



WHISTLEBLOWING POLICY

1 Introduction

Purpose

- 1.1 At Hounslow, we know that staff care about their jobs, their working environment and the wider goals which the Council is striving to achieve. When staff become aware of wrongdoing taking place, this concerns them and they want to be able to report it.
- 1.2 The purpose of the Whistleblowing Policy is twofold:
- to provide staff with a clear and safe route for reporting concerns
 - to gather information about concerns and, once investigated, to determine whether further action needs to be taken.
- 1.3 Where it is decided that further action is necessary, this will be conducted under the appropriate employment policy, not under the Whistleblowing Policy.

Duty to Report

- 1.4 The Council's priorities and its services to residents are severely jeopardised if employees are engaged in any form of wrongdoing. The Council is reliant on such matters being reported in order that they can be stopped. It is therefore the duty of all employees to raise any concerns about known, or possible, wrongdoing through this Policy.

Protection for Employees

- 1.5 Council Members and the Corporate Leadership Team are committed to this Policy. Staff who raise a genuine concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result, providing they reasonably believe the disclosure is made in the public interest.
- 1.6 If a person is victimised, or subjected to any detriment, by a colleague or agent of the Council for having raised a concern, this will be treated as misconduct and will be investigated under the Council's Disciplinary Policy. If misconduct is discovered as a result of any such investigation, this will lead to disciplinary action being taken.

Malicious Complaints

- 1.7 If an employee maliciously raises a matter, which they know is untrue, this will be treated as misconduct and may lead to disciplinary action being taken.

When should the Policy be invoked?

- 1.8 If an employee has a concern about possible wrongdoing at work, they should report it under this Policy. 'Wrongdoing' covers the following matters: a criminal

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 1 of 8

offence, a failure to comply with a legal obligation, a miscarriage of justice, bribery, endangering the health or safety of an individual, damage to the environment or the deliberate concealment of information tending to show one of these things.

- 1.9 Where staff are aggrieved about issues directly affecting them, they should use the Grievance Policy to pursue their concerns.
- 1.10 Staff who may have concerns about the conduct of a Council Member, should refer to the 'Members Code of Conduct' (see section 3, 'Links').

Who does the Policy apply to?

- 1.11 This Policy applies to all non-teaching employees of the Council, except those employed in schools under the control of Governing Bodies. An employee is as defined in section 43K of the Employment Rights Act 1996. This will therefore include employees, agency workers, independent contractors and trainees.

Legislation

- 1.12 In addition to the provisions of paragraph 1.5 above, the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide staff with further protection from detriment and dismissal for reporting concerns. Employees must comply with this legislation, particularly as regards the nature of the information given and the person or body to whom it is being reported, in order to receive protection. Access to the relevant legislation is set out in section 3, 'Links'.

Financial Irregularities

- 1.13 Nothing in this Policy overrides the Council's duties and responsibilities as set out in the 'Financial Regulations of Hounslow Council'. Internal Audit must be informed wherever a concern, regarding financial matters, is reported. Should a line manager or other recipient of a concern (see paragraph 2.5) require any advice or be unsure about their obligations with regard to financial matters, they should contact Internal Audit.

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 2 of 8

2 Process

Confidentiality

- 2.1 All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly. The Council is committed to maintaining confidentiality as far as is practicable.
- 2.2 Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of the person reporting the concern. Should there be any exceptional circumstances where the whistleblower's identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.
- 2.3 Any breaches of confidentiality may be considered under the Council's Disciplinary Policy.

How to Raise a Concern

2.4 Step One

Staff who have a concern about wrongdoing should first raise it with their line manager or a more senior manager (see paragraph 1.13 for issues regarding financial matters). If the employee has any personal interest in the matter, s/he should inform the manager at the outset.

2.5 Step Two

If staff feel unable to raise the matter with their manager, for whatever reason, there are other people within the Council to whom the concern can be reported:

- Head of Internal Audit
020 8583 2350
- Assistant Director Transformation & HR
020 8583 2100
- A trade union official or Staff Side member
Email: staffside@hounslow.gov.uk

If the concern relates to possible fraud, corruption, financial malpractice or bribery, under the Bribery Act 2010, staff are asked to raise the matter with the Head of Internal Audit, who is best placed to deal with such issues.

2.6 Step Three

If an employee feels that the matter is so serious they cannot discuss it with any of the above, they should contact:

- Assistant Director, Corporate Governance
020 8583 2023

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 3 of 8

How the Council Will Respond

Issues reported outside of line management

- 2.7 When an issue is reported outside the line management, the person receiving the complaint (ie one of the named postholders set out at paragraphs 2.5 and 2.6) will assess the concerns and determine whether or not further investigation is appropriate.
- 2.8 Where staff report concerns anonymously, it is much more difficult for the matter to be looked into. Consequently, anonymous reports will be considered at the discretion of the person to whom the matter is reported.
- 2.9 Where further action is required, the recipient will send a factual report to an appropriate manager asking them to investigate. The identity of the whistleblower must not be disclosed to the investigating manager.
- 2.10 If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of their identity. This seeks to preserve the anonymity of the whistleblower while the concerns are investigated.
- 2.11 In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g. the Police, the External Auditor, or they may discuss, with the Chief Executive, the option of an independent enquiry involving people from outside the Council.

Issues reported to the line manager

- 2.12 When an issue is reported to the line manager directly, the manager should consider the most appropriate means of dealing with the concern. The manager may wish to take advice, either from their own manager or from one of the senior managers listed at paragraphs 2.5 and 2.6, before proceeding.
- 2.13 The manager must ensure that the identity of the whistleblower is kept confidential in any investigation of the case.
- 2.14 The line manager must notify one of the senior managers listed at paragraphs 2.5 and 2.6 that a concern has been reported and of the outcome of any investigation. This is for monitoring purposes.

Investigation

Outset

- 2.15 The investigating manager must have had no involvement in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.
- 2.16 Should any further information be required from the whistleblower, the investigation manager will discuss this with the named postholder (see

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 4 of 8

paragraphs 2.5 and 2.6), who will be responsible for contacting the whistleblower.

Conclusion

- 2.17 At the conclusion of the investigation, the manager may wish to make recommendations or there may be action required under other employment policies.
- 2.18 Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying their line management as appropriate.
- 2.19 Where further action is recommended in respect of other staff, the investigating manager should contact the relevant line manager (or senior manager / Chief Officer) and discuss an appropriate way forward.
- 2.20 Where action under the Council's Disciplinary Policy is recommended, the investigating manager will present the management case at the Disciplinary Panel.

Notification

- 2.21 The investigating manager must forward a copy of their report to the named postholder, who referred the case to them, along with a note of any further action proposed.

Contact with the Whistleblower

- 2.22 Once an individual has reported a concern, there should not be a need for any further input from them during the process, except as set out at paragraph 2.10.
- 2.23 The named postholder to whom the whistleblower raises the concern should consider whether further support for or liaison with the whistleblower is appropriate and take any steps necessary.
- 2.24 The Council will provide any feedback on the final outcome, which it is appropriate to share. This may mean that the whistleblower does not receive any feedback beyond an acknowledgement that their concerns are being considered.

Raising a Concern Externally

- 2.25 The Council strongly discourages staff from raising concerns externally in the first instance and instead wishes to foster confidence in the internal reporting mechanisms set out in this Policy.
- 2.26 However, the Council would prefer that employees raise issues with an appropriate external contact than not at all. If staff choose to follow this route then, providing that reasonably believe they are acting in the public interest and have evidence to back up their concern, they may wish to contact one of the following:

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 5 of 8

- a relevant prescribed person (see section Four)
- the Police

2.27 Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act.

Confidential Helpline

2.28 Public Concern at Work is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If employees are unsure about whether or how to raise a concern, or if they want confidential advice, they can contact Public Concern at Work (see section 3, 'Links'). Their lawyers offer free, confidential advice to callers.

If Staff Are Dissatisfied

2.29 Whilst the Council cannot guarantee that it will respond to all matters in the way which staff reporting them may wish, it will endeavour to handle matters fairly and properly.

2.30 If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, they can refer to the other levels and named bodies within this procedure.

2.31 Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy have the right to lodge a grievance under the Council's Grievance Policy.

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 6 of 8

3 Links

3.1 The following documents relate to the Whistleblowing Policy and may be useful. They are available on the Council's intranet or internet site. If you do not have access to this, please speak to your line manager or your HR team:

- **Grievance Policy**
Intranet under HR Policies
- **Fraud / Corruption Leaflets**
Contact Head of Internal Audit on 020 8583 2350
- **Code of Conduct**
Intranet under HR Policies
- **Protocol on Relationships between Councillors and Officers**
Intranet under Councillors and Meetings \ Council's Constitution \ List of Other Related Documents\13. Protocol on councillor / officer relationships
- **Members' Code of Conduct**
Intranet under 'Councillors and Meetings' \ Council's Constitution \ Constitution Documents \ 9. Members' code of conduct

3.2 Non-Council documents, are available on the internet. If you do not have access to the internet, please contact your HR team for assistance.

- For information on the **Public Interest Disclosure Act 1998** and the **Employment Rights Act 1996** visit the legislation website at:
<http://www.legislation.gov.uk/ukpga/1998/23/contents>
- For further information about **Public Concern at Work** please visit their website at: <http://www.pcaw.org.uk/>. Their telephone number is 020 7404 6609. To access their confidential helpline please call their main number or email them at whistle@pcaw.org.uk

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 7 of 8

4 List Of Relevant ‘Prescribed Persons’

- 4.1 Staff who feel unable to raise a concern with one of the people listed at paragraphs 2.4 – 2.6, may wish to disclose the matter to one of the following prescribed regulatory bodies. In doing so, staff must reasonably believe that they are acting in the public interest.
- 4.2 The full list of prescribed regulatory bodies is set out on the government website, the link to which is as follows:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf. Of the bodies listed, those which are most likely to be relevant to local authority staff are set out below:

- Commissioners for Her Majesty’s Revenue and Customs
- The Audit Commission
- The Comptroller and Auditor General
- Director of the Serious Fraud Office
- Financial Conduct Authority
- National Crime Agency
- Her Majesty’s Chief Inspector of Education, Children’s Services and Skills
- National Society for the Prevention of Cruelty to Children
- Children’s Commissioner
- Office of Qualifications and Examinations Regulation
- The Information Commissioner
- Environment Agency
- Food Standards Agency
- Health and Safety Executive
- National Health Services Trust Development Authority
- Monitor
- Homes and Communities Agency
- The Pensions Regulator
- Care Quality Commission
- Health and Care Professions Council
- Certification Officer

Effective From	Replaces	Originator	Page No.
1 November 2014	Whistleblowing Policy 1 November 2013	HR Policy Team	Page 8 of 8