

Whistleblowing Policy

November 2013

Policy Agreed	
Joint Consultative Committee	19 April 2010
Corporate Management Board	22 April 2010
Corporate Management Board - updating	25 November 2013

Whistleblowing Policy

This policy aims to encourage officers of London Councils and others to feel confident in raising any serious concerns that they may have regarding the existence of fraud, bribery or corruption. This policy further aims to provide clear avenues through which those concerns can be raised, and to reassure officers who raise concerns that they will not be victimised if they have a reasonable belief that their disclosure is in the public interest.

Officers may feel reluctant to come forward to raise concerns - to 'blow the whistle' - for a range of reasons. For example, officers may feel that:

- They are unaware of the 'right way';
- It's 'none of their business';
- It's only a suspicion;
- It would be disloyal;
- There may be 'recriminations'.

Although it may seem easier to 'look the other way', each officer of London Councils has a responsibility to be alert to and to voice any serious concerns they may hold about malpractice on the part of others. This policy makes clear that you can do so without fear of victimisation, harassment, discrimination or disadvantage.

Whistleblowers are an asset to London Councils and will be treated as witnesses, not as complainants. Any disclosures will be treated sympathetically, and all allegations of fraud, bribery and corruption will be investigated thoroughly.

Scope

This policy is intended to cover concerns which affect clients, colleagues, or London Councils itself. Section 43B of the Public Interest Disclosure Act 1998 provides examples of those concerns which may be disclosed. These include concerns:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered;
- 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;
- That some other form of unethical conduct has taken place, (including any attempts to cover up the above or any offence likely to be committed).

This list is not exhaustive, but is indicative of the kind of misconduct or malpractice that is covered by this policy.

This policy provides for disclosures from all persons in the London Councils workplace including both full-time and part-time employees, junior and senior members of staff, temporary staff and contractors.

London Councils takes a zero-tolerance position on bribery, fraud and corruption, and is committed to robust compliance with the Bribery Act 2000. Please see London Councils' Anti-Fraud, Bribery and Corruption Policy for further information.

Protection of whistleblowers

Protection for whistleblowers was introduced by the Public Interest Disclosure Act 1998, which is available online at: <http://www.legislation.gov.uk/ukpga/1998/23>.

Officers who disclose information should not suffer any detrimental treatment, provided that the following conditions are satisfied:

- The officer believes on reasonable grounds that the information is accurate;
- The officer believes on reasonable grounds that their disclosure is being made in the public interest;
- The officer has not gained a financial or non-financial benefit from the disclosure;
- The officer has followed the correct internal procedure in raising the matter of misconduct or malpractice within London Councils.

London Councils will provide the following protection to whistleblowers:

- Protection from being subjected to a detriment (including threats, disciplinary action, loss of work or pay, or damage to career prospects) by an employer or another worker on the grounds that the employee has made a protected disclosure;
- Protection from dismissal where the principle reason for dismissal is that the employee has made a protected disclosure.

London Councils will not tolerate the victimisation of whistleblowers by other members of staff. Any victimisation of a whistleblower will be treated as a serious disciplinary matter.

Confidentiality

If an officer who has raised a concern does not want to reveal their identity, London Councils will not press for the officer's involvement in the investigation, unless the situation necessitates their inclusion. There may be occasions when London Councils has no alternative but to take action that would break this confidence. This may occur where London Councils has a duty of care to its clients and members of the public, and evidence provided by an officer is the only means by which London Councils can take appropriate action. If the matter needs to progress more formally, there may be cases where an officer will be required to make a statement or give evidence at a formal hearing.

If it is determined that the matter cannot proceed without officer involvement, London Councils will approach the officer in the first instance to discuss the matter, and make a decision from this discussion on how to proceed.

Anonymous allegations

As a general rule, you should put your name to an allegation, even if you wish for this allegation to be treated in confidence.

Concerns which are expressed anonymously will be considered at the discretion of the person to whom you express the concern. Factors to be taken into account would include:

- The seriousness of the issue raised;
- The credibility of the concern;
- The likelihood of confirming the allegations from attributable sources.

Support

Officers who wish to disclose information may discuss the matter in confidence with their trade union if appropriate. The trade union can represent officers at any formal meetings and give advice on how to resolve the concerns raised.

If the officer is unclear about the procedure, the matter can be discussed with the Director of Corporate Governance.

Public Concern at Work is an independent whistleblowing charity. They can give free, confidential advice at any stage about raising a concern about serious wrongdoings or malpractice at work. <http://www.pcaw.org.uk>, 020 7404 6609.

Reporting concerns

Officers should report concerns in the first instance to their immediate line manager (or another appropriate manager), either verbally or in writing, and demonstrate that there are reasonable grounds for the concern. Where this is not appropriate the officer should raise the concern with their Divisional Programme Director/Directorate Corporate Director or the Chief Executive of London Councils.

Where the concerns are raised with the manager, the manager should where practical take immediate steps to deal with the concerns raised. The manager will also need to consider the support available to officers who may be affected. The manager should bear in mind the following when considering support issues; counselling, temporary adjustment to working arrangements, special leave and the organisations 'employee assistance programme'.

Responding to concerns

The initial stage is for the manager to contact the Director of Corporate Resources to inform him/her of the concerns. Then, with the permission of the Director of Corporate Resources, the manager should interview the person raising the issue. The officer has the right to be accompanied to this interview by a trade union representative or work colleague. The manager must confirm in writing the issue raised within 3 working days.

The issues raised under this procedure may lead to other London Councils procedures being instigated, such as:

- London Councils disciplinary procedure;
- An investigation under London Councils financial regulations;
- In the case of criminal matters, informing the police.

Where other London Councils procedures are invoked, the officer raising the issue should be informed as soon as possible. In any case the officer should receive a written response within 20 days setting out the manager's views or indicating what further steps, with time scales, will be taken before a final response is given.

The manager must give feedback at the earliest opportunity to the officer who raised the concerns. The feedback process should assist the officer in deciding whether the response is adequate to alleviate the concerns.

For further information about how London Councils will investigate serious concerns, please see London Councils' Anti-Fraud, Bribery and Corruption Policy.

Where allegations of malpractice are found to be groundless

If an allegation is not found proven by the investigation, no action will be taken against the whistleblower provided that the conditions laid out in the 'Protection of Whistleblowers' section above are met.

If it is found that the whistleblower raised an allegation which they knew to be untrue, disciplinary action may be taken against that employee.

Raising concerns outside of London Councils

This policy is intended to provide you with an avenue within the organisation to raise concerns. Any legitimate concerns will be robustly assessed and acted upon. If you do not feel that this has been the case, and you feel that it is right to take the matter outside of the organisation, you may use the following contact points:

- *Public Concern at Work*. <http://www.pcaw.org.uk>, 020 7404 6609
- Paul Nagle, Head of Audit and Risk Management at the City of London.
Paul.Nagle@cityoflondon.gov.uk, 020 7332 1277

Where the concern relates to criminal matters the relevant Director will need to involve the police or other bodies. The Chief Executive of London Councils should be consulted before this happens unless there is an immediate risk.