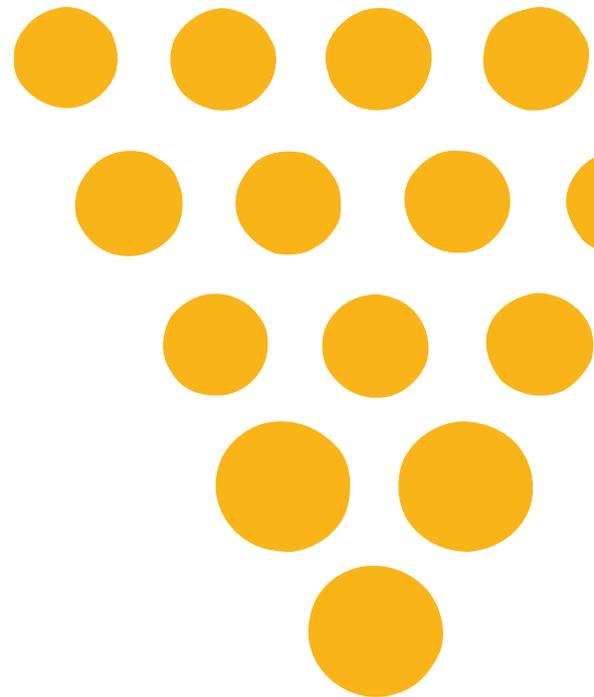




# Whistleblowing Policy

DRAFT

February 2026



Current document status			
<b>Version</b>	v1.2	<b>Approving body</b>	Standards Committee
<b>Date</b>	February 2022	<b>Date of formal approval (if applicable)</b>	5 <sup>th</sup> May 2022
<b>Responsible officer</b>	The Monitoring Officer	<b>Review date</b>	This Policy will be reviewed in the event of a change to relevant legislation and guidance or if research, monitoring or auditing suggests a review may be required. If not, no less than on an annual basis.
<b>Version</b>	V1.5	<b>Approving body</b>	Standards Committee
<b>Date</b>	February 2026	<b>Date of formal approval (if applicable)</b>	5 February 2026

Version history			
Date	Version	Author/Editor	Comments
October 2017	v1.0	TBC	TBC
January 2022	v1.1	Jason Pengilly	Updated for developments and formatting only.
July 2024	V1.2	Jason Pengilly	Update to Responsible Officer
July 2025	V1.3	Jason Pengilly	Update to Responsible Officer to the Responsible Role not a named individual.
October 2025	V1.4	Zoe Davies	Review and update to include Responsible Roles , the introduction of a decision-making process for assessment of concerns raised and compliance with the Employment Rights Act 2025.
February 2026	V1.5	Zoe Davies	Minor amendments following Standards Committee.

Cornwall Development and Decision Wheel					
Date	Type of assessment conducted	Stage/level completed (where applicable)	Summary of actions taken decisions made	Completed by	Impact Assessment review date
18 February 2022	CDDW	Submitted	TBC	Jason Pengilly Fraud and Insurance Manager	TBC

Document retention	
Document retention period	Three years in hard and electronic copy

## 1. Introduction

- 1.1. Cornwall Council is committed to high standards of conduct and good practice and wants all malpractice to be identified and dealt with effectively and efficiently. All employees and others, who work to deliver its services, are expected to help with this.
- 1.2. Many of us at some time or another will have had concerns about something not seeming right at work. Normally these concerns should be raised with your manager to be dealt with in the first instance. However, there are occasions when you may be worried about raising such issues, perhaps feeling it is none of your business that it is only a suspicion or you may also feel that raising such matters would be disloyal to your colleagues or manager and in doing so your job could be put at risk. You may even have raised the matter previously but the person you spoke to did nothing about it, and you are not sure what to do next.
- 1.3. “Whistleblowing” is the term used when someone who works for an organisation, raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public, a vulnerable adult, child, young person or the organisation’s own reputation.
- 1.4. The Employment Rights Act 1996 at sections 43A to 43H sets out the law which applies to whistleblowing. In this policy we address various factors relevant to the Council’s legal responsibilities in the determination and resolution of a whistleblowing complaint.

## 2. Aim of the Policy

- 2.1. The Council has established this policy to enable you to raise your concerns and provide you with protection from detriment such as victimisation or disciplinary action.

- 2.2. This policy encourages you to raise genuine, serious concerns as “whistle-blowers” to the Council or ‘regulators’ (the Local Government Ombudsman, National Audit Office, Standards Board for England, or Police) and provides a procedure for doing so.
- 2.3. The policy explains how to raise a concern. If you raise a genuine concern in good faith and you reasonably believe that it is in the public interest, you are protected from any detriment by this policy. A protected disclosure is a report of wrongdoing in the public interest made by a worker, which is protected by law in the UK under the Public Interest Disclosure Act 1998 (PIDA). The worker is protected from being unfairly dismissed or treated badly (suffering a detriment) for making the disclosure, which is also known as whistleblowing. More information about the Act and protected disclosure can be found here [PIDA - Protect - Speak up stop harm](#).
- 2.4. The Policy also explains how the Council will take all reasonable steps to protect the identity of those who raise concerns.

### **3. Who does the policy apply to and who is protected by the policy?**

- 3.1. This policy applies to you, and you are protected under it, if you work for the Council as:
  - An employee
  - An agency employee
  - A trainee
  - A worker who provides services to or on behalf of the Council, e.g. casual worker, contractors, consultants etc
- 3.2. If you are a Councillor and or co-opted Member, you may refer whistleblowing concerns in accordance with this policy on behalf of yourself or one of your constituents. However, you may not rely on the use of this policy as an alternative to raising any questions or concerns you may have that should otherwise be managed through the proper democratic processes of the Council. In addition, if you raise whistleblowing concerns as a result of matters that have come to your attention in your capacity as a Councillor, you should rely on this policy to remain anonymous in any investigation that may then follow.

- 3.3. You should not raise your concerns outside of the Council before you have raised them internally, because by doing so you may weaken the protection given to you by the Public Interest Disclosure Act 1998.
- 3.4. Anonymous concerns/complaints will always be considered as far as it is reasonable and practicable to do so but it is often difficult to attach equal weight to anonymous allegations as it may restrict or limit the investigator's opportunity to validate or fully investigate the concern or complaint.

#### **4. What Concerns fall under the Whistleblowing Policy?**

- 4.1 Concerns which should be raised in accordance with the Whistleblowing Policy may be in relation to actions/behaviours that are perceived as being in the public interest and can include:

*For example (this list is not exhaustive):*

- Malpractice or ill treatment of a client / customer
- Abuse or neglect of children, young people, vulnerable adults or any other service user, for example, failure to take reasonable steps to ensure their safety and well-being
- Grooming a child, young person or vulnerable adult (in an effort to promote an unacceptable relationship)
- Suspected sexual harassment of customers, clients, or colleagues
- A criminal offence has been committed, is being committed or is likely to be committed
- Pecuniary or business interests which conflict with employees' roles and responsibilities
- Suspected fraud, bribery or corruption
- A failure to comply with legislation or carry out a legal obligation
- Damage to the environment
- Endangering an individual's health and safety
- A breach of Financial Regulations, Contract Procedure Rules, or any other part of the Council's Constitution or other Regulations, Procedures or Code of Conduct
- Concealment of any of the above.

- 4.2 The Council has a range of policies and procedures in place to enable you to raise concerns including:

- Safeguarding Policies
  - Digital Communications Policy
  - Employee Code of Conduct and Declarations
  - Grievance Procedure
  - Managing Conduct Procedure
  - Managing Performance Procedure
  - Bullying and Harassment Procedure
  - Domestic Abuse and Sexual Violence Policy
  - Professional Abuse Policy/Allegations of Employee Safeguarding issues within Children Schools and Families and Adult Care
  - Member Code of Conduct
  - Protocol on Member/Officer Relations
  - Members' Safeguarding and Criminal Records Checks Policy
- 4.3 The Council encourages you to raise any concern that you may have with your manager, in line with the relevant policy. They will help you identify which policy should be used to report your concern if you are unsure. If the concern is about your manager, then another manager or suitable officer within your service hierarchy should be approached.
- 4.4 This Whistleblowing Policy is intended to be an umbrella policy to ensure serious concerns, that may potentially fall outside the scope of other policies, have a route to be considered and resolved.

## **5. What is the difference between a complaint/grievance and whistleblowing?**

- 5.1. This policy is for disclosures about matters other than a (potential) breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should have recourse to the Council's Grievance Procedure, if the matter cannot be resolved informally.
- 5.2 The "whistle-blower" rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the "whistle-blower" is not expected to prove the malpractice. They are the messenger raising a concern, so others can investigate and address it.

5.3 By comparison, a grievance will usually concern an employee personally. For example, the individual may have a complaint about their pay or working hours, the amount of work they are expected to do or their working conditions. The person raising the grievance, therefore, has a vested interest in the outcome and, for this reason, is expected to be able to evidence their case.

## 6. What is expected of you?

6.1. If you make a whistleblowing disclosure to someone within the Council, you are expected to:

- Make the disclosure in good faith and reasonably believe that it is made in the public interest.
- Have a reasonable ground for suspicion about the malpractice; and
- Not make the complaint for personal gain or make malicious or vindictive complaints as this could result in disciplinary action

6.2. If you act in good faith and in the public interest and comply with the expectations above, you will be protected from discrimination (and detriment) as a result of raising a concern. In particular, you will be protected from harassment or victimisation. This may include agreement to alternative working arrangements during any consequential investigation into the allegations.

6.3. The Council will not tolerate the harassment or victimisation of anyone who raises a concern. The Council recognises, however, that there may be occasions when you want to raise a concern in confidence rather than approach your manager direct. Where this is the case, your identity will be protected and not disclosed without your consent. Should a situation arise where the matter concerned cannot be resolved without revealing your identity (for example, because your evidence is needed in court), then the person investigating the matter will discuss with you how to proceed.

6.4. Sometimes it may be necessary to share information with others to make sure an individual is kept safe. There may be a need to depart from the duty of confidentiality if it is believed the personal safety, wellbeing or welfare of an individual (or that of others) is at risk. The individual's permission will usually be sought first of all, prior to any disclosure outside of the duty of

confidentiality and disclosure to other authorities, but in some cases immediate contact will need to be made to prevent serious harm to others.

## **7. How to raise a concern**

- 7.1. If something or someone is causing a concern, it should be raised straight away. It is preferable to raise the matter promptly rather than to stay silent or wait until something more serious happens. Please raise your concern with your Head of Service or Service Director first, either orally or in writing.
- 7.2. If, for whatever reason, you do not wish to raise the concern with your Head of Service or Service Director please contact either:
  - In writing to Cornwall Council, The Monitoring Officer (marking the letter Private and Confidential), New County Hall, Treyew Road, Truro, TR1 3AY.
  - By emailing [whistleblowing@cornwall.gov.uk](mailto:whistleblowing@cornwall.gov.uk).

This email will be monitored by the Head of Audit who will forward the referral to the Head of Legal Services for review and consideration as referred to in 8.1 below.

- 7.3. The details of the whistleblowing disclosure should identify the nature of the concern(s) and the grounds upon which these are based. Information on the background, history, names, dates and places should be provided if possible.

## **8. How will the Council respond?**

- 8.1. The Council will formally acknowledge receipt of the disclosure within 5 working days and within 14 calendar days will confirm:
  - How it is proposed to deal with the matter
  - Whether further investigations will take place and by whom or if not deemed appropriate, why this decision has been made
  - An estimate of how long it might take to provide a final response
  - What support can be offered to the individual raising the concern
- 8.2. On receipt of the disclosure, the Head of Legal Services will consider the disclosure and apply set decision making criteria to establish whether it

constitutes a whistleblowing concern (in legal terms, whether it amounts to a “protected disclosure”) in line with the Policy and the relevant law.

- 8.3. The Head of Legal Services will notify the Monitoring Officer of whistleblowing concerns that meet the decision criteria. The person submitting the concerns will be notified of the outcome of this assessment and proposed course of action to be taken.
- 8.4. If an investigation is appropriate, it will be completed by an experienced senior manager, as delegated by the Monitoring Officer/a Deputy Monitoring Officer. Due care and consideration will be given to ensure that the most appropriate ‘investigator’ for the disclosure is appointed. Some concerns may also need to be:
  - Referred to the Police
  - Investigated by an independent and external person or body
  - Referred to Internal Audit or the External Audit
- 8.5. The Council will ensure that any investigation will be undertaken efficiently, balancing the need for a swift resolution with the requirement to undertake a full and fair investigation. The Council will keep the individual who raised the concern and any other person impacted informed of progress to the extent it is appropriate to do so and where this will not compromise the process and as the law allows. The aim is to reassure all persons that the matter is being and has been properly addressed without compromising the investigation or the Council.
- 8.6. Upon completion of an investigation, the Head of Legal Services will engage with the Head of Audit who will seek assurance that, the Whistleblower’s concerns have been appropriately addressed.
- 8.7. If a whistleblower is concerned that any aspect of the investigation of their concern is not in accordance with this Policy, they should notify the Monitoring Officer in writing of their concern.
- 8.8. The whistleblower raising a concern should immediately notify the person(s) investigating the matter should they experience bullying or harassment as a result of their allegation. Colleagues can be held personally liable for such victimisation (Section 19 of the 2013 Act).

8.9. If a concern is raised but the investigation finds no wrongdoing, no action will be taken against the whistleblower unless it can be shown that they have knowingly made malicious or vexatious allegations in which case the appropriate disciplinary or other action may be taken against them.

## **9. Raising a concern about children, young people or vulnerable adults**

9.1. If an employee has any Safeguarding concerns about children, young people or vulnerable adults, they should contact the Safeguarding Advocate assigned to their Directorate without delay. The contact details can be found on the Council's intranet and internet.

9.2. Alternatively, the concern may be referred on the following contact details:

- Children and Young People: 0300 123 1116: Out of Hours Service please call 01208 251300.
- Adults: 0300 123 4131: Out of Hours Service please call 01208 251300 or email [accessteam.referral@cornwall.gov.uk](mailto:accessteam.referral@cornwall.gov.uk)

9.3. The management of allegations or concerns against employees who work with children and young people and people in a position of trust (PiPOT) who work with adults must be referred to the Local Authority Designated Officer (LADO) on 01872 326536 and the Adult Safeguarding Service Manager on 01872 326433.

9.4. Concerns relating to adults must be reported to the local authority Adult Safeguarding Service Manager within one working day of identification or disclosure on 01872 326433.

9.5. Whilst concerns about children or vulnerable adults can be raised in accordance with this Policy, cases will be responded to and dealt with under the separate Safeguarding procedures.

## **10. Further Support**

10.1. 'Protect' is an independent charity which specialises in providing individuals, employers and schools, free, confidential and practical advice about raising concerns at work. They can help identify how to raise the concern while

minimising any risk to the whistle blower and maximising the opportunity for any wrongdoing to be addressed.

10.2. Their telephone number is: 0203 117 2520 or Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

10.3. If the whistle blower is a member of a trade union; they may also wish to contact their local office for advice and support in relation to raising concerns.

## 11. Raising a concern outside of the Council

11.1. This Policy is intended to provide Members, employees and other workers with a method to raise concerns **within** the Council. The Council believes it is right for the internal Whistleblowing Policy to be followed first of all, but if this is not possible and the whistle blower feels they have no option but to take the matter outside the Council, the following are possible contact points:

- Care Quality Commission: Tel 03000 616 161 or [www.cqc.org.uk](http://www.cqc.org.uk)
- Environment Agency: Email. [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
Main switchboard. 03708 506 506
- Food Standards Agency: Tel 020 7276 8829 or [www.food.gov.uk](http://www.food.gov.uk)
- The Health and Care Professions Council: 0300 500 6184 or [www@hcpc-uk.org](http://www@hcpc-uk.org)
- Health and Safety Executive: [www.hse.gov.uk](http://www.hse.gov.uk)
- Ofsted: Tel 0300 123 4666 or [www.ofsted.gov.uk](http://www.ofsted.gov.uk)
- The Police (in an emergency 999 or 101 for non-urgent matters).
- Your Member of Parliament

11.2. Those who raise a concern outside of the Council should ensure that they do not disclose confidential information unless it is lawful to do so.

## 12. Policy implementation

12.1. This Policy will be available on the Council's intranet and internet.

This Policy will be reviewed in the event of a change to relevant legislation and guidance or if research, monitoring or auditing suggests a review may be required.

### **Alternative Formats**

If any person would like this information on audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:

**Cornwall Council**  
**New County Hall**  
**Treyew Road**  
**Truro**  
**TR1 3AY**

Telephone: 0300 1234 100

Email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)

[www.cornwall.gov.uk](http://www.cornwall.gov.uk)