

# Whistle Blowing Policy 2023/24

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# Whistle Blowing Policy

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**Note:** Please be aware that any printed copies of this document may not be the most recent version. You should check on the Intranet to ensure that you are using the current version.

## **1. Statement of Intent**

**1.1** The London Borough of Redbridge is committed to achieving the highest possible standards of service, including openness, honesty and accountability. In line with that commitment we encourage employees with concerns about any aspect of the Council's work to come forward and voice those concerns. It is intended that the Whistleblowing Policy enables individuals to raise concerns in a confidential manner and it is recognised that certain cases will have to proceed on a confidential basis. This Policy document makes it clear that individuals can do something without fear of reprisals.

**1.2**

**1.3** This Whistle Blowing Policy is intended to encourage and enable individuals to raise serious concerns within the Council rather than ignoring a problem or reporting the matter outside of the Authority.

## **2. Aim and Scope of the Policy**

**2.1** This policy aims to:

**Encourage individuals to feel confident about raising a concern in confidence**

**Encourage individuals to question practice and act upon any concern**

**Provide clear channels for raising concerns**

**Ensure individuals receive a response to concerns raised and are clear about how to pursue matters if not satisfied**

**Provide reassurance that individuals will be protected from possible reprisals victimisation when raising a concern in the public interest where they reasonably believe something is wrong.**

**2.2** Under the Council's Anti-Fraud & Corruption Strategy, individuals have a duty to raise with their manager any concerns they may have. However, if they feel they are unable to do so, they should use the alternative contact provided within the Whistleblowing Policy. Line managers should be aware of when issues fall under the scope of the Whistle Blowing Policy and follow the Whistle Blowing procedures.

**2.3** This policy applies to all:

**Employees (including trainees and apprentices)**

**Workers (not directly employed by the Council) i.e., agency and casual workers**

**Contractors**

**Suppliers**

**Organisations working in partnership with the Council**

**2.4 Concerns which would be appropriate to report include the following issues, where they affect or are relevant to the London Borough of Redbridge:**

**Any unlawful act (e.g., theft)**

**Health and safety risks, either to the public or other employees**

**The unauthorised use of public funds (e.g., expenditure for improper purpose)**

**The demonstration of extremist behaviour or suspected of radicalisation**

**A breach of the Employee Code of Conduct**

**Maladministration through not adhering to procedures, negligence (such as concerns the Council has failed to properly address notified issues through its established formal channels and arrangements, for example those established to receive and investigate concerns about the abuse of children and or vulnerable adults (NB concerns about safeguarding in the first instance should be reported through existing and separate arrangements))**

**Maladministration through failure to fulfil legal obligations e.g., prevention, identification, and notification of suspected modern slavery**

**Failing to safeguard personal and/or sensitive information (data protection)**

**Damage to the environment (e.g., pollution)**

**Fraud and corruption (e.g., to give or receive any gift/reward as a bribe)**

**Abuse of power**

**Poor value for money**

**Other unethical conduct**

**Any deliberate concealment of information tending to show any of the above.**

### **3. Issues not covered by the policy**

**3.1 Issues and complaints from employees in respect of their employment are not within the scope of this Policy and are covered by alternative Council policies and procedures, e.g., Grievance. These must be dealt with by contacting the relevant manager within their service in the first instance.**

**3.2 This policy does not cover the reporting of safeguarding concerns to Council staff to investigate as there are already established formal processes for doing this. However, see section 2.4, where the policy could be used if there were concerns that reported issues had not been effectively addressed.**

### **4. Protecting the Whistleblower**

**4.1 This policy has been written in line with the Public Interest Disclosure Act (PIDA) 1998, which protects whistleblowers from reprisals as long as they meet the rules set out in the Act. The main features of the PIDA s are:**

**Workers have the right not to be victimised or dismissed as a result of a disclosure which is protected by the Act;**

**Protection provided by the Act is not subject to any qualifying period of employment;**

**Where a whistleblower is victimised as a result of their whistleblow, they can bring a claim at an employment tribunal for compensation. Awards are based on losses suffered and are unlimited;**

**A disclosure will not qualify for protection unless it is made in the public interest and tend to show one or more number of issues listed above;**

**The term "workers" relates to employees, including trainees and apprentices. This also extends to workers not directly employed by the Council (i.e. contractors, agency workers and casual workers).**

**4.2 The Council has made clear its commitment to the Whistle Blowing Policy at all levels, including Members, Senior Leadership Team and Heads of Service/Operational Directors.**

**4.3 If, however, individuals raise malicious unfounded concerns, attempt to make mischief or personal gain, this will also be taken seriously and may lead to disciplinary action in accordance with the Council's Disciplinary Policy and Procedures.**

## **5. Anonymity and Confidentiality**

**5.1 All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of the whistleblower if they so wish, unless a disclosure is required by law.**

**5.2 The best way to raise a concern is to do so openly. Individuals are encouraged to provide their details when raising a concern. Openness makes it easier for the Council to investigate the matter and obtain further information.**

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

**The seriousness of the issue raised;**

**The credibility of the concern; and**

**The likelihood of confirming the allegation from other sources.**

## **6. How to raise an issue**

- 6.1 Employees (and individuals who are not directly employed by the Council, i.e. agency and casual workers) should report their concerns to their line manager in the first instance.
- 6.2 However, if the employee/worker believes the manager is themselves involved in the malpractice, they should report directly to their Head of Service/Operational Director.
- 6.3 The employee/worker may also directly approach one of the following senior officers (depending on the seriousness of the alleged malpractice and the seniority of any officers who may be involved).

Counter Fraud Manager	<a href="mailto:Emma.Vick@Redbridge.gov.uk">Emma.Vick@Redbridge.gov.uk</a> 07741 331040 020 870 85255
Head of Audit and Investigations	<a href="mailto:Greg.Mortimer@redbridge.gov.uk">Greg.Mortimer@redbridge.gov.uk</a> 020 8708 5412
Online reporting	<a href="https://www.redbridge.gov.uk/about-the-council/reporting-concerns-fraud-and-wrongdoing/">https://www.redbridge.gov.uk/about-the-council/reporting-concerns-fraud-and-wrongdoing/</a>
Counter Fraud Team reporting number	0800 633 5267
Chief Executive Officer	<a href="mailto:Claire.Symonds@redbridge.gov.uk">Claire.Symonds@redbridge.gov.uk</a>
Corporate Director of Resources (S151 Officer)	<a href="mailto:Maria.Christofi@redbridge.gov.uk">Maria.Christofi@redbridge.gov.uk</a>
Operational Director of Assurance (Monitoring Officer)	<a href="mailto:Pervinder.Sandhu@redbridge.gov.uk">Pervinder.Sandhu@redbridge.gov.uk</a>

- 6.4 Individuals may also seek guidance on whistleblowing from their Union, or Professional Body ([click here to see a list of the Trades Unions recognised by the Council](#)). Additional information can also be obtained from the whistleblowing charity [Protect, formally Public Concern at Work](#) and the [Advisory, Conciliation and Arbitration Service \(ACAS\)](#).
- 6.5 Once a whistleblower has reported the matter, it will be assigned to an appropriate officer to investigate, in order to demonstrate whether there are sufficient grounds for concern. In some cases, the whistleblower may be asked to provide evidence as a witness. If a whistleblower declines to be a witness, it may not be possible to pursue an investigation if it is not possible to gain sufficient evidence from other sources.

## 7. What the Council will do

- 7.1 All whistle blowing notifications received will be reported to the Counter Fraud Team and Head of Audit and Investigation and recorded on a central record.

- 7.2 Any action taken by the Council will depend upon the nature of the concern raised. It may:
- Be investigated internally by managers, Internal Audit or Human Resources
  - Be investigated by the Council's external auditor
  - Be referred to the Police
  - Form the subject of an independent enquiry.
- In the case of extremism or radicalisation be referred to [Prevent or Channel](#) for support.
- 7.3 It may be possible to resolve some concerns by agreed action without the need to carry out an investigation. If urgent action is required this will take place before any investigation is conducted.
- 7.4 Concerns of a potentially criminal or unlawful nature will be dealt with in line with the Council's Fraud Referral Response Plan Other matters will be considered individually and investigated appropriately.
- 7.5 Once a concern is raised, initial enquiries will be made to determine whether an investigation is needed and what form it should take. If it is determined that the matter is not in the public interest then the concerns or allegations will be dealt with under the appropriate internal Council procedure (e.g. grievance, harassment). This will protect the individuals involved from potential public disclosure, where this is not warranted.
- 7.6 If the whistleblower provides contact details, they will receive an acknowledgement within 10 working days and an outcome letter/email to state one of three outcomes:
- Management action to be taken and/or monitoring (without specifying details, for reasons of confidentiality)
  - Not able to pursue (e.g., insufficient evidence/information)
  - No further action required.
- 7.7 The whistleblower should report to the relevant officer if he/she or they believe that they are suffering a detriment for having raised a concern.
- 7.8 The outcome of each case will be dealt with depending on the findings of the investigation:
- Prosecution/ disciplinary action - Action should be taken in line with the Council's Anti-Fraud & Corruption Strategy, which has been approved by Cabinet and which states "we will take the strongest possible action against offenders in deterring against any fraudulent activity within the organisation and services provided to the public, and to this end we will seek prosecution

wherever appropriate";

**Management action / monitoring - where there is no evidence of any wrongdoing, but weaknesses or loopholes have been identified. In these cases management are required to make improvements to ensure that further instances do not occur;**

**Not possible to pursue - these cases usually occur where there is inadequate evidence or as a result of inadequate information from the Whistleblower, possibly where the individual wishes to remain anonymous and it is not possible to discuss the matter further to gather more facts; and**

**No further action required - the investigation provides sufficient evidence to show that the concern or allegation is unfounded.**

- 7.9 The officer investigating the matter will need to maintain adequate and appropriate contact with the whistleblower. It is likely that the whistleblower, if not anonymous, will be interviewed to ensure that the disclosure is fully understood.**
- 7.10 Where any meeting is arranged, the whistleblower has the right to be accompanied by a Trade Union or Professional Association Representative or a current employee of the Council who is completely independent of the allegation and the Department to which it relates.**
- 7.11 The Council will do what it can to minimise any difficulties the whistleblower may have as a result of raising a concern. For instance, HR can provide guidance for whistleblowers when giving evidence in criminal proceedings. Guidance and support is also available from the whistleblower's Trade Union.**
- 7.12 The whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, information about the outcomes of any investigations will be provided at an appropriate time.**

## **8. How matters can be taken further**

- 8.1 If the whistleblower is not satisfied with the outcome of an investigation, they should contact the Head of Audit, explaining why this is the case. The matter may be investigated further if the whistleblower can identify evidence that was not previously available or was overlooked at the time. However, the Head of Audit's and Investigations' decision will be final.**
- 8.2 This procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council would prefer that a serious concern is raised responsibly rather than not at all. If the employee does not feel comfortable reporting their concern to the specified officers in the Council or has done so but does not feel satisfied with the outcomes, there is the option of approaching a Councillor or external organisation (see suggested list below):**

**Local Councillor (if employee is a resident of the**



Leader of the Council (if employee resides outside of the Borough) Member of Parliament

The Councils' external auditor

Regulatory Authorities, depending on the nature of the concern. For example; HMRC, FSA, OFT, Health & Safety Executive, Environment Agency, DPP, Department of Health, CQC and Ofsted

A relevant 'prescribed body'. A full list of such bodies is available at: [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

The Police.

## 9. Corporate recording and monitoring

9.1 All outcomes from investigations will be maintained in a central record so that the Council can identify potentially serious problems and trends which need to be addressed. Data relating to the performance of the Policy is regularly provided to relevant Councillors, Corporate Directors, Head of Service/Operational Directors, Officers and External Audit as appropriate. Information relating to the initial report and subsequent information is always treated in strictest confidence.

9.2 The Comptroller and Auditor General, National Audit Office is a prescribed person to whom employees can make disclosures relating to 'the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public service'. The contact number is 020 7798 7999 or email [enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk)

9.3 A concern raised externally will only be protected and count as a qualifying disclosure under the legislation only if the following apply:

The report is in the public interest (if the employee honestly and reasonably believes the information and any allegation contained in it to be substantially true)

The allegation has not been made for personal gain

The allegation has already been raised with the Council, unless the employee reasonably believes that they would be victimised or that there would be a cover-up or that the matter is exceptionally serious.

## 10. Summary

10.1 Whistleblowers should:

Make an immediate note of their concerns.

Note all relevant details, such as what was said in telephone or other conversations, the date, time and names of parties involved.

Note any documentary evidence that may exist to support their concerns but do not interfere with this evidence.

**Report concerns to their line manager or to those listed above in paragraph 6.1.**

**Deal with the matter quickly. Any delay could allow the problem to continue and escalate and for evidence to disappear.**

**Think about risks and possible outcomes before taking action.**

**Follow the guidance provided and contact the appropriate officer.**

**Whistleblowers should not;**

**Do nothing and let their concerns go unreported. Be afraid of raising concerns.**

**Approach and accuse individuals directly.**

**Try and investigate the matter themselves.**

**Convey their suspicions to anyone except those of the proper authority as set out in the Council policy.**

**Use the whistleblowing procedure to pursue a personal grievance.**