



## WHISTLEBLOWING POLICY



### Legal Protection for Workers with Concerns at Work:

Employee; Casual Worker; Volunteer; Contractor;  
Agency Worker: Consultant.

## Contents

What is this about?.....	3
What legal protection do I have? .....	3
Will I be protected if I make a public disclosure? .....	3
What support can I expect? .....	4
What is the Council's attitude to malpractice in the workplace? .....	4
Who can blow the whistle? .....	5
What can I blow the whistle about? .....	5
How does the policy fit in with other Council policies? .....	6
What if I am already involved in another HR procedure? .....	7
How does this policy fit with the Members' Code of Conduct?.....	7
What if I want to make anonymous allegations? .....	<a href="#">87</a>
Is my identity kept confidential?.....	<a href="#">87</a>
How do I raise a concern?.....	8
What happens after I have raised my concerns? .....	<a href="#">109</a>
How will we deal with your concerns? .....	10
What happens if my concerns are not confirmed after an investigation? .....	11
What happens if I am not happy with the Council's response? .....	<a href="#">1244</a>
Who is responsible for this policy?.....	12
<b>Appendices:</b>	
WHISTLEBLOWING FLOWCHART.....	<a href="#">1413</a>
WHISTLEBLOWING PROCEDURE FEEDBACK FORM .....	<a href="#">1544</a>
WHISTLEBLOWING CASE STUDIES .....	<a href="#">1645</a>

### What is this about?

1. We (the 'Council') want to ensure a working environment where you (the 'worker') feel confident to raise any concerns about malpractice within the Council. However, some people are reluctant to voice their concerns because of fears about possible repercussions, or a feeling of disloyalty to colleagues. Some might consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration because of deliberate and improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences, or failure to comply with a legal or regulatory obligation.
3. Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Council's Capability Policy or Disciplinary Procedure, as appropriate.
4. This policy is intended to encourage and support you to raise serious concerns **within** the Council safely and with confidence and view this as a **duty**, rather than overlooking the problem. 'Whistle-blowing' refers to the disclosure, by workers, of malpractice as well as illegal acts or omissions at work.
5. This policy will be applied consistently to everyone irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.
6. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

### What legal protection do I have?

7. The Public Interest Disclosure Act (PIDA) 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, to the Council, either as your employer or (in the case of a contractor disclosing information) to the organisation that has legal responsibility for that matter.

### Will I be protected if I make a public disclosure?

8. You are encouraged to raise your concerns via your line manager (para.33), the Council's dedicated Whistleblowing Officers (para.33); a confidential mailbox (para.34), Senior Officers (para.35) or a recognised Trade Union Representative (para.36). You can also seek advice from prescribed organisations independent of

the Council regarding your concerns (para.50). If you raise concerns to someone else other than those detailed within this procedure, e.g. to the local paper, depending on your disclosure and to whom it is made, you may not receive the legal protection as a 'whistleblower'. You are therefore strongly advised to seek advice before taking this action.

9. If you do take the matter outside the Council you should ensure that you do not disclose any confidential information, e.g. client case notes, given to you in confidence, unless you have consent in writing from the person to whom the information relates.

#### What support can I expect?

10. At all times, when raising and investigating your concerns:

- Directors and Heads of Service, will support the investigation process
- your concerns will be taken seriously
- the Council will do all it can to support you throughout the investigation, e.g. provide advocacy services, interpreters, counselling etc.

If appropriate, and after full consultation the Council may consider temporarily re-deploying you or others for the period of the investigation.

#### What is the Council's attitude to malpractice in the workplace?

11. We take any malpractice within the Council very seriously, as we are committed to maintaining the highest standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged and expected to come forward and voice those concerns.
12. We understand that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns you will have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.
13. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.
14. We will not tolerate any attempt on the part of any worker, councillor, council contractor or supplier to apply any sanction or detriment to anybody who has reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.

15. We will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
16. Where any such conduct is undertaken by any contractor or supplier of the Council we will regard that as a serious breach of contract.
17. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.

#### Who can blow the whistle?

18. This policy applies to:
  - Workers for Carmarthenshire County Council including all employees, centrally employed teachers and casual workers
  - Employees of contractors working for the Council on Council premises, for example, agency staff, builders, drivers
  - 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
  - Consultants engaged by the Council
19. However, this policy does not cover staff on the complement of locally managed schools for which local arrangements exist. In the absence of local arrangements school governing bodies are recommended to adopt the principles contained within Welsh Government's 'Procedures for Whistleblowing in Schools and Model Policy'.
20. Employees and workers of the Council's Local Authority Trading Companies (LATC) should normally raise any concerns through the LATC's own whistleblowing procedures. Where the specific concern relates to the governance arrangement, business contract or legal agreement between the LATC and the Authority or vice versa the individual may opt to raise the matter directly with the Authority using the process described in this policy.

#### What can I blow the whistle about?

20. You are encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place, in one or more of the following six areas:
  - Criminal offences
  - Breach of legal obligation
  - Miscarriages of justice
  - Danger to the health and safety of an individual
  - Damage to the environment

- The deliberate concealing of information about any of the above
21. You can raise serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. The event may already have occurred or it may be likely to be committed in the future. For example, your concerns might fall into one or more of the six areas of malpractice describe above that:
- is potentially unlawful, fraudulent or corrupt
  - might contravene our Standing Orders, our Financial Procedure Rules, our policies, codes of conduct or other legal obligations
  - could amount to improper conduct by an officer or a member
  - might fall below established standards of practice
  - constitutes sexual, physical or emotional abuse
  - potentially endangers the health and safety of an individual
  - is causing, or is likely to cause, damage to the environment
  - might involve a miscarriage of justice
  - is an attempt to cover up any of the above examples
22. In addition, the Council has signed up to Welsh Government's Code of Practice on Ethical Employment in Supply Chains. The Code covers:
- Modern Slavery;
  - Blacklisting;
  - False self-employment;
  - Unfair use of umbrella schemes and zero hours contracts;
  - Paying the national living wage.

You are also encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place and is related to the direct activities or the supply chains of the Council, and this malpractice falls within one or more of the six areas described in Para. 20 above. Further information can be found in the Council's Ethical Employment & Supply Chains Policy.

23. If your concerns fall outside the six areas illustrated above you will be advised of the correct procedure to follow as described below.

#### How does the policy fit in with other Council policies?

24. The Whistle-blowing Policy is intended to cover major concerns that **fall outside** the scope of other procedures **and are in the public interest**, i.e. any **serious concerns** that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this policy.
25. Concerns you may have about your own employment with the authority, such as, terms and conditions of employment, health & safety, work relations, new working

practices, working environment or organisational change should be raised through the Grievance procedure.

26. Concerns you may have about allegations of bullying, harassment, victimisation or discrimination in work should be raised in line with the Council's Behavioural Standards guidance.
27. A whistle blowing issue could be entangled within a grievance or concerns about standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).
28. This policy should be read in conjunction with the Council's Officer Code of Conduct and any corporate and/or departmental procedures for investigating concerns which may be developed from time to time and which will be drawn to the notice of employees and others to whom this policy applies.

#### **What if I am already involved in another HR procedure?**

29. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary, grievance, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future. On the other hand, any disciplinary grievance, sickness, capability, redundancy or any other procedures to which you are already subject will not be halted as a result of raising concerns.

#### **How does this policy fit with the Members' Code of Conduct?**

30. The Council has no power to deal with Code of Conduct complaints against an elected member. If you raise concerns about an elected member under this policy you will be given the appropriate legal protection against any acts of detriment and advised to make your concerns to the Public Services Ombudsman for Wales. Alternatively, the Monitoring Officer may decide to refer the matter to the Ombudsman if it is considered appropriate to do so. Details of the Ombudsman's complaints process can be found at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

### What if I want to make anonymous allegations?

31. You can raise concerns anonymously, but they are much less powerful and will be considered under this policy at the discretion of the Monitoring Officer. Remember, the purpose of this policy is to protect and support you and ensure that you can raise your concerns with confidence. If you do not tell us who you are, it will be much more difficult for us to look into the matter, to support and protect you, or to give you feedback.

### Is my identity kept confidential?

32. All disclosures will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however that the investigation process may reveal the source of the information and a formal statement may be required from you as part of the evidence. If you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you through the process.

### How do I raise a concern?

33. You should not approach or accuse individuals directly or attempt to investigate the matter yourself. Instead can raise your concerns with your line manager or if you

#### Members

##### Am I covered by the PIDA?

No, this legislation provides protection to 'workers' and this does not extend to Members who hold positions of public office.

##### What is my role as a Member in the Whistleblowing Process?

You may witness or be approached by a 'worker' about a potential whistleblowing concern. In this situation it is not appropriate for you to seek further information or make your own enquiries and are therefore advised to speak directly to the Monitoring Officer, Deputy Monitoring Officer or Chair of Standards Committee.

prefer, one of the Council's dedicated Whistleblowing Officers, as shown below:

Whistleblowing Officer	Job Title/e-mail address	Phone number
Noelwyn Daniel	Head of ICT Service	01267 246270

 Nigel J Evans	<a href="mailto:NDaniel@carmarthenshire.gov.uk">NDaniel@carmarthenshire.gov.uk</a>	(extension 6270)
	Practice Support Manager <a href="mailto:nevans@carmarthenshire.gov.uk">nevans@carmarthenshire.gov.uk</a>	01267 224694 (extension 4694)
Tracey Thomas	Principal Development Officer <a href="mailto:TrThomas@carmarthenshire.gov.uk">TrThomas@carmarthenshire.gov.uk</a>	01267 246202 (extension 6202)
Stefan Smith	Head of Children's Services <a href="mailto:SJSmith@carmarthenshire.gov.uk">SJSmith@carmarthenshire.gov.uk</a>	01267 246530 (extension 6530)
Nicola J Evans	Business Support Manager <a href="mailto:NJEvans@carmarthenshire.gov.uk">NJEvans@carmarthenshire.gov.uk</a>	01267 224124 (extension 4124)
Alan Howells	Business and Development Manager <a href="mailto:AEHowells@carmarthenshire.gov.uk">AEHowells@carmarthenshire.gov.uk</a>	01267 228140 (extension 5140)
Cathy Richards	Senior Safeguarding Manager <a href="mailto:CRichards@carmarthenshire.gov.uk">CRichards@carmarthenshire.gov.uk</a>	01267 228995 (extension 2995)

 You are welcome to contact me in Welsh or English

1. If you do not wish to raise your concerns with your line manager or one of the Council's dedicated Whistleblowing Officers you can raise your concerns through the Council's confidential Whistleblowing mailbox by emailing [CEWhistleBlowing@carmarthenshire.gov.uk](mailto:CEWhistleBlowing@carmarthenshire.gov.uk). This mailbox is only viewed by the Monitoring Officer and Deputy Monitoring Officer in the Legal Department.
2. Alternatively, you could contact one of the people listed below;

Name	Job Title/e-mail address	Phone number
Wendy Walters	Chief Executive <a href="mailto:WSWalters@carmarthenshire.gov.uk">WSWalters@carmarthenshire.gov.uk</a>	01267 224112
Linda Rees-Jones 	Head of Administration and Law/Monitoring Officer <a href="mailto:lrjones@carmarthenshire.gov.uk">lrjones@carmarthenshire.gov.uk</a>	01267 224010
Robert Edgecombe	Legal Services Manager/Deputy Monitoring Officer <a href="mailto:riedgeco@carmarthenshire.gov.uk">riedgeco@carmarthenshire.gov.uk</a>	01267 224018
Chris Moore	Director of Corporate Services (including responsibility for proper administration of financial affairs) <a href="mailto:cmoore@carmarthenshire.gov.uk">cmoore@carmarthenshire.gov.uk</a>	01267 224120
Paul Thomas 	Assistant Chief Executive (People Management) <a href="mailto:prthomas@carmarthenshire.gov.uk">prthomas@carmarthenshire.gov.uk</a>	01267 226123
Andre Morgan	Chair of Standards Committee <a href="mailto:Andre.morgan@btinternet.com">Andre.morgan@btinternet.com</a>	01974 202564
Helen Pugh	Head of Revenues and Financial Compliance <a href="mailto:HLPugh@carmarthenshire.gov.uk">HLPugh@carmarthenshire.gov.uk</a>	01267 246223

 You are welcome to contact me in Welsh or English

Policies: Whistleblowing Policy  
Adopted: March 2004  
Revised: 14<sup>th</sup> June 2019 at Standards Committee.



People Management

36. You may seek the support of a companion, i.e. a recognised trade union official or representative or a work colleague, to assist you in raising your concerns and accompany you at any meeting through this procedure.

Contact names	Trades Union	E-mail address	Phone number
Mark Evans	UNISON	<a href="mailto:unisoncars1@btconnect.com">unisoncars1@btconnect.com</a>	01267 224942
Mark Preece Allan Card	Unite	<a href="mailto:MAPreece@carmarthenshire.gov.uk">MAPreece@carmarthenshire.gov.uk</a> <a href="mailto:Allan.Card@unitetheunion.org">Allan.Card@unitetheunion.org</a>	07718925787 01646 690618
Peter Hill	GMB	<a href="mailto:Peter.Hill@gmb.org.uk">Peter.Hill@gmb.org.uk</a>	01792 467803

37. If you would prefer to contact an outside organisation instead then a list of useful contacts is given at paragraph 49 below. It is better to contact one of the external organisations listed than to overlook your concerns.

#### What happens after I have raised my concerns?

38. The person you speak to and raise your concerns will offer you some initial advice and guidance and will normally become your “**Contact Officer**”. This will depend on the nature of your concerns and could be someone else with your agreement. Your Contact Officer will be the person with whom you will have all future contact in respect of your concern, and if an investigation takes place (see below) s/he will be your primary contact for feedback.
39. We will need to get the details set out in writing as soon as possible. If you do not want to put your concerns in writing, then that’s alright, your Contact Officer can do this for you instead and support you in expressing the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier your concerns are expressed the easier it is to take action.
40. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to your Contact Officer that there are reasonable and sufficient grounds for your concern.

#### How will we deal with your concerns?

41. Action taken by the Council will depend on the nature of the concern. The matters raised may be:
- investigated internally by an appropriate person in line with the Council's Investigation Policy
  - referred to the Police
  - referred to the Wales Audit Office
  - the subject of an independent inquiry.

42. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.
43. The Contact Officer will acknowledge your concern as soon as possible and contact you within 14 calendar days of you raising your concern to:
- indicate how it is proposed to deal with the matter
  - give you an estimate of how long it may take to provide a final response
  - tell you whether any initial enquiries have been made; and
  - inform you whether a full investigation will take place, and if not, why not.
44. The Contact Officer will give you as much feedback as possible, but sometimes precise action will not be set out where this would infringe upon a duty of confidence owed to the Council by someone else. Time estimates and limits may be amended by agreement between you and the Contact Officer.
45. The frequency of contact between you and the Contact Officer will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Contact Officer or the officer investigating the matter will seek further information from you.
46. When any meeting is arranged between you and the Contact Officer, you have the right, if you so wish, to be accompanied by a companion (who may be a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates). Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure.
47. We understand that you will need to be assured that the matter has been dealt with properly and therefore, subject to legal constraints, your Contact Officer will inform you of the outcome and confirm in writing within 14 calendar days of the conclusion of the matter, i.e. whether your concerns have been upheld, what actions the Council proposes to take (subject to confidentiality constraints) and timescales for implementing. At that point you will be asked to complete a short questionnaire about your experience of the whistle blowing procedure (See Appendix B). Your feedback is important to us, as it will help us to monitor the effectiveness of this policy.

#### **What happens if my concerns are not confirmed after an investigation?**

48. If, you raise a concern using this policy but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's Disciplinary Procedure.

49. Remember, if you want to take independent advice at any stage, you may contact the independent charity Public Concern at Work (see paragraph 49 for details). Their lawyers can give you free confidential advice at any stage about how to raise concerns about serious malpractice at work.

#### What happens if I am not happy with the Council's response?

50. This policy is intended to provide you with a way to raise your concerns **within** the Council and we hope that you will be satisfied with the way that we deal with the matter. However, in the event that the issue is not resolved to your satisfaction then you are welcome to contact (assuming that they have not previously been involved in your case) the Council's Chief Executive or the independent chair of our Standards Committee. Their contact details are given at paragraph 34. As an alternative, we suggest the following possible contact points:

- The charitable organisation Public Concern at Work (See Appendix C). Telephone 020 7404 6609 or e-mail [info@pcaw.co.uk](mailto:info@pcaw.co.uk) or [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)
- The Auditor General for Wales, Public Interest Disclosure Helpline 01244 525980 or e-mail [whistleblowing@wao.gov.uk](mailto:whistleblowing@wao.gov.uk) or web [www.wao.gov.uk/whistleblowers-hotline](http://www.wao.gov.uk/whistleblowers-hotline)
- The Public Services Ombudsman for Wales. Telephone 0300 790 0203 or e-mail [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) or web [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
- Health and Safety Executive. Telephone 0300 003 1647 or Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> or web [www.hse.gov.uk](http://www.hse.gov.uk)
- Care and Social Services Inspectorate for Wales. Telephone 0300 790 0126 or e-mail [cssiw.@wales.gsi.gov.uk](mailto:cssiw.@wales.gsi.gov.uk) or web [www.cssiw.org.uk](http://www.cssiw.org.uk)
- Care Council for Wales Tel: 0300 303 3444 [ftp@ccwales.org.uk](mailto:ftp@ccwales.org.uk)
- Children's Commissioner for Wales Tel: 01792 765600 or e-mail: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk) or web [www.childcomwales.org.uk](http://www.childcomwales.org.uk)
- Natural Resource Wales Tel: 0300 065 3000 Email: [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)
- The Information Commissioner's Office Tel: 0303 123 1113 or e-mail [casework@ico.org.uk](mailto:casework@ico.org.uk) or web [www.ico.org.uk](http://www.ico.org.uk)
- Older People's Commissioner Tel: 02920 445 030 or e-mail [ask@olderpeoplewales.com](mailto:ask@olderpeoplewales.com) or web [www.olderpeoplewales.com](http://www.olderpeoplewales.com)

A full list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

#### Who is responsible for this policy?

51. Linda Rees-Jones, the Council's Monitoring Officer and Paul Thomas, Assistant Chief Executive share overall responsibility for the maintenance and operation of this policy. Linda Rees-Jones will keep a record of concerns raised and the outcomes (in

a format that does not endanger confidentiality) and will report to the Standards Committee annually.

52. This edition of the policy was agreed by the Council's Standards Committee on 15<sup>th</sup> June. The policy is reviewed annually.

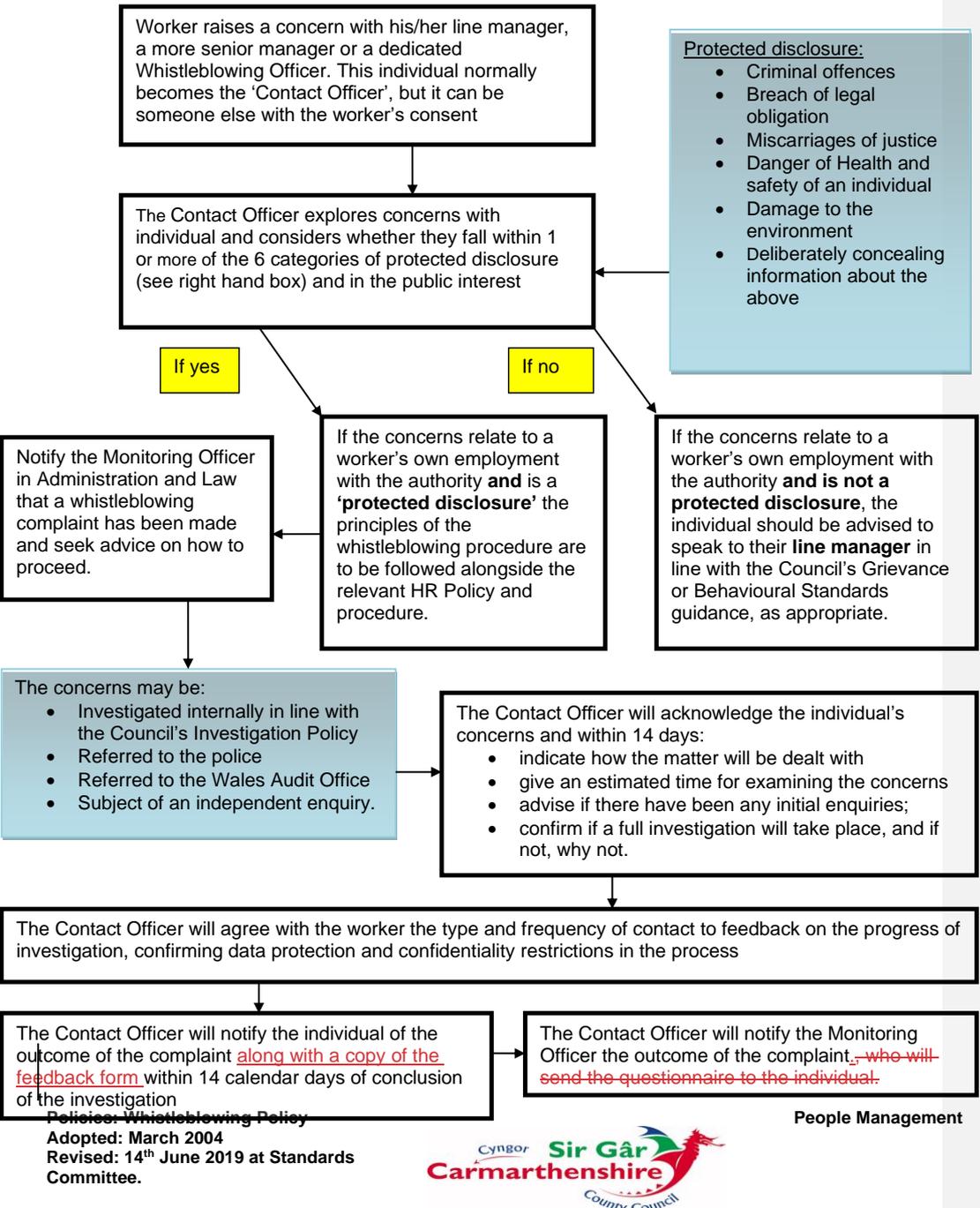
**What happens to your 'information' and 'personal data'?**

53. The proper handling of personal information by Carmarthenshire County Council is very important to the delivery of our services, undertaking our legal obligations as an employer and maintaining public confidence. Personal data is any information that relates to a person who can be directly or indirectly identified from the information. The terms 'information' and 'personal data' are used and have the same meaning. To ensure that the Council treats your information correctly, we seek to adhere in full to the requirements of Data Protection legislation. The Human Resources – People Management and Legal Services privacy notices have therefore been produced to explain as clearly as possible what we do with your personal data and are available to view on the Council's website.

**If you require this publication in an alternative format, such as large print, Braille or on audiotape please telephone 01267 224651.**

Appendix A

WHISTLEBLOWING FLOWCHART



**CONFIDENTIAL -**  
**WHISTLEBLOWING PROCEDURE FEEDBACK FORM**

**Appendix B**

Formatted: Font: 11 pt

Formatted: Normal

We have recently concluded an investigation into your concerns raised under the Council's Whistleblowing Policy. We would welcome your feedback in relation to how the matter was handled as this will assist us when dealing with future cases and when reviewing the policy. Your reply will be treated as confidential and will be retained by the Monitoring Officer.

1. **To whom did you report your concern?**
- Line Manager
  - Whistleblowing Officer
  - Trade Union Rep
  - Other (please specify)
- .....

2. **Were you satisfied with the way in which your concern was dealt with by that person?**
- Yes
  - No

3. **If no, please explain why:** .....

.....

.....

4. **Were you aware of the Whistleblowing Policy at the time you raised your concern?**
- Yes
  - No

5. **If yes, where did you see a copy of the Whistleblowing Policy?**
- Line Manager
  - Whistleblowing Officer
  - Trade Union Rep
  - Intranet
  - Other (please specify)

6. **Were you advised of how the concern was being dealt with and the outcome?**
- Yes
  - No

7. **Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?**
- Yes
  - No

8. **If no, please explain why:** .....

.....

**Thank you for completing this questionnaire. Please return it to the Monitoring Officer via the Council's confidential Whistleblowing mailbox: CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Deputy/Monitoring Officer in the Legal Department.**

Formatted: Font: 10 pt

Formatted: Indent: Left: 0 cm

Formatted: Font: 10 pt, Bold

Formatted: Font: 10 pt



~~in the envelope provided.~~

## Appendix C

### WHISTLEBLOWING CASE STUDIES

The following case studies have been produced by Public Concern at Work (PCaW), the whistleblowing charity, which advises individuals on their whistleblowing dilemmas and organisations on their whistleblowing arrangements.

They are examples of whistleblowing concerns that individuals have raised in other organisations.

#### Case 1 – Fraud in the NHS

##### The Story

Tim coordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than were needed and the friend was always paid when a course was cancelled. Although Tim asked his boss to get a credit note as with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff. One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work. Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

##### What PCaW advised

PCaW advised Tim that the options were either to go to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

##### What happened

On his return, Tim raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

#### Case 2 - Involving a Regulator

##### The Story

Ian worked as a safety inspector at an amusement park. He was responsible for maintaining one of the park's most popular rides. Every morning he would carry out a safety inspection on the ride and, if it passed, he would sign the ride off as safe in the log. During one inspection, he noticed that pins on the axles which kept the carriages stable had become loose. Ian thought this presented a serious risk and notified his managers.

After what Ian felt was not a thorough examination, the Operations Manager cleared the ride as safe. Ian was unhappy with this and the next day, as no corrective action had been taken, he again could not sign off the ride as safe. Again the Operations Manager

overruled Ian and he was assigned to other rides. Ian contacted us the same day. He was anxious that the weekend was coming up and that the park would be extremely busy. He was also worried that if he pursued the issue any further he would be dismissed.

#### **What PCaW advised**

PCaW advised Ian that they could contact the Health and Safety Executive (HSE) on his behalf and relay the information that he had given us without giving his name. However, it was more than likely that they would want to speak to him, if they felt that the situation was potentially serious. PCaW said they would explain Ian's anxieties about his position and ask the HSE to bear this in mind. Although he was unsure whether he would speak to the HSE, he asked us to make the initial contact. The HSE agreed that the situation sounded potentially serious. However, they told PCaW that they would need to speak to Ian. PCaW explained Ian's fears that if the HSE suddenly turned up to inspect this particular ride, his employers would easily put two and two together and he would be out of a job. The HSE assured us that if they were to carry out an inspection, it could be done in such a way as not to make Ian's role apparent. We went back to Ian and, after talking things through, he agreed that he would speak to the HSE.

#### **What happened**

Shortly afterwards the HSE made a 'routine' visit to the park during which they inspected the ride, along with several other rides. As a result of the inspection, the ride was suspended and the repairs were carried out.

### **Case 3 – Theft in a care home**

#### **The story**

FA worked as a care assistant in an old people's home. He and some of his colleagues were worried that SM, one of the managers, might be stealing cash from the residents. SM, looked after residents' pocket money and kept a record of when sums were paid out. FA was fairly sure that money was recorded as being given out to particular residents when they had received none.

After a while, he thought he had to raise the concern as the amount involved was adding up. After he raised his concerns with the owners of the home, an investigation quickly found FA was right, SM was dismissed and the police were called in. Relations within the home were tense as some of SM's friends strongly objected to the whistleblowing. Within weeks, FA was suspended over allegations that he had mistreated the residents. He rang us.

#### **What PCaW advised**

We advised that he should bite his lip and deal with these allegations squarely. Although the investigation found they had no substance, the owners decided to transfer FA to another home. FA was very unhappy and rang us again. We helped him draft a letter to the owners explaining that he wanted to stay at that home and that transferring him after he had blown the whistle would give out the wrong messages to other staff.

#### **What happened**

The owners reconsidered and FA stayed at the home. When FA rang to tell us that SM had been convicted of stealing £1400 from the residents, he said the atmosphere in the home was now much improved.