

LONDON BOROUGH OF WALTHAM FOREST

WHISTLEBLOWING POLICY

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CONTENTS

		Page
1	Introduction	3
2	What is whistleblowing?	3
3	Aims and scope of this policy	3
4	Safeguards	4
	Harassment or victimisation	4
	Confidentiality	4
	Immunity from disciplinary action	5
5	Anonymous allegations	5
6	How to raise a concern	5
7	How the Council will respond	6
8	The responsible officer	7
9	How the matter can be taken further	7

1 INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 The policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This whistle-blowing policy is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all employees and those contractors working for the Council on its premises, for example, agency staff, consultants, and external contractors.
- 1.5 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures, in particular the Public Interest Disclosure Act (PIDA) 1998 and the Enterprise and Regulatory Reform Act (ERRA) 2013.

2 WHAT IS WHISTLEBLOWING?

- 2.1 Whistleblowing is where a worker reports suspected wrongdoing at work. Officially this is called making a 'qualifying disclosure' in the public interest. A worker can report things that fall within the scope of paragraph 3.2 below..

3 AIMS AND SCOPE OF THIS POLICY

- 3.1 This policy aims to:
 - encourage workers to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for workers to raise those concerns and receive feedback on any action taken;
 - ensure that workers receive a response to their concerns and that they are aware of how to pursue them if you are not satisfied;
 - reassure workers that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

- 3.2 There are existing procedures in place to enable workers to lodge a grievance relating to their own employment. The whistle-blowing policy is intended to cover major concerns that fall outside the scope of other procedures. The types of disclosure that are covered by PIDA are:
- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
 - (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
 - (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - (d) that the health or safety of any individual has been, is being or is likely to be endangered;
 - (e) that the environment has been, is being or is likely to be damaged, or
 - (f) that 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.
- 3.3 This policy does **not** replace the Council's complaints procedure or the grievance procedure.

4 SAFEGUARDS

4.1 Harassment or Victimisation

- 4.1.1 The Council is committed to good practice and high standards and wants to be supportive of workers.
- 4.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what the worker is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
- 4.1.2 The Council will not tolerate any harassment or victimisation (including informal pressures) from a worker's colleagues, peers, managers or from external sources, and will take appropriate action to protect workers when they raise a concern in good faith.
- 4.1.3 Any investigation into allegations of potential malpractice will not influence, or be influenced, by any disciplinary or redundancy procedures that already affect a worker.

4.2 Confidentiality

- 4.2.1 All concerns will be treated in confidence and the Council will keep a worker's identity confidential if they so wish. However, a worker's ability to rely on the

protections afforded by the whistleblowing policy will be lost if they expose themselves as the whistle blower, or as the source of the allegation, by making it known to others, either before or after making a whistle-blowing referral.

4.2.2 At the appropriate time, however, a worker may need to come forward as a witness.

4.3 Immunity from Disciplinary Action

4.3.1 If workers bring information about a wrongdoing to the attention of their employers, they are protected in certain circumstances under the PIDA. However the whistle-blowing policy does not provide a worker with immunity from disciplinary action and they cannot rely on the protection afforded by the policy if they have:-

- undertaken inappropriate or unethical conduct;
- failed to comply with the Council's policies, procedures or Standing Orders; legislation or statutory regulations;
- been responsible for a misuse of public office or public funds;
- committed fraud, corruption or other conduct which is an offence or a breach of law;
- made the disclosure without good faith or without believing it to be substantially true;
- made the disclosure for personal gain.

Under the ERRRA, workers must also make disclosures in the reasonable belief that doing so was in the public interest in order to enjoy protection under PIDA.

5 ANONYMOUS ALLEGATIONS

5.1 No protection is provided by this policy or PIDA to a worker who makes anonymous allegations. Concerns expressed anonymously will be considered at the discretion of the Council.

6 HOW TO RAISE A CONCERN

6.1 As a first step, a worker should normally raise concerns with their immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if a worker believes that management is involved they should make their disclosure to the Director of Governance

6.2 Concerns must be raised in writing and should include the following information:

- the background and history of the concern (giving relevant dates);

- the reason why the worker is particularly concerned about the situation.

6.3 The earlier a worker expresses their concern the easier it is to take action.

6.4 Although workers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the Director of Governance that there are reasonable grounds for their concerns.

6.5 A worker can obtain advice/guidance on how to pursue matters of concern by telephoning the Council's HR Service.

6.6 If ultimately a worker feels they have to take the matter externally, they may contact Public Concern at Work on 020 7404 6609. Public Concern at Work are a registered charity whose services are free and strictly confidential.

7 HOW THE COUNCIL WILL RESPOND

7.1 Upon receiving your allegation, the Director of Governance will consider its content, the issues and risks identified, the seriousness of the worker's concern and which officer or department of the Council is best placed to take action or investigate the matter.

7.2 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, grievance; fairness at work; formal complaints; child protection; or discrimination issues) will normally be referred for consideration under those procedures.

7.3 Some concerns may be resolved by agreed action without the need for a detailed investigation. If urgent action is required, this will be taken before any investigation is conducted.

7.4 In some instances it may be more appropriate to refer the matter to an external body to deal with, such as the police, Her Majesty's Revenue and Customs (HMRC) or the Home Office.

7.5 Within twenty working days of a concern being raised, the Director of Governance will contact the worker to:

- acknowledge that the concern has been received;
- indicate how the Council proposes to deal with the matter;
- give an estimate of how long it is likely to take to provide a final response;
- tell the worker whether any initial enquiries have been made and whether further investigations will take place, or if not why; and
- supply the worker with information on staff support mechanisms.

- 7.6 The amount of contact between the Director of Governance or the officers considering the issues and the worker will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the worker.
- 7.7 The Council will take steps to minimise any difficulties which a worker may experience as a result of raising a concern. For instance arranging meetings away from the work place or where a worker is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for the worker to receive advice about the procedure.
- 7.8 The Council accepts that a worker may need to be assured that the matter has been properly addressed. The Council will therefore inform the worker of the outcome of any investigation, subject to legal constraints.

8 THE RESPONSIBLE OFFICER

- 8.1 The Director of Governance has overall responsibility for the Whistleblowing Policy.

9 HOW THE MATTER CAN BE TAKEN FURTHER

- 9.1 This policy is intended to provide a worker with an avenue within the Council to raise concerns, and hopes that the worker will be satisfied with any action taken. However if they are not, and they feel it is right to take the matter outside the Council, the following are possible contact points:
- Public Concern at Work (020 7404 6609), a registered charity whose services are free and strictly confidential;
 - the external auditor;
 - your trade union;
 - your local Citizens Advice Bureau;
 - relevant professional bodies or regulatory organisations;
 - a relevant voluntary organisation;
 - the police.
- 9.2 If a worker does take the matter outside the Council, they should ensure that they do not disclose confidential information.