**WHISTLEBLOWING POLICY**



**What is Whistleblowing?**

'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council.  The Council support this in our values by putting local people at the heart of decision making in everything we do.

Staff are encouraged and, indeed, expected to raise any concern that they may have, without fear of recrimination. Any concerns raised will be treated in the strictest confidence and will be properly investigated.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Council’s work to come forward and report their concerns at the earliest opportunity so that they can be properly investigated. If something is troubling you, which you think we should know about please use this procedure.

If, however you are aggrieved about your personal position you should make a complaint in accordance with the Dignity at Work Policy. The Dignity at Work policy explains the support available and how to make a complaint to take issues forward.

The Whistleblowing Procedure is predominantly for the expression of concerns where the interests of the Council, their assets, their users or their staff are at risk.

This procedure explains how a person raising a whistleblowing concern will be protected from victimisation and harassment.

**Who can raise a concern under this policy?**

The Policy applies to all:

* Employees of the Council
* Those providing services under a contract or other agreement with the Council, and
* Voluntary workers working with the Council

The Principles also apply to;

* Employees of contractors working for the Council, for example, agency staff, and consultants

**What should be reported?**

The law provides the types of concerns covered by the policy and are called qualifying disclosures and they include;

* Criminal offences (including fraud or misuse of public funds or other assets)
* Failure to comply with a legal obligation
* Miscarriages of justice
* Threats to people's health and safety
* Damage to the environment
* Covering up any of the above

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

**Protection**

The Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure. Victimisation of a member of staff for raising a qualified disclosure will be a disciplinary offence.

The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern.  For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

**Untrue allegations**

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and you have nothing to fear.

However, if you make an allegation frivolously, maliciously or for personal gain, appropriate action will be taken that could include disciplinary action.

**How to raise a concern**

You may raise your concern by telephone, in person or in writing.  The earlier you express your concern, the easier it is to take action.  You will need to provide as much detail as possible including:

* The nature of your concern and why you believe it to be true
* The background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and there are reasonable grounds for your concern.

**Who should you raise your concern with?**

In the first instance, you should normally raise concerns with, as a matter of urgency, your line manager.

If such action would be inappropriate, your concerns should be reported upwards to one of the following persons:

* Your Departmental Director
* Director of HR & OD
* Tri-borough Director of Audit, Risk, Fraud and Insurance
* Tri Borough Head of Fraud

or by email: investigations@rbkc.gov.uk

**Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity.  If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness.

**Anonymous Allegations**

This Policy encourages you to identify yourself when making an allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

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

* The seriousness of the issue raised
* The credibility of the concern, and
* The likelihood of confirming the allegation from other sources

**What will the council do?**

The Council will respond to your concerns as quickly as possible.  Testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Council will be the public interest.  In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. It is likely that you will be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged away from your workplace.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so.

Where appropriate, the matters raised may:

* be investigated by management, internal audit and fraud, or through the disciplinary/grievance process
* be referred to the police
* be referred and put through established child protection/abuse procedures
* form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you:

* acknowledging that the concern has been received
* indicating how the Council proposes to deal with the matter
* supplying you with information on staff support mechanisms
* telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information.  It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

You need to be assured that your disclosure has been properly addressed.  Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

**Independent Advice**

* Although we would hope this policy gives you the reassurance to report any concerns you may have through the internal channels we recognise that there may be circumstances where you feel unable to follow this process and want external advice and support. This support is available from; Public Concern at Work http://www.pcaw.co.uk/. This is an independent charity which exists specifically to offer legal advice and assistance to employees with concerns.
* Trade Unions: employees may wish to be represented by or seek the advice of their staff representative when using the provisions of this policy. The majority of Trade Unions have issued their own guidance on reporting concerns and both Councils endorse the trade union officers' role in this area. The principal staff side contacts are:

 Unison: 🕿 0845 355 0845

GMB: 🕿 020 7736 5683

This policy should be read in conjunction with the whistleblowingprocessfaqs document.