

Waltham Forest - Whistleblowing Policy

Introduction

All of us at one time or another have concerns about what is happening at work. Usually, these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do. Therefore, any significant concern that a member of staff has about any aspect of service provision, or the conduct of officers or members of the Council, or other parties acting on behalf of the Council which may be

unlawful
and/or
against the Council's Financial Procedure Rules and policies and/or
established standards of practice,

can and should be reported under this Policy.

This may include fraud, corruption, or any type of malpractice by officers.

There is also a specific complaints unit, which you can contact for Social Services.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something, but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The London Borough of Waltham Forest has introduced this procedure to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

If something is troubling you, which you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position, please use the Grievance Procedure - which you can get from your manager or personnel officer. Whistleblowing is **not** a substitute for the Council's Grievance, Capability or Disciplinary Procedure and is not a channel for staff to raise grievances relating to their own employment. Staff have access to the Council's Grievance Procedure to raise matters relating to their conditions of employment and personal circumstances. These arrangements are clear and well understood.

This Whistleblowing Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk.

If in doubt - raise it!

Our Assurances to you

Your safety

The Management Board and Chief Executive are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue. Whistleblowing does not provide immunity from disciplinary action.

Your confidence

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may, nonetheless, want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance, because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not appropriate for concerns raised anonymously.

How we will handle the matter

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him / her and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can.

If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

A referral of a concern will be acknowledged, and, where possible, an indication of how management proposes to deal with the matter. An indication of the likely time-scales involved in providing a final response will also be provided. If it is not possible for initial enquiries to be completed within ten days the letter of acknowledgement will explain the situation. If a decision is made not to investigate, a brief explanation would be provided of the reasons for the decision.

The Council's Disciplinary Rules and Staff Code of Conduct requires that members of staff do not disclose confidential, false or misleading information. In considering taking a concern outside the Council, staff should be aware of their duty of confidentiality and ensure that the matter is raised without confidential information being divulged

How to raise a concern internally

Step one

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager. This may be done orally or in writing.

Staff may raise any concerns about the provision of services to a specific client or to a group of clients through the appropriate specific procedure where one exists, for example, Social Services and Education.

Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

The Head of Human Resources – on 0208 496 4407

The Head of Service

The Head of Audit, Fraud & Risk – on 0208 496 4801

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

The telephone number which is exclusively for Whistleblowing is **020 8496 4299**.. This is a direct line to the Corporate Audit, Fraud & Risk service who administer this policy.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Chief Executive – on 0208 496 4201

The Audit Commission on 0207 828 1212

Matters should be raised in confidence and not discussed with other parties. Due regard should be taken to slander or libel.

Disciplinary action may be taken against any member of staff who is discovered to have made allegations falsely and maliciously. In addition, a concern that is sincerely felt and expressed may, on investigation, prove to be unfounded. The Council will try and ensure that the negative impact of either a false or unfounded allegation on any "accused" person is minimised but acknowledges that it will not be possible to prevent all of the repercussions potentially involved.

The Public Interest Disclosure Act 1998 covers this policy. It applies to people at work, this means employees, workers, contractors, agency staff and trainees. Disclosure may be protected if the whistleblower has an honest and reasonable suspicion that the

malpractice has occurred or likely to occur. There may be disclosure to other prescribed persons e.g. Inland Revenue or to others such as the Police. We will also work within the Human Rights Act at all times.

If you want further guidance on this you may seek advice independently or obtain a copy of the Act from the Corporate Audit, Fraud & Risk service.

Independent advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- the independent charity Public Concern at Work on 020 7 404 6609 or www.pcaw.co.uk Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.
- The Audit Commission on 0207 828 1212.

External contacts

While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. Public Concern at Work will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

If you are dissatisfied

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

Monitoring the Policy

The Corporate Audit, Fraud & Risk service will maintain a record of all matters raised through the Whistleblowing Policy in order that an assessment may be made of the effectiveness of the policy and any emerging patterns. If calls are received by any other parties they should inform the Corporate Audit, fraud & Risk service so that the referral may be recorded.

The Whistleblowing calls will be routed through the Council's Corporate Audit, Fraud & Risk service. Any referrals, which are not fraud, or audit related will be forwarded to the relevant Executive Director for their action. The Head of Audit, Fraud & Risk will maintain a central list of allegations and actions in response to allegations and will report these as necessary. Feedback will be required from Directorates on calls received and action taken. The Head of Audit, Fraud & Risk will require notification from Directorates if they receive allegations directly. A list of standard forms will be circulated for use. The Audit and Anti-Fraud Teams will report on Whistleblowing matters to the relevant council committees and senior management at agreed times.