

Internal Audit

# Whistleblowing Policy

17 January 2012

## **The Council's commitment to the Whistleblowing Policy**

London Borough of Barking & Dagenham, "the Council" considers the Whistleblowing Policy encourages and enables employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

## **What are the aims and requirements of the legislation?**

This policy has been put in place to make sure that if you want to come forward and raise any concern, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

## **Who is governed by this Policy?**

The Whistleblowing policy applies to all staff including and not limited to temporary staff, sessional staff and contractors. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes and sheltered accommodation.

## **Executive Summary**

This Whistleblowing Policy sets out the Council's commitment to ensuring compliance with the requirements of the Public Interest Disclosure Act 1998.

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# Whistleblowing Policy

Our policy is to promote a culture of openness and a shared sense of integrity throughout the Council by inviting employees to act responsibly in order to uphold the reputation of the Council and maintain public confidence.

## What is Whistleblowing?

Whistleblowing encourages and enables employees to raise serious concerns within the Council rather than overlooking a problem or “blowing the whistle’ outside.

Members of staff may be the first to spot anything that is seriously wrong within the Council. However, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised.

That is why we have produced this Whistleblowing policy to help staff, including agency workers and contractors to contact us with their concerns.

We are committed to being open, honest and accountable. For this reason concerns/disclosures of malpractice and impropriety are taken very seriously. We want you to be able to raise any serious concerns you have.

We expect our employees and other organisations working for or with the Council to bring to our attention any issues of concern, malpractice or other wrongdoing.

This policy has been put in place to make sure that if you want to come forward and raise any concern, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

## Who is covered by this Policy?

All staff (including those designated as casual, temporary, agency, authorised volunteers or work experience), and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes and sheltered accommodation.

## What types of action are covered by the Policy?

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- Misuse of Council funds
- Other fraud or corruption
- Bribery
- Clients, children or students, particularly children and adults in our care, being mistreated
- Improper or unauthorised use of Council money

- An unlawful act
- Any danger to health and safety
- The environment being damaged (for example, by pollution)
- A person abusing their position for any unauthorised use or for personal gain
- A person deliberately not keeping to a Council policy, an official code of practice or any law or regulation
- A person failing to meet appropriate professional standards
- A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life
- Other wrongdoing including instances where attempts have been made to conceal or cover up wrongdoing

Your concern may be about members of staff, people who work directly for the Council, suppliers, or people who provide services to the public for us.

### What is not covered by the Policy?

You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures, for example:

- Staff complaints about their employment. These complaints are dealt with through our Grievance or Bullying and Harassment Policies and Procedures
- Customers' complaints about our services. These complaints are dealt with through our Corporate Complaints Procedure
- Allegations against councillors. Such allegations should be sent in writing to: The Monitoring Officer, London Borough of Barking and Dagenham, Civic Centre, Dagenham, Essex, RM10 7BN. Write "Private and Confidential" on your envelope. A complaint form and other information is available on line at <http://www.lbbd.gov.uk/CouncilandDemocracy/Complaints/Pages/CouncillorComplaint.aspx>
- Also, you cannot use this policy to raise issues that have already been settled through other procedures, for example, matters previously resolved under the Council's Disciplinary Rules procedure

### Protecting you

If your allegation is true, you have nothing to fear. But we understand that deciding to blow the whistle is not easy.

If you raise a concern which you believe is true, we will take appropriate action under the Public Interest Disclosure Act 1998 to protect you from any harassment, victimisation or bullying.

We will do our best to protect your identity and keep your concerns confidential if this is what you want.

There may be occasions when you will need to provide statements of evidence in order for us to conclude the investigation. In this case we will not reveal your name or position without your permission or unless we have to do so by law, for example, if the evidence is required in Court then your anonymity may be subject to the decision of the Courts.

If you work for the Council, you should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you or any redundancy procedures that may affect you.

## Anonymous allegations

Because we will protect you (as explained previously), we encourage you to give your name when you make an allegation. Concerns raised anonymously tend to be far less effective and if, for example, we do not have enough information, we may not be able to investigate the matter at all.

If you feel that you cannot give your name, our Whistleblowing Officer will decide whether or not to consider the matter. This will depend on:

- the seriousness of the matter
- whether your concern is credible; and
- whether we can carry out an investigation based on the information you have provided

## Untrue Allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you.

However, if the investigatory process finds you have made an allegation which you know is untrue; we will take appropriate disciplinary or legal action against you.

## How to raise a concern

If you work for the Council you should first raise your concern with your immediate supervisor, manager or group manager (but obviously this will depend on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing).

If you are not comfortable reporting the matter to your direct line manager or group manager because it is too serious or sensitive, or because the line manager is involved, you may also raise concerns with your Divisional or Corporate Director.

Concerns that involve financial malpractice should always be raised with the Corporate Anti Fraud Team.

If you prefer, or you do not work for the Council, you can contact the Whistleblowing Officer and Corporate Anti Fraud Team direct in any of the following ways:

- By phoning the Whistleblowing line on 020 8227 2541. You can leave a confidential voice-mail message 24 hours a day
- By writing to the Whistleblowing Officer, Divisional Director Assurance and Risk, London Borough of Barking and Dagenham, Civic Centre, Dagenham, Essex. RM10 7BN. Write 'Private and Confidential' on your envelope

- By sending an e-mail to: [whistle-blowing@lbbd.gov.uk](mailto:whistle-blowing@lbbd.gov.uk)  
To maintain confidentiality you are advised not to copy other people into your message to the whistleblowing mailbox

If you are putting your concerns in writing it is best to give the Whistleblowing Officer as much information as possible - including any relevant names, dates, places and so on. A form is available on the intranet to help you provide information that will be helpful in following up your concerns.

You should also provide:

- The reason why you are concerned about a situation
- Background information
- What you personally witnessed or extent to which you have experienced the problem

If possible you should provide documentary evidence.

The earlier you raise a concern, the easier it will be to take effective action.

Although you will not have to prove beyond the shadow of a doubt that your allegation is true, you will have to show the Whistleblowing Officer or designated officer that there are reasonable reasons for your concern.

The earlier you raise a concern, the easier it will be to take effective action.

## **Help for you**

You may want to discuss your concern with a friend or colleague first. You may then find it easier to raise a concern if others share the same experiences or concerns.

Your trade union representatives can also give you general support and advice, or act for you if this would help. This could be useful, particularly if you do not want the Whistleblowing Officer to know who you are.

We will encourage the trade unions to support any member of staff who raises a concern with them.

## **How we respond to your concerns**

Within 10 working days of you raising a concern, the Whistleblowing Officer or designated investigator will:

- acknowledge that we have received your concern
- explain how we will handle the matter; and
- tell you what support is available to you

It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation we need to carry out.

The way we deal with the concern will depend on what it involves. If we need to take urgent action, we will do this before carrying out any investigation.

We will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it. Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first.

Your concern may be investigated by council management, our internal audit investigators, or we may refer it to:

- the police
- other agencies (for example, if it involves the abuse of children or vulnerable adults it may be referred to the relevant Director of Services)
- our external auditor; or
- an independent investigator

If your concern or allegation can be handled under any other procedure or policy, we will pass it on to the relevant person and let you know.

We may be able to settle some concerns without carrying out an investigation but by taking action agreed by you.

The amount of contact you have with the Whistleblowing Officer or designated investigator will depend on the nature of your concern, the potential difficulties involved, and whether or not the information you have given us is sufficiently clear.

If you need to have a meeting, you can be accompanied by a friend or a representative from a trade union or professional association. Meetings with the Whistleblowing Officer or designated investigator will normally take place in his or her office but can be arranged elsewhere, but not in your home unless there are exceptional circumstances.

We will take steps to reduce any difficulties you may experience as a result of raising a concern. For instance, if you need to give evidence in criminal or disciplinary proceedings, we will arrange for you to get advice on the procedure.

If the investigation finds that misconduct and/or gross misconduct has occurred, disciplinary action may be initiated in accordance with the Council's Disciplinary procedures.

In all cases we will seek to apply the most appropriate sanction against employees considered to be guilty of malpractice. This includes commencing disciplinary action, which may lead to dismissal, and, in the case of unlawful wrongdoing may also involve criminal proceedings.

We will usually update you on the progress of investigations and inform you of the closure of an investigation within 5 working days of completion, however, the nature and outcome of any disciplinary action taken will remain confidential.

### **Who is responsible for this Whistleblowing policy?**

The Whistleblowing Officer is a senior officer in the Council who can take an independent view of any concerns raised. That officer keeps a confidential record of all concerns raised and the outcomes and gives the Public Accounts and Audit Select Committee a yearly summary of all cases without revealing any specific details.

### **What if a concern involves the officer involved in the Whistleblowing procedure?**

If a concern involves the Whistleblowing Officer, the matter should be referred to the Council's Monitoring Officer, whose contact details can be found on the council's Internet site at <http://www.lbbd.gov.uk/CouncilandDemocracy/EthicalGovernance/Pages/MonitoringOfficer.aspx>

If a concern involves the Chief Executive, the matter should be referred to the Leader of the Council (or the Deputy Leader if the Leader is not available).



If there are exceptional circumstances which make reporting your concern uncomfortable, you can also obtain advice from the Chair of the Standards Committee.

## How you can take a matter further

We hope you will be satisfied with any action we take. If you're not, and you want to take the matter outside the Council, you could contact:

- our external auditor; contact details on the council website
- the Audit Commission; email: [www.audit-commission.gov.uk/](http://www.audit-commission.gov.uk/)
- your local Citizens' Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation; or
- the police

## Independent advice

You can get independent advice or support from an organisation called Public Concern at Work.

Their address is:

Public Concern at Work

3<sup>rd</sup> Floor, Bank Chambers

6-10 Borough High Street

London

SE1 9QQ

Phone: 020 7404 6609

E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

If you require a copy of this document in another language or other format such as large print or audio tape please contact the Corporate Anti Fraud Team on 020 8227 2264 or write to:

Audit and Risk Division

London Borough of Barking and Dagenham

Ground Floor Annexe,

Civic Centre

Dagenham, Essex

RM10 7BN

## Further Support, Tools & Guidance

- The latest version of the Whistleblowing Policy and all of our documents can be obtained from either contacting the Group Manager – Internal Audit directly or by visiting our intranet pages:

[Hyperlink?](#)

- If you have any comments or feedback to do with this document, we would like to hear from you, so please get in touch and email us at the following address:

[david.greenfield@lbbd.gov.uk](mailto:david.greenfield@lbbd.gov.uk)