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Whistleblowing

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What is Whistleblowing?

'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council.

Staff are encouraged and, indeed, expected to raise any concern that they may have, without fear of recrimination. Any concerns raised will be treated in the strictest confidence and will be properly investigated.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and report their concerns at the earliest opportunity so that they can be properly investigated.

Who can raise a concern under this policy?

The Policy applies to all:

- Employees of the Council
- Employees of contractors working for the Council, for example, agency staff, builders and drivers
- Those providing services under a contract or other agreement with the Council, and
- Voluntary workers working with the Council

What should be reported?

Any serious concerns that you have about service provision or the conduct of officers or members of the Council or others acting on behalf of the Council.

The concerns need to be made in the public interest. This means that personal grievances and complaints are not covered by whistleblowing law.

Qualifying disclosures

The types of concerns covered by the policy are called qualifying disclosures and they include;

- Criminal offences (including fraud or misuse of public funds or other assets)
- Failure to comply with a legal obligation
- Miscarriages of justice
- Threats to people's health and safety
- Damage to the environment
- Covering up any of the above

Untrue allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and you have nothing to fear.

However, if you make an allegation frivolously, maliciously or for personal gain, appropriate action will be taken that could include disciplinary action.

How to raise a concern

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide as much detail as possible including:

- The nature of your concern and why you believe it to be true
- The background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and there are reasonable grounds for your concern.

Who should you raise your concern with?

In the first instance, you should normally raise concerns with, as a matter of urgency, your line manager. If such action would be inappropriate, your concerns should be reported upwards to one of the following persons:

- Director of Audit, Fraud, Risk Management and Insurance
- Director of People Services
- Head of Fraud
- Fraud Hotline 020 8753 1273

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness.

Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Council. In exercising discretion, the factors to be taken into account include:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

What will the council do?

The Council will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Council will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. See whistleblowing flowchart below.

whistleblowing flowchart.jpg

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do

so.

Where appropriate, the matters raised may:

- be investigated by management, internal audit and fraud, or through the disciplinary/grievance process
- be referred to the police
- be referred and put through established child protection/abuse procedures

It is likely that you will be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged away from your workplace.

Protecting the Whistleblower

Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- the Council will do all it can to help you throughout the investigation

The Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

To be protected, you need to make a qualifying disclosure in accordance with the policy. You need to reasonably believe that the disclosure is being made in the public interest and that malpractice in the workplace is happening, has happened or will happen.

More Information

For more information regarding whistleblowing, please contact:

- Director of Audit, Fraud, Risk and Insurance: David Hughes, 07817 507695
- Head of Fraud, Andy Hyatt, 07739 313817
- Fraud Hotline 020 8753 1273