

Assurance & Counter Fraud

Whistleblowing Policy

June 2016

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The councils commitment to the Whistleblowing Policy

This Whistleblowing Policy sets out the Council's commitment to ensuring compliance with the requirements of the Public Interest Disclosure Act 1998 as amended by the Enterprise and Regulatory Reform Act 2013. The council has designated the Monitoring Officer as Whistleblowing Officer.

What are the aims and requirements of this policy?

The Council wishes to encourage and enable employees and persons providing services on behalf of or to the council to raise serious concerns within the Council rather than overlooking the issue or 'blowing the whistle' outside.

For that reason, this policy has been put in place to make sure that if you want to come forward and raise any concern within the remit of this policy, 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 those designated as casual, temporary, agency, contractors, consultants, authorised volunteers or work experience. It also covers those working for suppliers/providing services under a contract with the Council where this or an equivalent whistleblowing policy is in force.

To ensure your concern is treated as whistleblowing, you must identify yourself and the policy is in place to encourage this. We will consider anonymous allegations but it is less likely that we will conduct an investigation and achieve a successful outcome.

Executive Summary

Sometimes employees and those who contract with the council are the first to spot that something is wrong and putting the council and/or its residents at risk, but are reluctant to act for fear of not being taken seriously, that their concerns may not be justified or that they may be victimised for speaking out.

Legislation is in place to protect those that raise legitimate concerns in the public interest and in the right way.

This policy sets out the concerns that are dealt with under the whistleblowing procedure, the way in which you may raise concerns and how the Council will respond to those concerns.

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It is 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 is the reporting of suspected or ongoing wrongdoing at work.

We are committed to being open, honest and accountable. For this reason, concerns about malpractice and impropriety are taken very seriously. We want you to be able to raise any concerns that the interests of others and the Council (and therefore residents of Barking and Dagenham) are at risk, within the Council rather than overlooking the issue or 'blowing the whistle' outside.

This is because 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 concerns. This policy has been put in place to make sure that if you want to come forward and raise any concern which you feel relate to illegal, improper or unethical conduct, 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?

The whistleblowing policy applies to all staff including those designated as casual, temporary, agency, contractors, consultants, authorised volunteers or work experience. It also covers those working for suppliers/providing services under a contract with the Council where this or an equivalent whistleblowing policy is in force.

To ensure your concern is treated as whistleblowing, you must identify yourself and the policy is in place to encourage this. We will consider anonymous allegations but it is less likely that we will conduct an investigation and achieve a successful outcome.

What types of action are covered by the policy?

The policy is intended to deal with serious or sensitive concerns about wrongdoings that are in the public interest – referred to as public interest disclosures.

When you raise a concern under the whistleblowing policy it must be in the reasonable belief that it is in the public interest to do so. We may ask you to sign a declaration to ensure you understand this principle.

Examples of concerns that may be in the public interest are suspected or ongoing actions that fall into the following categories – the list of actions under each category is not exhaustive.

Criminal Offences

- Misuse of Council funds
- Other fraud or corruption
- Bribery
- An unlawful act
- A person abusing their position for any unauthorised use or for personal gain
- Improper or unauthorised use of Council money

Failure to comply with legal obligations

- A person deliberately not keeping to a Council policy, official code of practice or any law or regulation
- A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life

Actions which endanger the health or safety of any individual

- Service users, children or students, particularly children and adults in our care being mistreated or abused
- Any other danger to health and safety

Actions which cause damage to the environment

- The environment being damaged (for example, by pollution)

Actions which are intended to conceal any of the above

- 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 contract of employment. These complaints are dealt with through our Grievance or Managing Performance at Work 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:

<https://www.lbbd.gov.uk/council/councillors-and-committees/councillors/complaints-about-councillors/how-to-complain-about-a-councillor/>

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 procedures.

Protecting you

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

When you make a protected disclosure you have the right not to be dismissed, victimised or subjected to any other detriment because you have made a disclosure. Therefore, we will not tolerate any harassment or victimisation of a whistleblower and will treat such actions as a serious disciplinary offence which will be dealt with under the council Disciplinary Procedure.

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.

How to raise a concern

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

Alternatively you may also raise concerns with your Director.

Note whistle blowing concerns that relate to professionals who:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

Will need to refer the concerns to the Local Authority Designated Officer (LADO) in Children Services lado@lbbd.gov.uk, who will determine if a specific child protection investigation is required.

Concerns that involve financial malpractice should always be raised with the Assurance & Counter Fraud Group.

If you prefer, or you do not work for the Council, you can contact the Assurance & Counter Fraud Group direct in any of the following ways:

- By writing to the Assurance & Counter Fraud Group at:
Whistleblowing, London Borough of Barking and Dagenham, Ground Floor, Civic Centre Annexe, Dagenham, Essex. RM10 7BN.

(Write 'Private and Confidential' on your envelope)

- By phoning the Whistleblowing line on 020 8227 2541. You can leave a confidential voice-mail message 24 hours a day.
- By sending an e-mail to: whistle-blowing@lbbd.gov.uk

To maintain confidentiality you are advised not to copy other people into your message to the whistleblowing mailbox

If for whatever reason you feel your concerns cannot be reported by way of the above reporting options, your concerns can be directed to the council Whistleblowing Officer:

Monitoring Officer, Legal and Democratic Services, London Borough of Barking and Dagenham, First Floor, Civic Centre Annexe, Dagenham, Essex. RM10 7BN.

(Write 'Private and Confidential' on your envelope)

If you are putting your concerns in writing it is best to give as much information as possible - including any relevant names, dates, places and so on.

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.

You are strongly encouraged to raise your concerns in one of the ways set out above, but if you feel you are unable to raise the matter internally, or feel unsatisfied with any action we take, you could contact our external auditor, the National Audit Office or any of the prescribed persons/organisations a list of which, and the issues they are able to deal with, is available on the Department for Business, Innovation & Skills website at www.gov.uk.

You can get independent advice or support from an organisation called Public Concern at Work. Their contact details are:

Public Concern at Work
CAN Mezzanine
7 - 14 Great Dover Street
London SE1 4YR

Phone: 020 7404 6609

E-mail: whistle@pcaw.org.uk

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.

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.

Further Support, Tools & Guidance

The latest version of the Whistleblowing Policy and all of our documents can be obtained either by contacting the Assurance & Counter Fraud Group directly or by visiting our intranet pages:

<http://lbbdstaff/FR/Pages/CounterFraud.aspx>

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:

caft@lbbd.gov.uk