

# Whistleblowing Policy



Leytonstone School

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Signed by Chair of Governors: Kate Lord

Date Ratified by Governors: 28/3/15

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# LONDON BOROUGH OF WALTHAM FOREST WHISTLEBLOWING POLICY

## 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 The 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 employees 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 and those contractors working for the Council on its premises, for example, agency staff, consultants, etc. It also covers suppliers and those providing services to the Council under a contract with the Council in their own premises, for example, care homes.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to directorates. You are responsible for making service users aware of the existence of these procedures.

## 2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - provide avenues for you to raise those concerns and receive feedback on any action taken;
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
  - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The whistle-blowing policy is intended to cover

major concerns that fall outside the scope of other procedures. These include, but are not limited to:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- the unauthorised use of public funds;
- possible fraud and corruption;
- other unethical conduct, such as non-compliance with the Council's Standing Orders, regulations or policies, or conduct that falls below established standards of practice.

2.3 This policy does **not** replace the corporate complaints procedure or the grievance procedure.

### **3. SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

3.1.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.1.3 The Council will not tolerate any harassment or victimisation (including informal pressures) from your colleagues, peers, managers or from external sources, and will take appropriate action to protect you when you raise a concern in good faith.

3.1.4 Any investigation into allegations of potential malpractice will not influence, or be influenced, by any disciplinary or redundancy procedures that already affect you.

#### **3.2 Confidentiality**

3.2.1 All concerns will be treated in confidence and the Council will keep your identity confidential if you so wish. However, your ability to rely on the protections afforded by the whistle blowing policy will be lost if you expose yourself as the whistle blower, or as the source of the allegation, by making it known to others, either before or after making a whistle-blowing referral.

3.2.2 At the appropriate time, however, you may need to come forward as a witness.

#### **3.3 Immunity from Disciplinary Action**

3.3.1 The whistle-blowing policy does not provide you with immunity from disciplinary action and you cannot rely on the protection afforded by the policy if you have:-

- undertaken inappropriate or unethical conduct;

- failed to comply with the Council's policies, procedures or Standing Orders;
- 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;

#### **4. ANONYMOUS ALLEGATIONS**

4.1 This policy encourages you to put your name to your allegation whenever possible and to provide your contact details. Without this information, the Council cannot respond to your concerns and you cannot take advantage of the protection afforded by the policy.

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

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### **5. UNTRUE ALLEGATIONS**

5.1. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously, recklessly or for personal gain, disciplinary action may be taken against you.

#### **6. HOW TO RAISE A CONCERN**

6.1 As a first step, you should normally raise concerns with your 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 you believe that management is involved you should approach the:-

- Director of Human Resources & Organisational Development – on 0208 496 4407
- Assistant Director of Finance (Audit, Fraud & Risk) – on 020 8496 4801
- The Head of Legal and Democratic Services (The Monitoring Officer) – on 020 8496 4848
- The Chief Executive – on 020 8496 4201
- The Waltham Forest Whistleblowing Line – on 020 8496 4299

6.2 Concerns may be raised orally or in writing. Staff who wish to make a written report should include the following information:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

6.3 The earlier you express the concern the easier it is to take action.

6.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

6.5 Obtain advice/guidance on how to pursue matters of concern by telephoning the Waltham Forest Whistleblowing line on **020 8496 4299**.

If ultimately you feel you have to take the matter externally, possible contacts are listed at Section 9 of this policy.

6.6 You may wish to consider discussing your concern with a colleague first, and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

6.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## 7. **HOW THE COUNCIL WILL RESPOND**

7.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

7.2 Where appropriate, the matters raised may:

- be investigated by the Council's Audit, Fraud and Risk Division, particularly if your referral alleges fraud, corruption or other criminal activity ;
- be investigated by management or another appropriate officer of the Council;
- be investigated by the Monitoring Officer if the referral relates to an elected member of the Council;
- be referred to the police or other appropriate external agency, such as Her Majesty's Revenue and Customs (HMRC) or the United Kingdom Borders Agency (UKBA);
- be referred to the Council's external auditor;
- form the subject of an independent inquiry.

- 7.3 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 specific procedures (for example, grievance; fairness at work; formal complaints; child protection; or discrimination issues) will normally be referred for consideration under those procedures.
- 7.4 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.
- 7.5 Within twenty working days of a concern being raised, the responsible person will contact you:
- acknowledging that the concern has been received;
  - indicating how the Council proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made and whether further investigations will take place or if not, why not;
  - supplying you with information on staff support mechanisms; and
- 7.6 The amount of contact between the officers considering the issues and you 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 you.
- 7.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 7.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 7.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **8. THE RESPONSIBLE OFFICER**

- 8.1 The Chief Executive has overall responsibility for the Whistleblowing Policy. The day to day maintenance and operation of the policy will be undertaken by the Assistant Director of Finance (Audit, Fraud & Risk). That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit and Governance Committee of the Council.

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

9.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- Public Concern at Work (tel: 020 7404 6609), a registered charity whose services are free and strictly confidential;
- the external auditor;
- your trade union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the police.

9.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.