

## **Committee: General Purposes Committee**

**Date: 13 March 2013**

Agenda item: 12

Wards: All Wards

### **Subject: Whistleblowing Policy and Yearly Update**

Lead officer: Caroline Holland

Lead member: Chair of General Purposes Committee

Forward Plan reference number:

Contact officer: Margaret Culleton Head of Audit

---

#### **Recommendations:**

- A. That the Committee considers the content of this report.
- B. The Committee comments upon and approves the revised Whistleblowing policy

---

## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. In May 1995 the Nolan Committee issued a report on the Standards in Public Life: Local Public Spending Bodies. This report made a number of recommendations, some sector specific and others more general in nature. The Nolan Committee recommended that Local Authorities should institute Codes of Practice on Whistleblowing, which would enable concerns to be raised confidentially inside and if necessary outside the organisation. Merton's first policy was agreed at the Policy Strategy and Quality Committee on the 8<sup>th</sup> March 2000. This report reviews the current policy and reports on the number of allegations received since they were last reported in March 2012.

## **2 DETAILS**

### **WHISTLEBLOWING POLICY**

- 2.1. The Council should demonstrate a commitment to high standards of conduct and maintain public confidence, by establishing an effective policy whereby staff can properly raise concerns without prejudice to their personal position. An effective policy on Whistleblowing allows employees and members of public the opportunity to raise their concerns, either internally to the Internal Audit Section or Senior Officers of the Council or externally to outside bodies.
- 2.2. An effective and positive whistleblowing culture has the following advantages:
  - Detects and deters wrongdoing;

- Provides information to managers so they can make decisions and contain the risk;
- Demonstrates to stakeholders that Merton is serious about good governance;
- Reduces the chance of anonymous or malicious leaks;
- Reduces the chance of Legal claims against the Council.
- Clear whistleblowing arrangements are likely to help with a defence under the Bribery Act 2010. (see paragraph below)

- 2.3. The Bribery Act 2010 introduces a new corporate offence of “failure to prevent bribery” by persons associated with a business. An organisation could avoid conviction if it can demonstrate that it has “adequate processes” in place to prevent bribery. Draft guidance being issued by the Ministry of Justice has indicated that clear whistleblowing arrangements are likely to help with such a defence. Establishing an environment that supports good whistleblowing arrangements is essential in any successful anti-bribery programme.
- 2.4. CIPFA’s guide on delivering good governance, recommends the following is considered as part of its Annual Governance Statement
- 2.5 Ensure that effective arrangements for Whistleblowing are in place to which officers, staff and all those contracting with or appointed by the authority have access. That a Whistleblowing policy exists and is reviewed on a regular basis. The policy is made available to members of the public, employees, partners and contractors.
- 2.6 The content of the current policy has therefore been reviewed and compared to best practice and other Local Authority’s Whistleblowing Policies.
- 2.7 Other changes in the policy relate to updating contact names in section 13 and addresses of external contacts in section 14.6 of the policy.
- 2.8. A copy of the Council’s policy is attached as Appendix 1.

### **THE PUBLIC INTEREST DISCLOSURE ACT 1998**

- 2.9. Employees who blow the whistle on wrongdoing at work are protected from victimisation and dismissal under the Public Interest Disclosure Act 1998. This Act aims to promote greater openness in the workplace between employers and workers in dealing with wrongdoing that might arise.
- 2.10. Under the Act, workers are initially required to resolve these concerns with their employer. Employees are protected from victimisation if in the last resort they have to take their concerns to an outside body.

- 2.11. A disclosure to a manager or the employer will be protected if the whistleblower has an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. The whistleblower will also be protected if they make their disclosures to an external body as long as they honestly and reasonably believe that the information and any allegations are substantially true.

## **CONFIDENTIALITY**

- 2.12. An important issue addressed in the context of investigating allegations and dealing with complaints from an informant is that of respecting the anonymity of the informant, where appropriate or where requested.
- 2.13. Nolan considered it appropriate that anyone should be able to whistleblow confidentially if they so wish. As long as their complaint appears to have been made in good faith, their wish for confidentiality should be respected. Without this guarantee there is a risk that matters of concern could escape investigation, as people with genuine concerns might be deterred from bringing these concerns to the attention of the council.
- 2.14. This approach is further supported by decisions of the court. They have recognised in certain circumstances the identity of the persons who have made the complaints or given information to the public or other bodies should not be revealed (in the course of legal proceedings, for example). They recognise that disclosure could discourage others from making complaints or giving information to the proper authorities. It is important to note, however, that a cast iron guarantee of confidentiality cannot be given to a whistleblower if a court or other tribunal directs otherwise.
- 2.15. Merton's whistleblowing policy respects and reinforces this concept of confidentiality.
- 2.16. Confidentiality has always been maintained at Merton.

## **REPORTING**

- 2.17. The Investigation Section maintains a central register of all whistleblower allegations. This register records a summary of the original allegation and the actions taken. Where an allegation has been received by other departments in the council and involves a non-financial issue, an appropriate manager will be appointed to investigate the issue; this will be reported to the investigation section when the original allegation is made and at the conclusion of the investigation. The Internal Audit section reviews the controls in place in areas where concerns have been raised and investigated.
- 2.18. A summary of whistleblowing allegations is reported to the General Purposes committee on a yearly basis. The whistleblower's identity will however, always remain confidential, unless the whistleblower makes it public.

2.19. Appendix 2 outlines the allegations received and the action taken since the last time the whistleblowing activity was reported to committee in February 2012. There have been 13 whistleblowing incidents reported in the last year. This compares to 16 incidents last year and 20 the year before.

- Five cases are still on-going (one of these has received a report on improved controls)
- Four cases have resulted in recommendations from Internal Audit on Improved controls. One case resulted in disciplinary action and one case the staff resigned prior to disciplinary action.
- Four cases resulted in no further action

## **PUBLICITY**

2.20. It is important that all members of staff, contractors and members of the public are provided with details of the policy. These initiatives have continued to take place or are planned to promote the policy:

- Filler slide in the Foyer
- New Leaflets sent out to all Departments, partners and schools .
- Intranet Links on the Procurement site and the CHAS website on the Internet
- The policy is available on the Intranet and the Internet.

## **3 ALTERNATIVE OPTIONS**

3.1. None for the purposes of this report.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. Other Local Authorities' Whistleblowing Policies have been reviewed in the past for the purposes of updating Merton's Policy.

4.2. Human Resources, Legal Services and Directors were also consulted in respect of the policy review in earlier years.

## **5 TIMETABLE**

5.1. This does not apply.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. The costs of dealing with Whistleblowing allegations and the publication and promotion of the policy is usually met from within existing budgets.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. These are contained within the report and reflect the requirements of the Public Interest Disclosure Act 1998 and the Bribery Act 2010.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. Human Rights implications are considered in the conduct of all whistleblowing investigations. For example if directed surveillance is felt necessary this will be carried out in accordance with the Regulation of Investigatory Powers Act 2000.
- 8.2. In addition the Whistleblowing Policy provides a mechanism where concerns regarding the welfare of clients can be raised and therefore helps protect their Human Rights.
- 8.3. Whistleblowing investigations will take into consideration Equality and Diversity implications. Investigations may reveal weaknesses in financial management and other monitoring systems, e.g. ethnic monitoring. Ensuring action is then taken in respect of these weaknesses plays a role in ensuring that Council Resources are used to enable fair access to quality services.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. The Whistleblowing Policy allows for staff to come forward and report their concerns without the fear of reprisals in any form.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. Each allegation is considered on a risk basis as to the amount of resources that should be employed in the investigation.
- 10.2. Some allegations involve Health and Safety matters and these are referred to the appropriate Council Section for investigation.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 - Whistleblowing Policy
- Appendix 2 – Whistleblowing Activity March 2012 – February 2013

## **12 BACKGROUND PAPERS**

- 12.1. Whistleblowing Policies and register
- 12.2. Internal Audit Papers

**LONDON BOROUGH OF MERTON  
WHISTLEBLOWING POLICY**

**CONTENTS**

	<b>Section</b>	<b>Page</b>
1	<b>Policy Statement</b>	<b>2</b>
2	<b>Introduction</b>	<b>3</b>
3	<b>Purpose of the policy</b>	<b>3</b>
4	<b>Scope</b>	<b>3</b>
5	<b>What types of activity would Whistleblowing apply to?</b>	<b>4</b>
6	<b>Raising unfounded malicious concerns</b>	<b>4</b>
7	<b>Harassment or Victimisation</b>	<b>4</b>
8	<b>Main Principles</b>	<b>5</b>
9	<b>What Protection has the Whistleblower got?</b>	<b>5</b>
10	<b>Support for Employees</b>	<b>6</b>
11	<b>Confidentiality</b>	<b>6</b>
12	<b>Anonymous Allegations</b>	<b>7</b>
13	<b>What action should the Whistleblower take?</b>	<b>7</b>
14	<b>How will the Council respond?</b>	<b>8</b>
15	<b>How the matter can be taken further</b>	<b>9</b>
16	<b>Relationship with other employee procedures</b>	<b>11</b>
17	<b>Conclusion</b>	<b>11</b>
18	<b>In Summary</b>	<b>11</b>

**March 2013**

## **London Borough of Merton's Whistleblowing Policy**

### **1. Policy Statement**

- 1.1. The London Borough of Merton 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.
- 1.2. All of us 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 a danger to the public or colleagues, misconduct or financial malpractice, it can be difficult to know what to do.
- 1.3. 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.
- 1.4. The London Borough of Merton has introduced this policy to enable everyone to blow the whistle safely 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.
- 1.5. 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 your personal position, please use the Grievance Procedure. This Whistleblowing procedure is primarily for concerns where the interests of others or of the Council are at risk.
- 1.6. The Council has an Anti-Fraud and Corruption Strategy and an Anti Money-Laundering Policy. These are available on the Council's website. Where a concern relates to an employee or Member of the Council failing to comply with the Anti-Money Laundering Policy this concern can be raised in accordance with this Whistleblowing Policy. The Anti-Fraud and Corruption Strategy sets out the ways in which the Council prevents, detects and investigates fraud and corruption. A concern about fraud and corruption can also be raised through in accordance with this Whistleblowing Policy. Schools have their own Anti-Bribery Policy and the local authority must abide by the Bribery Act 2010. Where a concern relates to either of these it can be raised through this Whistleblowing Policy.

## **2. Introduction**

- 2.1. The London Borough of Merton seeks to ensure that all of its activities are conducted to a high standard and with integrity. In the event that employees or members of the public become aware of activities that give cause for concern, the following Whistleblowing policy, or code of practice, will be followed. This policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.
- 2.2. Throughout this policy the term *Whistleblower* denotes the person raising the concern or making the complaint.
- 2.3. The London Borough of Merton is committed to tackling fraud and other forms of malpractice and treats these issues seriously.
- 2.4. The London Borough of Merton recognises that some concerns may be extremely sensitive. It has therefore, developed a system that allows for the confidential raising of concerns within the Council environment but also has recourse to an external party outside the management structure of the Council.
- 2.5. The London Borough of Merton is committed to creating a climate of trust and openness. A person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered.

## **3. Purpose of the policy**

- 3.1. The purpose is as follows:
  - To encourage the Whistleblower to feel confident in raising concerns.
  - To provide the Whistleblower with a confidential method of raising concerns and receive feedback on any action taken.
  - To enable people to confidentially raise concerns within the Council Environment.
  - To ensure the Whistleblower receives a response to their concerns and if not satisfied they are aware of how to pursue them.
  - To reassure the Whistleblower they will be protected from reprisals or victimisation for Whistleblowing in good faith.

## **4. Scope**

- 4.1. Members of the public, Members, Council employees including schools, contractors and partners are covered by this policy.



- 4.2. The policy applies to contractors working for the Council on Council premises, for example, agency staff, builders or drivers. It also covers any suppliers and those providing services under a contract or in partnership with the Council in their own premises.
- 4.3. This policy is in addition to the Council's Complaints, Grievance and Dignity at Work procedures, and other statutory reporting procedures that may apply to some sections.
- 4.4. This policy is not part of the disciplinary procedures, although disciplinary action may result from the use of this policy.

## **5. What types of activity would Whistleblowing apply to?**

- 5.1. The type of activity or behaviour that the Council considers should be dealt with under this policy includes:
  - Action which is contrary to the code of conduct for employees or members.
  - The inappropriate use of the Council's standing orders and financial procedures.
  - Dangerous procedures risking Health and Safety, including risk to the public as well as other employees.
  - Services that fall below approved standards or practice.
  - Sexual or physical abuse of clients, or
  - Other unethical conduct, including deliberate concealment of information relating to the above.
  - Damage to the environment.
  - The unauthorised use of public funds.
  - Conduct which is a criminal offence or a breach of law.
  - Disclosures related to miscarriages of justice.
  - Involves possible fraud or corruption.

## **6. Raising unfounded malicious concerns**

- 6.1. Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, when it appears that there are clear grounds for suggesting that you may have acted frivolously, maliciously or vexatiously, this will be taken seriously and may constitute a disciplinary offence.

## **7. Harassment or Victimisation**

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

- 7.2 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 provide a service.
- 7.3 The Council will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern in good faith.

## **8. Main Principles**

- 8.1. The following important principles are contained within this policy:
- a) The policy is complementary to the Council's Code of Conduct for employees, Code of Conduct for members and Procedures relating to Member complaints;
  - b) The Chief Executive has overall responsibility for the maintenance and operation of this policy;
  - c) It contains the provisions that are required from the Public Interest Disclosure Act 1998, and requirements under the common law "duty of care", e.g., to:
    - Draw attention to any matter considered damaging to the interest of service users, carers or colleagues,
    - Put forward suggestions which may improve quality of service,
    - Correct any statutory omission,
    - Prevent malpractice;
  - d) That the Council is committed to tackling malpractice and that employees know that any matter regarding malpractice and other illegal acts will be dealt with seriously;
  - e) If a matter raised results in any disciplinary action, the Council's disciplinary procedure will apply.

## **9. What protection has the *Whistleblower* got?**

- 9.1 The Public Interest Disclosure Act 1998 has given protection to Whistleblowers from victimisation and dismissal. This Act has both the support of employers' organisations and Trade Unions.
- 9.2 The Council will not tolerate any harassment or victimisation (including informal pressures).
- 9.3 Under the Act, the Whistleblower will be required to resolve their concerns directly with the Council. Employees will be protected from victimisation if in the last resort they have to take their concerns to an outside body.

- 9.4 A disclosure will be protected if the Whistleblower has an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. The Whistleblower will also be protected if they make their disclosures to an external body as long as they honestly and reasonably believe that the allegations are substantially true.
- 9.5 If appropriate, for members of staff, the Council's Dignity at Work procedure will apply to those who carry out unacceptable behaviour. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or redundancy procedures.

## **10. Support for Employees**

- 10.1. It is recognised that raising concerns can be difficult and stressful. Advice and Support is available via an employee's line manager, Departmental Human Resources or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals. The Council provides employee assistance programme (EAP) for members of staff which can provide support including regarding employment issues, consumer rights. This service is free to employees and is available 24 hours a day, 7 days a week, 365 days a year. Contact details are available on the intranet at: <http://intranet/staffcounsellingservice>.
- 10.2. Employees can also discuss their concerns with Public Concern at Work. <http://www.pcaw.org.uk/> or telephone 020 7404 6609.
- 10.3. 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.
- 10.4. Help will be provided to you in order to minimise any difficulties which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and with you being represented, if you so wish.
- 10.5. An employee who is not satisfied with the action taken by the Council and feels it right to question the matter further may consider the following possible contact points:
- External Auditor
  - the employee's Trade Union
  - the Citizens Advice Bureau and / or law centre / firm
  - relevant professional bodies or regulatory organisations
  - the Local Government Ombudsman
  - the Information Commissioner
  - a relevant voluntary organisation
  - the Police and/ or Health and Safety Executive

## **11. Confidentiality**

- 11.1 Wherever possible the London Borough of Merton seeks to respect the confidentiality and anonymity of the Whistleblower and will as far as possible protect him/her from reprisals. The Council will do its best to protect the Whistleblowers identity when they raise a concern and do not want their name disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the Whistleblower may be required as part of the evidence in criminal proceedings or Employment Tribunals.
- 11.2. The Council will endeavour to ensure the whistleblower's identity will not be disclosed to third parties without a court order.
- 11.3. The Council will not tolerate any attempt to victimise the Whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.
- 11.4. The confidentiality of service users will not be compromised as employees have a duty in law and within their professional codes of conduct to maintain this.
- 11.5. Where the procedure allows a matter to be taken outside the Council, the Whistleblower should not disclose confidential information unless the information relates to the matter under investigation and until the internal procedures have been exhausted. No confidential information shall be disclosed externally in a frivolous or vexatious manner.

## **12. Anonymous allegations**

- 12.1. This policy encourages the Whistleblower to give their name when making an allegation. Concerns expressed anonymously are usually much less powerful, but they will be considered at the discretion of the investigating officers.
- 12.2. In exercising the 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.
  - the evidence base.

## **13. What action should the *Whistleblower* take?**

- 13.1. The London Borough of Merton encourages the Whistleblower to raise the matter internally in the first instance. This allows staff and those in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

- 13.2. As a first step employees should normally raise concerns with their line manager or the line managers manager.
- 13.3 If the circumstances make contacting a line manager not appropriate then the Whistleblower can use the Whistleblowing Hotline 0208 545 3223
- 13.4 The following officers can be contacted: -
- Chief Executive 0208 545 3332
  - Leader of the Council 0208 545 3424
  - Head of Investigations 0208 545 3455
  - Head of Internal Audit 0208 545 3149
  - Assistant Director Corporate Governance (Monitoring Officer). 0208 545 3338 / 3163
  - Joint Head of Human Resources 0208 545 3370
- 13.3. The Whistleblower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible.
- 13.4. Concerns made in writing should set out the background and history of the concern, giving names, dates and places where possible and the reason why there are particular concerns about the situation. The earlier the concern is expressed, the easier it is for someone to take action.
- 13.5. If staff need advice and guidance on how matters of concern may be pursued, this can be obtained from Departmental HR Managers, Internal Audit or the Investigations Team.
- 13.6. Because of the difficulty of raising a concern, a trade union or work colleague may raise the matter on behalf of the Whistleblower, or accompany the Whistleblower when making the allegation.
- 13.7. Employees who are not in a formal line management relationship because of their employment relationship, e.g., agency staff or contractors, should first discuss their concerns with a relevant colleague or manager within the service.

#### **14. How will the Council respond?**

- 14.1. The individual who receives the information or allegation will assemble the information made available to them. The details of the allegation is then immediately passed on to the Investigations Team in order that it can be included on the central Whistleblowing register.

- 14.2 An appropriate investigating officer is then appointed by the relevant service, dependent on the nature of the allegation. The investigating officer(s) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance. This could involve for example members of staff, the Investigations Team, external audit, internal audit, legal or HR advisors, or the police. Concerns or allegations, which fall within the scope of specific procedures (e.g., child protection, Health and Safety or discrimination issues), will normally be referred for consideration under those procedures.
- 14.3 Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.
- 14.4 The amount of contact between the officers considering the issues and the Whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the Whistleblower as part of the investigation process. If the Whistleblower is a Council employee, and the investigating officer has invited him/her to attend a meeting, he/she will have the right to be accompanied. This should be a representative of a recognised trade union, or a work colleague who is not involved in the area of work to which the concern relates.
- 14.5 The Council will take steps to minimise any difficulties that the Whistleblower may experience as a result of raising a concern. For instance, if the Whistleblower is required to give evidence in criminal or disciplinary proceedings, the Council will advise on the procedure.
- 14.6 A central register of all Whistleblowing allegations will be held by the Investigations Team, this register will record the nature of the allegation and the action taken.
- 14.7 Whistleblowing allegations will be reported annually to the General Purposes Committee, so that they can ensure that the appropriate action has been taken in investigating the matter (the Whistleblowers identity will remain confidential).
- 14.8 If the Whistleblower is dissatisfied with the conduct of the investigation or outcome of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s) and/or directed to the Chief Executive or appropriate nominated officer.

## 15. How the matter can be taken further

15.1. This policy is intended to provide the Whistleblower with a way in which concerns can be raised and resolved within the Council.

15.2. In exceptional circumstances the Whistleblower may consider the matter too serious or sensitive to raise within the internal environment of the Council. In this instance depending on the nature of the concern, the matter could be directed to the police or local MP (contact through directory enquiries or local telephone directory).

Audit Commission, <http://www.audit-commission.gov.uk/about-us/contact-us/whistleblowing/>

Audit Commission public enquiries team 0844 798 3131

The Audit Commission appointed external auditor- Ernst & Young  
<http://www.ey.com/UK/en/Home/>

15.3. The Local Government Ombudsman can also be contacted, they will not however, take any action until the allegation has been dealt with internally first. They can be contacted at: -<http://www.lgo.org.uk/>

Telephone the LGO Advice Team on 0300 061 0614 or 0845 602 1983

The Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH

15.4. In addition, information and advice can be obtained from the charity Public Concern at Work. This charity provides free advice for employees who wish to express concerns about fraud or other serious malpractice. They can be contacted at:-

Public Concern at Work  
<http://www.pcaw.org.uk/>  
Whistleblowing Advice Line: 020 7404 6609 E mail:  
whistle@pcaw.co.uk  
3rd Floor, Bank Chambers  
6 - 10 Borough High Street  
London SE1 9QQ

Further information may be obtained from the following:

Citizens Advice Bureau <http://www.citizensadvice.org.uk/>  
The Information Commissioner <http://www.ico.gov.uk/>  
Health and Safety Executive <http://www.hse.gov.uk/>

## **16. Relationship with other employee procedures**

- 16.1. The Whistleblowing Policy is not designed to replace the Grievance or Dignity at Work Procedures because it exists for clearly defined reasons.
- 16.2. An issue considered under the Whistleblowing Policy may lead to action under the Council's Disciplinary Procedure and/or action by the Council's Internal Investigations Team, Internal Audit and the police.
- 16.3. The Council's Code of Conduct outlines the approach employees must take regarding contact with the media. It is particularly important that disclosures are not made directly to the media but are initially directed through the Whistleblowing Policy if appropriate. Failure to do this may expose vulnerable clients to public view and may expose the employee to disciplinary action.

## **17. Conclusion**

- 17.1 Existing good practice within the Council in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the Council operates ensures that cases of suspected fraud or impropriety rarely occur. This Whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Council. This document is a public commitment that concerns are taken seriously and will be actioned.

## **18. In Summary**

### **DO**

- Make an immediate note of your concerns
  - a. Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of parties involved.
  - b. Note any documentary evidence that may exist to support your claim but do not interfere with this evidence.
- Report your concerns
  - a. to your line manager or
  - b. to those listed above in 13.4
- Deal with the matter quickly. Any delay could allow the problem to continue and escalate and evidence to disappear
- Think about risks and outcomes before you act
- Follow the guidance provided and contact the appropriate officer

### **DON'T**

- Do nothing and let it go unreported
- Be afraid of raising concerns
- Approach and accuse individuals directly



- Try and investigate the matter yourself
- Don't convey your suspicions to anyone except those of the proper authority as set out in our policy.
- Use the whistleblowing procedure to pursue a personal grievance

## Whistleblowing Activity – February 2012 - February 2013

	Allegation Type	Date	Department	Brief Details of Allegation	Anonymous	Outcome	Internal/External	Action
1	Fraud	22/2/12	E&R	Allegation concerning awarding of contracts	No	On-going investigation. Internal audit review of procurement and changes recommended	External	Procurement changes put in place. On-going investigation.
2	Theft	27/2/12	C&H	Theft of cash	No	Investigation undertaken Disciplinary recommended IA review of controls – recommendations made	Internal	2 members of staff resigned. Improvement controls put in place
3	HR issue	17/4/12	E&R	Various management allegations, including abuse of position	No	HR investigation undertaken	Internal	Case closed - NFA
4	Corruption	18/4/12	E&R	Abuse of position	Yes	No evidence	Internal	Case closed -NFA
5	Theft	4/7/12	CSF	Theft of assets	No	No further action, IA review of controls.	Internal	Improved Controls recommended
6	Corruption	15/10/12	E&R	Allegation concerning awarding of contracts	Yes	Internal Audit Investigation	Internal	No evidence of corruption – improved controls recommended
7	Fraud	6/11/12	CS	Allegation of inappropriate claiming for income	No	On-going investigation	Internal	On-going
8	Fraud	6/11/12	CS	Allegation of inappropriate claiming for income	No	On-going investigation	Internal	On-going
9	Conflict of interest	29/11/12	CS	Conflict of interesting relation to contracts	No	Internal audit investigation recommending disciplinary action and improved controls	Internal	Disciplinary- 1 <sup>st</sup> and final warning. Improved controls put in place
10	Fraud/corruption	20/12/12	C&H	Potential fraud in relation to care income	No	No evidence found	Internal	NFA
11	Fraud	8/1/13	E&R	Allegation relating to	No	Advice provided	External	NFA

				possible fraud in relation to claiming for grants				
12	Fraud	11/1/13	CS	Allegation of inappropriate claiming for income	No	On-going investigation	Internal	On-going
13	HR issue	27/2/13	ER	Allegation relating to timekeeping	Yes	HR investigation	Internal	On-going

This page is intentionally blank