



WHISTLE BLOWING POLICY
(HOW TO EXPRESS CONCERNS ABOUT
CONDUCT AT WORK)

IF YOU REQUIRE THIS LEAFLET
IN LARGE PRINT, BRAILLE OR AUDIO FORMAT,
PLEASE CONTACT HUMAN RESOURCES

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General Guidance

Policy Statement

The London Borough of Richmond upon Thames is committed to achieving the highest possible standards of service, including honesty, openness and accountability, and recognises that employees have an important role to play in achieving this goal.

Any of us may at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves, for example, a danger to the public or colleagues, misconduct or financial malpractice, it can be difficult to know what to do.

You may be worried about raising such an issue, 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, to managers or to the Council. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.

The London Borough of Richmond upon Thames has introduced this policy to enable everyone to blow the whistle safely when appropriate so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to 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 issues relating to your employment, please use the Grievance Procedure.

This Whistle Blowing procedure is primarily for concerns where the interests of others or of the Council are at risk.

This policy forms part of the Code of Conduct for Council Employees and replaces the addendum:

“How to express concerns about conduct at work”

Definitions

Richmond upon Thames has a range of policies and procedures, which deal with standards of behaviour at work; they cover, for example, discipline, grievance, discrimination, harassment and bullying, and recruitment and selection. Staff are encouraged to use these procedures when appropriate.

There may be times, however, when the matter needs to be handled in a different way. This policy is intended to deal with serious or sensitive concerns about matters such as the following:

- Malpractice or ill treatment of a client or customer by a member of staff or a criminal offence has been committed, is being committed or is likely to be committed.
- A miscarriage of justice.
- Suspected fraud.
- Disregard for legislation or failure to comply with a legal obligation
- A health and safety risk to an individual or individuals.
- The environment has been, is being or is likely to be damaged.
- Breach of Financial Regulations/Contract Standing Orders.
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct
- That any matter falling within one of the above categories has been or is likely to be concealed.

Who is covered by the Procedure

All employees, contractors (and their staff) , partner agencies (including the health authority and voluntary sector groups), agency workers, consultants, trainees and self-employed people providing work for the Council may raise issues under this procedure outlining any concerns.

Our Commitment to You

1. Your Protection

The Council is committed to this policy. If you raise a genuine concern in accordance with 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 (honestly), it does not matter if you are mistaken or if there is an innocent explanation for your concerns. So please do not think we will ask you to prove it. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue. Disciplinary action will be taken against employees who knowingly make false allegations.

2. Your Confidence

The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless be anxious. If so, you can ask to talk to someone in private. If you ask us not to disclose your identity, we will consider this carefully with you first. Your identity may also need to be shared with other senior officers and/or Members during the investigation, but you will be told if this is the case. 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 a disciplinary procedure or in court), we will discuss with you whether and how we can proceed.

3. Anonymous Concerns

Remember that if you do not tell us who you are, it will be much more difficult for your concern to be investigated and for us to protect your position or give you feedback. Accordingly, while we will consider anonymous reports, we cannot use this policy to investigate concerns raised anonymously.

WHAT YOU SHOULD DO

1. The Normal Procedure

These notes explain what you need to know and the steps you should take if you have any concerns. The procedure is in addition to that outlined in Standards in the Code of Conduct (see **Appendix 1** "How to Raise Concerns").

If you have concern, we hope you will feel able to raise it in your team or with your line manager so that it can be resolved locally.

If you don't feel you can raise it with your team or line manager or you have and it has not worked, please raise the matter with your Assistant Director/ Head of Department. You should say if you want to raise the matter in confidence so that the appropriate arrangements can be made.

2. Taking it Further

If these steps have been followed but have not worked or you feel the matter is so serious that you cannot discuss it with any of the above, please contact one of the following:

- The Council's Monitoring Officer, Richard Mellor, Head of Legal & Electoral Services, on 020 8891 7130. (Legal Services staff can contact June Hall, Corporate Head of Human Resources on 020 8891 7108.)
- The Joint Heads of Internal Audit & Risk Management Alix Wilson on 020 8891 7291 or Diana Neaves on 020 8891 7248
- The Chief Executive on 020 8891 7167
- The Chair of the Audit Committee (contact the Committee Clerk on 020 8891 7156)
- If your concerns involve potential fraud or criminal activities the Council's Fraud Line on 0800 389 9795.

3. Referral outside the Council

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, or, if applicable, your union, 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.

These include the:

Health and Safety Executive
Audit Commission

Environment Agency
Serious Fraud Office
HM Revenue and Customs
The Department for Business, Enterprise and Regulatory Reform
The Charity Commission
The Information Commissioner

The Council stresses that you should raise concerns internally first, but the law also provides for you to make a wider disclosure (which could include to the police or an MP) **if, and only if:**

- The matter is exceptionally serious
- You are reasonably afraid that you would be victimised
- You believed reasonably that there would be a cover up and there is no prescribed person (Audit Commission etc.), or
- The matter was raised internally or with a prescribed person but was not dealt with properly.

ADVICE AND ASSISTANCE

1. Role of Trade Unions

The Council recognises that employees may wish to seek advice and to be represented by their trade union officers when using the provisions of this policy. A number of Trade Unions have issued guidance on 'whistle blowing', and the Council acknowledges and endorses the role trade union officers play in this area. You may contact the Staff Side Secretary on 020 8891 7286 or any of the full time trade union officers. The contacts for full time trade union Officers are:

Unison: 020 7535 2100
GMB: 020 8397 8881
T&GWU: 020 8573 9494.

Details of other Unions can be obtained from Human Resources on 020 8891 7091 or 020 8891 7268.

2. Independent Advice

You may also wish to contact Public Concern at Work (<http://www.pcaw.co.uk/>), a charity working in this area which can provide free and confidential advice, telephone 020 7404 6609, or e-mail helpline@pcaw.co.uk

THE PROCESS EXPLAINED

1. How the Council will deal with 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 informal review, an internal inquiry or an investigation.

Within 10 working days of a concern being received, the Council will write to you:

- Acknowledging that the concern has been received.
- Indicating how it 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.
- Supplying you with information on staff support mechanisms.
- Telling you whether further investigations will take place and if not, why not.

However, you will not be provided with details of any disciplinary action, which will remain confidential to the individual(s) concerned.

2. If you are dissatisfied

While the Council cannot guarantee to respond to your report in the way in which you might wish, we will handle the matter fairly and properly. By using this procedure you will help us to achieve this. If you are dissatisfied with the response you can raise the matter with the other levels and bodies set out in the Policy.

IN SUMMARY

DO

- Make an immediate note of concerns which fall within the scope of this policy.
- Note all relevant details, such as what was said, the date, time and names of the people involved.
- Let someone know about your suspicions. See 'Taking it Further' page 5.
- Deal with the matter quickly. Any delay may allow the problem to continue or worsen.

DON'T

- Do nothing.
- Be afraid of raising concerns.
- Approach or accuse individuals directly.
- Try to investigate the matter yourself.

IF IN DOUBT – RAISE IT!

MANAGER'S GUIDE to the Whistle Blowing Policy

The Manager's Role

It is the Manager's responsibility to ensure that employees are made aware of the policy (which can be found on RIO) and they are given an opportunity to raise any questions about its operation. The policy also applies to agency staff, others working for the Council and volunteers, who must all be made aware that the policy is also available to them.

All concerns must be looked into and the employee(s) told the outcome. Concerns must be acknowledged in 10 days and employees must be given an indication of how long they can expect to wait before receiving a response.

This Policy is based on the view that openness and accountability is the ideal. However, where circumstances make it necessary, the matter may need to be dealt with under terms of strict confidentiality. This could include not informing the subject of the complaint until (or if) it becomes necessary to do so.

If the decision is made to take formal disciplinary action against the subject, they must be informed of the complaint against them.

WHAT YOU SHOULD DO

Make sure you are aware of the procedure to follow:

- All concerns should be recorded, including the date the concern was raised, dates of interviews with employees, who was present at each interview and the action agreed.
- The records should be kept safely and securely; they may be required for disciplinary action or criminal investigation.
- Should any criminal activity or fraud be suspected, the Head of Internal Audit & Risk Management, the Monitoring Officer (Richard Mellor) and Head of HR must be informed in order to decide at what stage the Police should be involved.
- The Chief Executive would also expect to be alerted.

Action must be taken to protect the employee raising the concern from acts of recrimination. Officers should not wait for victimisation to take place before taking such action.

IN SUMMARY

DO

- Be responsive to staff concerns
- Note all details
- Evaluate the allegation objectively
- Advise the appropriate officer
- Deal with the matter promptly

DON'T

- Ridicule suspicions raised by staff
- Approach or accuse any individuals directly
- Convey your suspicions to anyone other than those with the proper authority
- Try to investigate the matter yourself.

Corporate, Recording, Monitoring and Review of Whistle Blowing

The Director of Finance and Corporate Services will maintain a Corporate Register containing all concerns that are brought to his/her attention. Managers looking into the concern must ensure that the Director of Finance and Corporate Services is provided with sufficient details of the concerns for the Corporate Register.

The Director of Finance and Corporate Services will review the Corporate Register and produce an Annual Report to the Chief Executive and any other relevant member/ officer forum. The report will not mention any employees, only the concerns raised, the number of such concerns, the Directorate they related to and highlighting any subsequent outcome(s).

The Policy will be reviewed annually by the Monitoring Officer in conjunction with the Corporate Head of Human Resources and the Joint Heads of Audit.



How to Raise Concerns

