**LONDON BOROUGH OF**

**WALTHAM FOREST**

**WHISTLEBLOWING POLICY**

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**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 This 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 current and former employees and those providing services to the Council (the Whistle blower) 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, former employees and those contractors and their staff working for the Council agency staff, homeworkers, consultants, and external contractors. It also covers elected members. The term Whistleblower covers all those mentioned in this paragraph.

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 whistleblower reports suspected wrongdoing at work. Officially this is called making a ‘qualifying disclosure’ in the public interest. A whistleblower 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 the whistleblower to feel confident in raising serious concerns and to question and act upon concerns about practice;
* provide avenues for the whistleblower to raise those concerns and receive feedback on any action taken;
* ensure that whistleblowers receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
* reassure whistleblowers 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 employees to lodge a grievance relating to their own employment. The Council’s Fairness At Work Policy is available to Council staff via ForestHub.

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.

(g) Child protection and safeguarding issues(h) Modern slavery is the illegal exploitation of people for personal or commercial gain, often in horrendous conditions which the victim cannot escape. The Council is committed to ensuring that this exploitation does not occur in any of the council’s activities and that staff and residents have the opportunity to report suspicions to the appropriate place. Staff who suspect that modern slavery may be happening through any of the council’s activities, particularly in service delivery via third parties, should contact the council’s Monitoring Officer immediately.

3.3 This policy does **not** replace the Council’s complaints procedure or the grievance procedure.

3.4 This policy also covers those matters that don’t fall under the scope of PIDA but are nevertheless considered by the Monitoring Officer to come within the scope of this Policy. Any matters that are determined to come within scope of the policy will be provided with automatic protection for the whistleblower in the same way as is afforded under the PIDA., as set out in paragraph 8

3.5 This policy and procedure is strongly recommended for adoption by School Governing bodies, following consultation with their staff. Governing bodies are urged to adhere to the principles outlined within this policy and procedure. Where this policy and procedure makes reference to a manager, in schools this normally will be the Head Teacher.

**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 whistleblowers.

4.1.2 The Council recognises that the decision to report a concern can be a difficult one to make.

4.1.3 The Council will not tolerate any harassment or victimisation (including informal pressures) from a whistleblower’s colleagues, peers, managers or from external sources, and will take appropriate action to protect whistleblowers when they raise a concern in good faith.

4.1.4 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 whistleblower’s identity confidential if they so wish. However, a Whistleblower’s ability to rely on the confidentiality afforded by the whistleblowing policy may be lost if they expose themself as the whistleblower, 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, the Whistleblower may need to come forward as a witness.

**4.3 Immunity from Disciplinary Action**

4.3.1 If the whistleblower brings information about a wrongdoing to the attention of their employers, they are protected in certain circumstances under the PIDA and/or this wider policy. However the whistle-blowing policy does not provide a whistleblower with immunity from disciplinary action if they have:-

* + - undertaken inappropriate or unethical conduct;
    - failed to materially 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 ERRA, the whistleblower 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 Concerns expressed anonymously will be considered at the discretion of the Council taking into account the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources

**6 HOW TO RAISE A CONCERN**

6.1 As a first step, a whistleblower 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 whistleblower believes that management is involved, they should make their disclosure to the Director of Governance and Law mark.hynes@walthamforest.gov.uk

Alternatively, if you are good reasons why you are unable to make the disclosure to the Director of Governance and Law you can make the disclosure to the Chief Executive.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 whistleblower is particularly concerned about the situation.

6.3 The earlier a whistleblower expresses their concern the easier it is to take act on.

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

6.5 A whistleblower can obtain advice/guidance on how to pursue matters of concern by contacting the Council’s HR Service.

6.6 If ultimately a whistleblower feels they have to take the matter externally, they may contact Protect https://protect-advice.org.uk. Protect are a registered charity who deal with whistleblowing allegations and whose services are free and strictly confidential. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.

6.7 Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at [www.acas.org.uk](http://www.acas.org.uk/).

6.8 In circumstances where a whistleblower decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA

**7 HOW THE COUNCIL WILL RESPOND**

7.1 Upon receiving an allegation, the Director of Governance and Law will consider its content, the issues and risks identified, the seriousness of the concerns 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 other 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 and Law will contact the whistleblower 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 whistleblower whether any initial enquiries have been made and whether further investigations will take place, or if not why; and
* supply the whistleblower with information on staff support mechanisms.

7.6 The amount of contact between the Director of Governance and Law or the officers considering the issues and the whistleblower 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 whistleblower

7.7 The Council will take steps to minimise any difficulties which a whistleblower may experience as a result of raising a concern. For instance, arranging meetings away from the workplace or where a whistleblower is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for the whistleblower to receive advice about the procedure.

7.8 The Council accepts that a whistleblower may need to be assured that the matter has been properly addressed. The Council will therefore inform the whistleblower of the outcome of any investigation, subject to legal constraints.

**8 THE RESPONSIBLE OFFICER**

8.1 The Director of Governance and Law has overall responsibility for the Whistleblowing Policy and operation of this policy and procedure. This officer maintains a record of concerns raised and the outcomes and will report as necessary to the Council (but in a form which does not endanger confidentiality). All concerns raised through this policy and procedure should be reported to the Monitoring Officer by the manager with whom the concern was originally raised.

**9 HOW THE MATTER CAN BE TAKEN FURTHER**

9.1 This policy is intended to provide a whistleblower with an avenue within the Council to raise concerns, and hopes that the whistleblower 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:

* Protect (020 3117 2520 ), a registered charity whose services are free and provide confidential support to whistleblowers;
* The external auditor;
* Relevant trade union;
* Citizens Advice Bureau;
* Relevant professional bodies or regulatory organisations;
* Relevant voluntary organisation;
* The police.
* Anybody who has a whistleblowing concern about any local authority’s Children’s safeguarding services or practice can use Ofsted’s Whistleblowing Hotline: 0300 1233155, email address: whistleblowing@ofsted.gov.uk, or write to the Ofsted whistleblowing team at: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WDThe Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP Tel: 020 7798 7999 [www.nao.org.uk/contact-us/#](http://www.nao.org.uk/contact-us/#)
* The Information Commissioner’s Office is an independent public body set up to promote access to official information and protect personal information. For contact information see their website [www.ico.org.uk](http://www.ico.org.uk/).
* The Health and Safety Executive is responsible for enforcing health and safety in the workplace. For contact details see their website <http://www.hse.gov.uk/contact/concerns.htm>
* The Care Quality Commission is the independent regulator of all health and adult social care in England. For contact details see their website:<https://cqc.org.uk/contact-us>
* A full list can be found at

https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescri bed-people-and-bodies--2. I

9.2 If a whistleblower does take the matter outside the Council, they should ensure that they do not disclose confidential information. It will rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external, and if you do so you must be careful not to reveal any confidential information unlawfully.