• Chief Executive Update.</li> <li>• Directorate Newsletters – feature to be included in all Directorates editions, which in totality have a reach of 18,000.</li> <li>• Your Inbox weekly ezine – reach approx. 6000 employees.</li> <li>• Core Brief – In theory should reach all 18,000 employees via team briefings.</li> <li>• Staff Intranet Homepage articles and link – reach approx. 6000 employees.</li> <li>• Posters and pop up banners to be placed in key locations to support awareness, particularly in areas where there are employees don't use computers.</li> <li>• Senior Management Forum – briefings to all Operational Managers, Directors and Assistant Directors.</li> </ul>

	<ul style="list-style-type: none"> <li>Managers Summary Packs – summary sheet to support managers in supporting the comms messages and to equip them with relevant info to deal with queries from their staff.</li> <li>The film produced in 2008 to be resurrected and uploaded to the staff intranet and made available via DVD, on request and a copy could also be included as part of the managers packs.</li> <li>Workshops/employee briefings to be set up to help support understanding of the policy – these to be held across different Council locations to support accessibility.</li> <li>OurNews features to be regularly included to maintain the profile of the policy and its importance – to help make this engaging an interview with a member of staff or team involved with the policy to be arranged.</li> <li>Members’ briefing note – with an opportunity for a face to face briefing and summary pack?</li> <li>Trade Union briefing note.</li> <li>Update to Standards and Ethics Committee</li> <li>Council stakeholder briefing note.</li> <li>Briefing note to be circulated to all partner agencies who have employees representing Council services – with relevant training awareness sessions set up, if appropriate?</li> <li>Information leaflet to be included in the Induction packs and sessions for new employees and Members?</li> </ul> <p><b>External – TBC</b></p> <ul style="list-style-type: none"> <li>Capital Times feature –reaches all Cardiff Residents.</li> <li>Tenants’ Times feature – reaches 14,000 Council tenants.</li> <li>Council website feature and link to the policy – reach approx. 11,000 a week.</li> <li>Social Media activity from the Cardiff Council account – reach approx. 25,000.</li> <li>Press release -reach all local media agencies.</li> <li>C2C to be provided with a detailed briefing note in case of queries.</li> </ul>		
<b>Evaluation &amp; Customer Feedback</b>	<ul style="list-style-type: none"> <li>Increase in the number of queries to Comms, Audit Team and C2C.</li> <li>Increase in the number of reports to the Audit Team.</li> <li>Evaluation of the number of hits to the homepage articles and CIS policy.</li> <li>Trends in the queries coming back from Managers and staff via the staff information and Core Brief and to the Audit Team – liaise closely with the team to carefully monitor this.</li> <li>Awareness levels in employee surveys.</li> <li>Members’ feedback.</li> <li>Media coverage.</li> <li>Queries from residents via Social Media, C2C and other channels of correspondence.</li> <li>Standards and Ethics Committee Feedback.</li> <li>Feedback from the Public Concern at Work – report findings and recommendations, are we meeting these as a local authority etc?</li> </ul>		
<b>Budget / Costs</b>	None – all activity to be cost neutral.		
<b>Time plan &amp; Critical path</b>	TBC		
<b>Key Contacts</b>			
Helen Witham	76556		

Catherine Smith	73580					
Kumi Ariyadasa	72498					
Marie Rosenthal	73580					
<b>Project review dates/meetings</b>	<b>Matters to be addressed</b>	<b>20%</b>	<b>40%</b>	<b>60%</b>	<b>80%</b>	<b>100%</b>