

Review of Cheshire East Council's Whistleblowing Arrangements by Public Concern at Work

In September 2017 Cheshire East Council (CEC) engaged the business support services of Public Concern at Work (PCaW). As the leading authority on whistleblowing, PCaW are supporting CEC through a bespoke support package to ensure that individuals who witness wrongdoing or malpractice at CEC are empowered to speak up. As part of this support PCaW have conducted a desk-based review of the current whistleblowing arrangements at CEC.

This review analysed documentation provided to PCaW by CEC and therefore does not look to verify whether policy messages are embedded in practice. The report utilises a Red-Amber-Green (or 'RAG') formula to assess CEC's arrangements against the Whistleblowing Commission's Code of Practice (CoP).¹ Working through the principles of the CoP, a red score highlights recommendations for immediate action by CEC, amber indicates that some improvement is recommended, and green confirms that the principle is satisfied and therefore no action is required.

PCaW have recommended that this review be undertaken in conjunction with a series of interviews with CEC staff and management in order to better gauge awareness and understanding of the policy and procedure. Interviewing individuals who have experience of raising concerns at CEC, line managers, and other contacts prescribed in the policy will also assess levels of trust and confidence. CEC has delayed the decision to proceed with interviews until after this report is published.

This RAG report is also limited in its scope as PCaW were only provided with the following documents to review:

- CEC Whistleblowing Policy – last updated July 2016
- Whistleblowing web page – (available on internet and staff intranet ('centranet'))
- Draft 'Procedure following Receipt of Whistleblowing Concerns'
- Whistleblowing Arrangements Update Report to Audit & Governance Committee – September 2017
- 'Team Talk' staff newsletter article – November 2016
- Whistleblowing training presentation – delivered to Audit and Governance Committee

¹ The Whistleblowing Commission was established by PCaW in 2013. The Independent Commissioners took evidence from stakeholders in whistleblowing and published a report in November 2013 that included a proposed Code of Practice (CoP), which forms the basis of PCaW's best practice guidelines. Copies of the full Commission report including the CoP are available on our [website](#).

Other documents which could be assessed against the CoP include:

- Other policies and procedures which have a connection to whistleblowing (e.g. Grievance, Anti-Fraud or Safeguarding policies, Code of Conduct etc.)
- Other staff wide communications and other marketing materials
- Staff Induction materials
- Podcast and Webinars
- Staff survey questions and answers
- Staff briefings
- Organisational Values
- Structure Charts

Observations and Recommendations

The report tabled below assesses CEC's whistleblowing arrangements against the Code of Practice (CoP), providing a RAG rating for each of the relevant CoP principles. We have included **specific recommendations in bold** throughout the table. Having reviewed all of the documentation provided we make the following overarching observations and recommendations:

1. Policy

Overall we would suggest that the policy could be made simpler (see our model policy at Appendix A). The basics of a good policy are a strong message that staff are encouraged to raise concerns, concerns will be taken seriously, confidentiality will be ensured where possible and that those who raise concerns will be protected from victimisation. These messages should be reflected across the arrangements, including on the intranet web pages, training and in any communications. While these key messages are present in the policy and supporting documents (please note that CEC score mostly amber and green against CoP standards) they risk being diluted by mixed messaging; for example:

- PCaW agree that it is preferable for concerns to be raised openly and for staff to identify themselves. For any employer, concerns raised openly are easier to investigate and indicative of a culture where staff feel able to speak-up without fear of reprisal (section 4.1 of the policy). This positive culture is something CEC and other organisations can aim for, but there may always be cases where staff do not feel able to raise concerns openly. Encouraging open or confidential reporting is therefore understandable but anonymous reports can provide vital information that CEC may need to be aware of. Actively discouraging anonymous concerns (section 6.1 of the policy & intranet web page), references to *hidden agendas*, and *witch hunts* (section 4.4), and confidential reporting leading to *speculation and an unpleasant atmosphere* (section 5.3) take away from positive messaging that staff are encouraged to speak-up and may ultimately dissuade staff from raising concerns.
- CEC could consider ensuring a uniform definition of whistleblowing throughout the arrangements. The policy refers to whistleblowing as raising *serious concerns* (section 1.3), *suspicious of impropriety* (section 1.4), *fraud, crime, danger or other serious risk that could threaten customers, colleagues, shareholders, the public or the organisation's own reputation* (section 2.1) and *danger or illegality that has a public interest to it* (section 2.2). Please refer to PCaW's definition of whistleblowing included in the table below. The review further highlights the problems with the policy applying to serious concerns and internal disclosures only.
- The policy and intranet page outline that the purpose of the policy is to encourage and enable employees to raise concerns within the Council, rather than 'blowing the whistle' outside the organisation. This wording conflicts with the name of the policy itself and with the newsletter article,

where 'whistleblowing' refers to concerns raised internally. We would recommend removing this wording altogether as this message could potentially be harmful i.e. that raising a concern externally is a negative act. PCaW appreciate that organisations want to encourage internal reporting as much as possible but it is important to note that external reporting – particularly if signposted to the relevant regulator – is preferable to staff staying silent about wrongdoing. It is encouraging therefore that the policy does provide staff with the option to contact external bodies.

We would recommend CEC review the policy in light of these observations, taking account of specific recommendations included in the table below.

2. Draft procedures

It is encouraging that Line Managers will be provided with guidance through the draft procedure. As the first point of contact for staff raising concerns, line managers often need clear direction on how to respond when whistleblowing concerns are raised with them. It is important that they provide key reassurances to staff. PCaW recommend that the main reassurances be that CEC take any raised concern seriously, maintain confidentiality and protect the whistleblower. Legal protection under the Public Interest Disclosure Act (PIDA) can provide important reassurance to staff, but we think this should be secondary to key messaging that CEC will protect staff who speak up.

Please note, it is incorrectly stated that for an internal disclosure to have protection under PIDA, a whistleblower needs to raise something they reasonably believe *to be true*. The legal test for raising concerns internally requires only a disclosure of information which in the reasonable belief of the worker tends to show one of the categories of wrongdoing. It is also not correct that anonymous whistleblowers are not protected under PIDA, although it is practically more difficult for a worker to seek protection if there is no record of having raised concerns.

Rather than outlining PIDA protection to staff, CEC can assure them it will protect them and signpost them to the independent advice available from PCaW and the legal provisions. Please see Appendix C for sample wording for reference to PIDA.

It is sensible that the procedure sets out the next steps for managers handling concerns. We would recommend that line managers also further explain to staff the actions they will take (e.g. escalation to more senior management or an investigation team).

3. Communications

This review and any further work undertaken by CEC (e.g. publication of the draft procedure) provides a good opportunity to recommunicate the whistleblowing arrangements to staff and show an ongoing commitment to improving the whistleblowing culture across CEC. Communications should

contain strong messaging around the key assurances. To further instill trust and confidence in the arrangements, CEC could consider incorporating case studies and examples of positive outcomes of whistleblowing. These could be anonymised with the consent of staff who reported the wrongdoing. We also recommend communications include clear endorsement from senior leadership within CEC to show a commitment to empowering staff to raise concerns. This 'tone from the top' is a vital element of raising awareness and instilling the required trust and confidence to drive forward a positive whistleblowing culture.

4. Training

The messaging and assurances of the policies and procedures are mirrored in the training materials, so we would recommend these are refreshed accordingly. We have made further recommendations, including the need to review the section on PIDA in the table below.

In our experience, there is an expected increase in the volume in concerns being raised following any policy refresh and subsequent promotion. We recommend considering how to train line managers in anticipation of this. It is good that the draft procedures will provide detailed guidance once published.

5. Report to Audit & Governance Committee

The draft procedure rightly requests managers and whistleblowing contacts make detailed records. This data can provide valuable information towards understanding how the whistleblowing arrangements are working within CEC and should be considered for inclusion in any future reporting.

Requesting feedback from staff who have raised concerns can provide meaningful insight into individual experiences of the arrangements which can inform future work plans and provide case studies as recommended above. This can further spread trust in the arrangements, not just of key assurances across CEC staff, but also when measuring effectiveness for oversight and leadership.

6. Interviews

Interviewing staff who have used the whistleblowing arrangements will capture feedback on their experience, will gauge awareness and better inform CEC whether policy messages are operating in practice. This will highlight whether and where the process might be improved. Similarly, engaging directly with line managers can also gauge understanding of arrangements, including the procedure for handling concerns such as escalation, recording and reporting requirements.

RAG Review of Cheshire East Council's Whistleblowing arrangements

(RAG Review Key: Red = immediate action required, Amber = some action required, Green = no action required)

RAG Assessment	Score	Reasoning / Recommendations
<p><i>As part of the whistleblowing arrangements, there should be written procedures covering the raising and handling of concerns. These procedures should be clear, readily available, well-publicised and easily understandable. (CoP section 4)</i></p>	<p>Amber</p>	<p>1.1. CEC has a written policy entitled 'Cheshire East Council Whistleblowing Policy', last updated July 2016 ('the policy'.) There are also separate draft procedures aimed at handling concerns entitled 'Procedure Following the Receipt of Whistleblowing Concerns' ('the procedure'). Presumably the procedure is aimed at all line managers within CEC as they could potentially be the recipient of a whistleblowing concern.</p> <p>1.2. We have been provided with an intranet page for whistleblowing where the policy can be downloaded and have confirmed that this page is live ('the intranet page'). We also understand the policy was last publicised in the staff 'Team Talk' newsletter in November 2016 ('the newsletter').</p> <p>1.3. PCaW's Code of Practice recommends having written procedures covering the raising and handling of concerns. CEC meets this requirement, notwithstanding the procedure being in draft form. We would make the following comments:</p> <p>1.4. The policy is quite lengthy at 10 pages. Whilst there is no ideal length of a whistleblowing policy and it will vary between organisations, it is important that the policy is clear and concise in encouraging staff to raise concerns, providing the key reassurances that concerns will be taken seriously and staff who raise concerns will be protected.</p> <p>1.5. Lengthy and very detailed policies can act as a barrier to staff when raising concerns. This is why our model policy in Appendix A is much shorter and very simple. CEC may wish to consider</p>

		<p>simplifying the policy or emphasising and clarifying key messages and assurances in the introduction.</p> <p>1.6. The policy makes reference to school staff being covered by their school’s own whistleblowing policy. We support all CEC employees having access to whistleblowing arrangements, which enshrine the key policy messages as outlined in this report, either through this policy or locally within schools / other CEC organisations.</p> <p>1.7. The newsletter article makes reference to staff who do not have access to ICT facilities. This is an important consideration when ensuring that policies and procedures are well publicised and readily available. We would encourage you to consider how to make the policy, procedure and any communications accessible to all staff, taking into account their location, access to ICT and any other barriers.</p> <p>1.8. CEC could also carefully utilise any future opportunities to publicise and promote the arrangements (e.g. a policy refresh.)</p>
<p><i>Should identify the types of concerns to which the procedure relates, giving examples relevant to the employer (CoP section 5(a))</i></p>	<p>Amber</p>	<p>2.1 At section 2.5, the whistleblowing policy provides a list of types of concerns which fall within the scope of the policy. The list is also reflected on the whistleblowing webpage. We would make the following comments:</p> <p>2.2 We advise employers against relying solely on the six categories of wrongdoing required by the legal test for a ‘protected disclosure’ under the Public Interest Disclosure Act, as these can appear over-legalistic, unspecific and irrelevant to the workplace in question.</p> <p>2.3 CEC reference the six legal categories (<i>criminal offence, failure to comply with legal obligation, miscarriage of justice, dangers to health and safety, damage to the environment and concealment</i>) as well as including additional specific concerns which are more relevant to a local authority</p>

setting (for instance *mis-use of public funds* or *abuse of clients*). It is important that staff understand the relevance of the whistleblowing policy to their work. **We therefore recommend considering whether there are any other typical concerns which could arise at CEC, which could include concerns raised previously.**

- 2.4 Paragraph 1.3 of the policy outlines that the whistleblowing policy encourages and enables employees to raise concerns within the Council, rather than '*blowing the whistle*' externally. This use of terminology conflicts with the name of the policy itself and the newsletter article where '*blowing the whistle*' refers to concerns raised internally using the whistleblowing policy. The message within Paragraph 1.3 could also be potentially harmful, i.e. that raising a concern outside of the organisation is a negative act. This could result in employees staying silent about wrongdoing. **We use the terms whistleblowing and raising concerns interchangeably, and we recommend CEC consider our definition of whistleblowing: "a worker raising concerns either within the workplace or externally about a danger, risk, wrongdoing or malpractice which affects others".**
- 2.5 The policy and other documentation make reference to *serious* or *major* concerns. Ascertaining whether a concern is serious is better judged by management or the whistleblowing team and requiring staff to make that assessment could result in them withholding vital information of wrongdoing including suspicions or risks that CEC need to be aware of.
- 2.6 It is important to note that there is no legal requirement under the Public Interest Disclosure Act for staff to raise *serious* concerns in order to get protection as a whistleblower. **We recommend removing any reference to *serious* or *major* and referring solely to *concerns*.**
- 2.7 It is also advisable to encourage staff to speak up when they have a mere suspicion or even when they are unsure. This gives the organisation the best chance of receiving valuable information which you can then assess and act upon.

		<p>2.8 You should note that reference to concerns <i>in the public interest</i> can sometimes cause confusion for staff and it is simpler to rely on concerns which <i>affect others</i> (see the list in policy section 2.1). This clarification is not provided in the training materials which refer only to issues ‘with a public interest.’</p> <p>2.9 Throughout the policy, draft procedure, communications and training materials, whistleblowing is described as reporting concerns ‘<i>which fall outside the scope of other procedures.</i>’ This could produce further confusion or hesitation in staff when considering the options to report wrongdoing, if they feel they must first clarify all possible procedures. It may be simpler to distinguish between concerns which affect others (see list in section 2.1 of the policy) and private employment matters (section 2.6). Any triage of certain concerns can be undertaken by managers or whistleblowing contacts. The whistleblowing policy itself can then beneficially act as a ‘catch all’ or ‘safety-net’ policy for all concerned staff who are not sure whether or how to raise a certain issue.</p>
<p><i>Should include a list of the persons and bodies with whom workers can raise concerns, this list should be sufficiently broad to permit the worker, according to the circumstances, to raise concerns with:</i> (CoP section 5(b))</p>		
<p>(i) <i>the worker’s line manager</i></p>	<p>Green</p>	<p>3.1 Section 8.1 of the policy directs Council staff to raise any concerns with their immediate management or their superiors. Members are referred to raise concerns initially with their Group Leader. This message is consistent in both the staff newsletter and whistleblowing webpage.</p>

<i>(ii) more senior managers</i>	Green	<p>4.1 Section 8.1 of the policy directs Council staff to raise any concerns with their immediate management or their superiors. Members are referred to raise concerns initially with their Group Leader. This message is consistent in both the staff newsletter and whistleblowing webpage.</p>
<i>(iii) an identified senior executive and /or board members</i>	Amber	<p>5.1 Section 8.2 of the policy refers to the Chief Executive, Director of Legal Services (who is also the monitoring officer) and the Corporate Manager of Governance and Audit as officers identified as appropriate contacts for both concerned staff and Members.</p> <p>5.2 Section 8.3 states that in <i>'exceptional circumstances'</i> individuals, may approach the Chair, Vice Chair or any member of the Audit and Governance Committee with concerns. You may wish to consider revising this wording to suggest that if staff feel they cannot approach any of the previous contacts they can approach the Chair, Vice Chair or any member of the Audit and Governance Committee with concerns. The term <i>exceptional circumstances</i> may present a perceived barrier to staff who may, in doubt of whether they satisfy this requirement, decide to stay silent.</p> <p>5.3 The whistleblowing webpage lists the Internal Audit Manager, a role not listed on the policy itself. The newsletter article does not make reference to senior management or board members as possible contacts.</p> <p>5.4 The Whistleblowing Webpage states if you are a Council employee you should normally raise concerns with your immediate manager or superior. You may wish to add that staff can approach the other contacts if they feel they cannot approach their manager.</p> <p>5.5 We would recommend adding Senior Executives names and contact details, where this is possible, so that staff know who they are approaching and how to make contact with them. You could also clarify who monitors the online form and email address as staff are encouraged to use these avenues.</p>

<p>(iv) relevant external organisations (such as regulators)</p>	<p>Red</p>	<p>6.1 The policy makes reference to the external auditor and the police under section 11.1 and ‘other relevant professional or regulatory bodies as prescribed by the Secretary of State’ under Section 11.2.</p> <p>6.2 While it is positive that CEC staff are given the option to report concerns externally, we recommend reconsidering the messaging around external reporting:</p> <p>6.3 At present, the policy wording attempts to discourage staff from ‘<i>blowing the whistle</i>’ outside of the organisation, as ‘<i>premature or unnecessary publicity may damage the Councils reputation, impede proper investigations, or hurt individuals unnecessarily</i>’ (section 1.3). The simpler message at section 11.1, that it is hoped staff will use internal avenues but if they feel unable to they can contact outside bodies, is better.</p> <p>6.4 The telephone numbers of organisations whom it may be appropriate for CEC staff to contact could be considered. This could include any relevant trade unions (for advice), local MPs (who are prescribed persons under PIDA), locally elected councilors and any other relevant regulators such as Ofsted or the Health and Safety Executive. Please see appendix B for a list of prescribed persons.</p> <p>6.5 Furthermore, it is best practice to include the correct whistleblowing contact details for each external regulator referenced.</p> <p>6.6 Section 11.1 provides the PCaW general advice line as an ‘<i>alternative contact point</i>’ when staff feel unable to raise their concern internally, along with the external auditor and the police. We recommend clarifying that PCaW provide independent and confidential advice and are not necessarily a reporting line. Please see appendix A for sample wording on PCaW.</p>

		<p>6.7 The policy sets out that staff must not disclose confidential information when reporting externally. It is important to note that legally speaking, under PIDA, workers cannot be prevented from raising concerns which fall within the scope of the act.</p> <p>6.8 That being said, if an individual breached confidentiality in the way they disclose information (for example emailing confidential client details to their personal email address) they may not be protected from sanction for doing so. We recommend advising staff to seek advice from the monitoring officer, their trade union or PCaW when considering any potential breach of confidentiality.</p>
<p><i>Should require an assurance to be given to the worker that he/she will not suffer detriment for having raised a concern, unless it is later proved that the information provided by the worker was false to his or her knowledge (CoP section 5(c))</i></p>	<p>Amber</p>	<p>7.1 Both the policy and procedure provide assurances that CEC will not tolerate a whistleblower being made to suffer any detrimental treatment (section 3.3 of the policy). This is a key reassurance for staff who are considering raising concerns.</p> <p>7.2 It is helpful that the policy provides a list of the kinds of things that could constitute detriment at section 3.4 and the draft procedure ‘Dos & Don’ts’ rightly instructs managers to reassure individuals raising concerns that they will not suffer detriment.</p> <p>7.3 However, there are a number of caveats to this reassurance in the policy which we recommend reconsidering:</p> <p>7.4 The term ‘<i>bona fide</i>’ in section 3.5 of the policy could be confusing. The word <i>genuine</i> is clearer, but equally open to interpretation, which may cause delay or even dissuade staff who are not sure of what they have witnessed.</p> <p>7.5 Section 5.2 outlines that a whistleblower’s confidentiality may not be protected where the report is found to be knowingly false or malicious, and section 7 (Untrue Allegations) outlines that if staff</p>

		<p>make allegations they know to be false, disciplinary action may be taken against them.</p> <p>7.6 Requiring a whistleblower to be <i>bona fide</i> to be protected from detriment and removing this protection where reports are false or malicious is, in our view, problematic. The policy states at section 7.1 that if a whistleblower makes an allegation which they believe to be true they will be protected; however there will be cases where staff have a suspicion and they do not know if the suspicion is correct. The policy should seek to encourage staff to raise these suspicions and not keep quiet for fear of not being protected from detriment.</p> <p>7.7 PCaW understand that any organisation may wish to avoid malicious concerns being raised, however genuine concerns can be raised maliciously and still provide vital information you would want to know. It is important to consider that there is no longer a requirement of good faith for legal protection under PIDA. The CoP recommends reassuring the worker they will not suffer detriment unless it is later proved that the information provided by the worker was false to his or her knowledge.</p> <p>7.8 We would recommend stronger messaging around this key assurance throughout staff wide communications such as the newsletter and the intranet page.</p> <p>7.9 With regard to the training slides we would recommend considering a review of the slide on PIDA. As mentioned above, the legal test for internal disclosures is incorrectly outlined and it is also not true that anonymous whistleblowers are not covered by PIDA. You could also consider clarifying that legal protection only does not apply to the <i>genuinely</i> self-employed, as employment / worker status is complex and difficult to determine in some circumstances.</p>
<p><i>Assurance to be given to the worker that his or her identity will be kept confidential if the worker so requests unless disclosure is required by law</i></p>	<p>Red</p>	<p>8.1 A general assurance of confidentiality is included on the intranet page and under Section 1.4 of the policy. Section 5 of the policy expands on confidentiality. The option for confidential reporting if requested is provided under 5.1, and the assurance that CEC will do their best to ensure the staff member's name is not revealed under 5.2.</p>

(CoP section 5(d))

- 8.2 5.3 of the policy is problematic with regard to key assurances of confidentiality and could present a barrier to staff speaking up, particularly as many may not want to cause an unpleasant atmosphere in their workplace.
- 8.3 While it may be true that confidentiality can be difficult to manage in these environments, if CEC want to address this directly in the policy, **we would suggest outlining instead that there can be practical difficulties to maintaining confidentiality in situations where others may suspect the identity of the whistleblower** (though this can sometimes be managed in the way you investigate the concerns).
- 8.4 **CEC could also reinforce a much stronger 'zero tolerance' message that victimisation will not be tolerated, so even if confidentiality is limited whistleblowers will still be protected from detriment.**
- 8.5 Presenting the limitations of confidentiality as an incentive to raising concerns openly is also problematic. In PCaW's experience, staff are more likely to raise concerns openly when they know that the concern will be taken seriously and they will be protected from reprisals; not because they are deliberately avoiding speculation or an unpleasant atmosphere at work.
- 8.6 The Dos & Don'ts sheet in the procedure for handling concerns clearly instructs contacts approached with concerns to make note whether the individual requires confidentiality (and not to discuss concerns with anyone other than authorised person) and correctly highlights that any discussion of the concerns may result in the identity of the whistleblower being compromised. These are sensible instructions.
- 8.7 Anonymity is also provided as an option for staff to raise concerns, though this is actively discouraged. We understand that open or confidential reporting is preferable to anonymous reporting, but as outlined above, anonymous reporting may be the only way some staff feel

		<p>comfortable raising something.</p> <p>8.8 If anonymous reporting is actively discouraged there is a risk is that staff would prefer to stay silent and let wrongdoing continue or risks go unresolved. In terms of safeguards, we would suggest that it is harder to get the legal protection when reporting things anonymously, but it is not true that anonymous whistleblowers are not covered by the law. We would recommend softening this message to make it clear that there are disadvantages to anonymous reporting (as listed in the policy) but this is still an option open to staff.</p> <p>8.9 We would recommend stronger messaging around this key assurance throughout staff wide communications such as the newsletter and the intranet page.</p>
<p><i>A worker raising a concern should be told how and by whom the concern will be handled (CoP section 5(e)(i))</i></p>	<p>Amber</p>	<p>9.1 Under section 9 of the Whistleblowing Policy, 'How the Council will Respond,' staff are given an assurance that the council will respond to concerns. Section 9.3 outlines who may carry out investigations.</p> <p>9.2 It is unclear what is meant by 'testing out' the concerns and we recommend this be clarified. It may be clearer to outline that following the concerns being reported, a preliminary assessment or enquiry may be made to decide whether concerns require investigation, if that is what is meant.</p> <p>9.3 Under the procedure managers are instructed not to investigate concerns but to escalate them to the appropriate officer. We would recommend that when whistleblowers raise concerns with managers, the managers explain the steps that they will take under the procedure so the whistleblower is aware how the concern is being handled.</p>

<p><i>A worker raising a concern should be given an estimate of how long the investigation will take (CoP section 5(e)(ii))</i></p>	<p>Green</p>	<p>10.1 Section 9.9 of the policy states that ‘where possible an estimate of the length of any investigation will be provided and, subject to legal constraints, if requested we will keep you updated at least on a monthly basis during the process and will inform you of the outcome of any investigation.’</p>
<p><i>A worker raising a concern should be told that if they believe that they are suffering a detriment for having raised a concern, he/she should report this (CoP section 5(e)(iii))</i></p>	<p>Amber</p>	<p>11.1 Section 3.6 of the policy states ‘should you believe you have suffered a detriment as a result of raising a concern you can report this to any of the officers named’ in the policy. A list of possible detriments is also provided.</p> <p>11.2 Section 9.2 of the policy also adds that staff will be provided with the details of who to contact should they require further support.</p> <p>11.3 These provisions satisfy this principle, however the policy could go further in strengthening this message by adopting the wording of the CoP, i.e. that if a worker believes they are suffering a detriment, they <i>should</i> report this.</p>
<p><i>A worker raising a concern should be told that he/she is entitled to independent advice (CoP section 5(e)(iv))</i></p>	<p>Amber</p>	<p>12.1 Section 8.9 of the Whistleblowing Policy makes reference to PCaW general advice line and website address ‘to obtain independent advice in relation to a potential whistleblowing report.’ The intranet page currently provides details of PCaW and of CEC whistleblowing advice line service including freephone number and bespoke email address. When the policy is updated it please ensure the bespoke freephone number is included.</p> <p>12.2 Whilst the draft procedures refer those handling a concern to PCaW if there is an issue with escalating concerns, it does not ensure that staff raising concerns are explicitly informed that they are entitled to advice or referred to the policy for this signposting and other guidance / assurances.</p> <p>12.3 As well as advising staff where to raise concerns, we provide independent and confidential advice and support throughout the whistleblowing process. Please refer to our model policy provided in</p>

		<p>Appendix A for example of our text regarding Independent Advice.</p> <p>12.4 You may also wish to make more reference to trade unions as a source of advice and support for staff raising concerns.</p>
<p><i>The employer should not only comply with these procedures but should also sanction those who subject an individual to detriment because he/she has raised a concern and should inform all workers accordingly. (CoP section 6)</i></p>	<p>Amber</p>	<p>13. The policy states at section 3.3 that the Council will take appropriate action to protect staff who raise concerns. We recommend a stronger message in line with the CoP that victimisation of a whistleblower would be viewed as a disciplinary matter, or that there is a 'zero tolerance' approach to victimisation.</p>