Cumberland Council

Confidential Reporting (Whistleblowing) Policy

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Document version control

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1 Document change history

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1 Policy purpose

1.1 This is an internal policy that supports the wider Counter Fraud Policy and Strategy.

1.2 Cumberland Council's aim is to improve residents' health and wellbeing. Our services have a direct and indirect impact on our residents' health and wellbeing so we are committed to being a high performing council. We want our residents to benefit from excellent, efficient and enterprising public services.

1.3 The Council is committed to the highest standards of honesty, integrity and accountability in carrying out its functions. All staff are expected to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

1.4 The Audit & Risk Committee is responsible for approving and monitoring the Council's Confidential Reporting (Whistleblowing) Policy. An annual assurance report on the operation and effectiveness of the Policy will be submitted to the Audit Committee as part of the annual risk management reporting process.

1.5 Workplace grievances are not covered by whistleblowing legislation. Concerns relating to bullying, harassment, workplace relationships, capability or employment contracts should be reported to your manager, Human Resources, or via the Council's grievance policy. Further guidance on whether a concern should be reported as a grievance or as whistleblowing is available from "Protect" website, which is the leading independent whistleblowing charity.

What is confidential reporting?

1.6 Confidential reporting or whistleblowing is a term used when a worker passes information about potential wrongdoing in their workplace, which in the reasonable belief of the worker making the disclosure, is made in the public interest. The official term for "whistleblowing" or "blowing the whistle", is making a **protected disclosure.**

1.7 For a concern to qualify as a "protected disclosure", the information disclosed must:

- be made by a "worker,"
- who "reasonably believes,"
- that their disclosure is in the "public interest" and,
- it relates to specific types of wrongdoing,

1.8 The definition of “worker” includes employees, workers, agency staff, apprentices, contractors, consultants, volunteers, work experience and any other individuals working for or on behalf of the Council.

1.9 Specific types of wrongdoing that may amount to “whistleblowing” are:

- A criminal offence has been committed, is being committed, or is likely to be committed,
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,
- A miscarriage of justice has occurred, is occurring or is likely to occur,
- The health or safety of any individual has been, is being or is likely to be endangered,
- The environment has been, is being or is likely to be damaged,
- Sexual harassment in the workplace,
- Any information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed

Examples of policy use

Scenario 1

An officer has information about what they believe to be a fraud being committed against the council by a colleague in their service area and they report this concern to their manager.

This qualifies as a “protected disclosure” because:

- The officer is an employee and classed as a “worker” under ERA 1996
- The officer has a “reasonable belief” that fraud is present and is deemed a ‘wrongdoing’
- The officer has a “reasonable belief” that the disclosure is made in the public interest

Scenario 2

A Cumberland resident emails confidential@cumberland.gov.uk to raise a concern about the length of time to decide on a planning application.

This does not qualify as a “protected disclosure”.

- It does not relate to one of the six categories set out in section 1.9,
- The individual raising the concern is not classified as a “worker” under the ERA 1996 and will be directed to the corporate complaints process.

2 How to raise a concern

2.1 A whistleblowing concern should be raised by an employee to their line manager or, if this is not possible, their Assistant Director or Director. If there are specific reasons why an employee feels unable to report concerns within their line management chain, there are named contacts at the end of this Policy to whom a concern can be made. When raising a concern, it should be clearly labelled as a report under the Council's Whistleblowing Policy.

2.2 A confidential reporting e-mail is also available as an alternate option **confidential@cumberland.gov.uk** where the concern will be reviewed directly by Internal Audit in the strictest of confidence

2.3 Internal Audit will maintain a confidential record of all whistleblowing concerns. Access to these records will be restricted to authorised officers and managed in accordance with the Council's data protection and confidentiality requirements.

2.4 Any reports which indicate possible criminal activity should be immediately reported to the Monitoring Officer and Head of Internal Audit & Risk Management and no further action must be taken without first seeking advice. It may be necessary to involve the police and cease or pause internal investigations.

2.5 Line Managers / Directors in receipt of a whistleblowing concern, must immediately send the written concern to Internal Audit. If the report relates to the conduct of a current member of staff, Internal Audit will refer the case to the HR Workforce & Policy Lead for advice.

2.6 Once a whistleblowing referral is received, Internal Audit will arrange a meeting with the person raising the matter. A work colleague or Trade Union representative may attend any meeting. All meetings and the detail of any subsequent investigation must be kept confidential.

2.7 Following the initial meeting, a fact-finding exercise will be conducted by Internal Audit (with the support of specialist advisors where required) to determine:

- If the disclosure a protected disclosure,
- If the disclosure is in the public interest,
- Whether an investigation is required

2.7.1 Internal Audit will aim to complete this initial assessment within 10 working days of the initial meeting and will provide ongoing communication if the process is delayed.

2.8 If an investigation is required it will be undertaken in line with this Policy (alongside the Council's disciplinary process if relating to an employee of the Council). Subsequent investigations will be progressed promptly. Again, if there are delays, where appropriate you will be kept up to date on progress.

2.9 The employee raising the whistleblowing concern will be informed of the final outcome of the investigation unless confidentiality or other legal constraints. They will also be informed if no further action will be taken.

3 Concerns about safeguarding and the protection of vulnerable individuals

3.1 The Council takes seriously its responsibilities regarding the safeguarding of vulnerable adults and children. Any concerns relating to safeguarding issues are likely to be dealt with via other policies and procedures.

3.2 Safeguarding concerns regarding children are dealt with by the **Children and Family Wellbeing** directorate. Safeguarding concerns regarding adults are dealt with by the **Adult Social Care and Housing** directorate.

3.3 If any safeguarding concerns are identified during the fact finding or investigation process, they will be referred to the appropriate safeguarding team in accordance with the Council's safeguarding procedures

3.4 If you have concerns regarding abuse to vulnerable adults or children, contact the Safeguarding Adult and Children teams rather than using this Policy. Information on raising such concerns has been linked below:

Adults

CSAB PiPoT Framework September 2025

Children

Allegations Against Staff (LADO) - Cumberland

4 Members of the public

4.1 Members of the public are encouraged to use the corporate complaints system to:

- Submit a corporate complaint via the council's website - How to make a complaint | Cumberland Council
- Make a complaint about Children's Social Care Services (except for Safeguarding) - Complaints procedure for social care | Cumberland Council

- Make a complaint about Adult's Social Care Services (except for Safeguarding) - Complaints procedure for social care | Cumberland Council

5 Confidentiality.

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this Policy. Blowing the whistle can be difficult and stressful, with individuals worried about potential repercussions. The Council will not tolerate any detrimental treatment towards individuals who raise legitimate concerns

5.2 The Council do not encourage anonymous disclosure, although it will make every effort to consider and where appropriate investigate them. Anyone making an anonymous disclosure should be aware that proper investigation may be more difficult or impossible without further information. It is more difficult to establish whether any allegations are credible and the necessary basis from which an investigation can be undertaken.

5.3 All disclosures under this Policy will be handled sensitively. Individuals who raise concerns confidentially, will have their identity protected as far as possible. It is sometimes necessary to disclose the identity of complainants as part of the investigation or because of other legal obligations.

6 External disclosures

6.1 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in relation to the Council's functions. In most cases, it should not be necessary to alert anyone externally.

6.2 Whilst the Council encourages concerns to be raised internally wherever possible, workers retain the right to make protected disclosures to prescribed persons and regulators in accordance with whistleblowing legislation. The Council will not seek to prevent lawful external disclosure.

7 Protection and support for whistleblowers

7.1 The Council aims to encourage openness and will support whistleblowers who raise genuine concerns under this Policy, even if they turn out to be mistaken.

7.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Assistant Director of HR and OD or the Monitoring Officer immediately. If an individual is found to threaten or retaliate against whistleblowers in any way, action may be taken against them, including under the Council's disciplinary procedures.

7.3 If an individual makes an allegation in good faith, but it is not confirmed by an investigation, no action will be taken against them. If an individual is found to make a false allegation maliciously, action may be taken against them under the Council's disciplinary procedures.

7.4 "Protect" operates a confidential helpline providing support and advice. Their contact details are at the end of this Policy.

7.5 Employees raising concerns under this policy can also access support through occupational health, trade union support and other internal wellbeing services.

8 A collective responsibility to report concerns

8.1 There is a responsibility for all officers to notify and report any issues of serious concern. Failure to do so may have a negative impact on the delivery of council services, negatively impact on the Council's reputation or impact on the conduct of an individual. As a result, failure to declare or report such concern could be considered a disciplinary matter.

9 Policy review

9.1 The Policy will be subject to annual review.

10 Contacts

Named Contacts

Head of Internal Audit	Michael Roper Telephone: 07518 294374 Email: michael.roper@cumberland.gov.uk
Monitoring Officer / Chief Legal Officer	Clare Liddle Telephone: 01228 470241 Email: clare.liddle@cumberland.gov.uk
Principal Auditor (Counter-Fraud Lead)	Lisa McCourt E-mail: lisa.mccourt@cumberland.gov.uk
Assistant Director of HR and OD	Jacqui Green Telephone: 07817 858167 Email: Jacqui.green@cumberland.gov.uk
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 Email: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk

Other Contacts

The following are other suggested possible contact points:

- External auditor - Grant Thornton.
- Your trade union – including GMB, Unite and Unison.
- Trading Standards.
- Local Citizens Advice Bureau.
- Police.
- Relevant professional bodies or regulatory organisations.