

# LONDON BOROUGH OF SOUTHWARK

## Whistleblowing Policy and Procedure

### Introduction

If you have concerns about something that is happening at work which you think could be unlawful conduct, financial malpractice or be dangerous to the public or the environment, it is important that you know what you can do to bring it to the council's attention.

The council is committed to achieving the highest possible standards of service and ethical standards in public life and it is important to us that you are not worried about raising such issues and do not feel that reporting them is either not your business or would be disloyal to colleagues, managers or to the organisation.

It is also important that if you decide to say something that you know the appropriate way to do it.

Southwark Council has introduced this Whistleblowing Policy and Procedure in line with the Public Interest Disclosure Act 1998 ("the 1998 Act") (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>) to enable workers (see below) to raise issues of concern in an appropriate manner.

The term worker broadly includes employees, independent contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the council.

This policy, which has the full support of the trades unions, is primarily for concerns where the well being of others or of the organisation itself is at risk.

Please note this policy does not preclude the right of trades unions to directly approach management, the media, or outside bodies with information that could be regarded as whistleblowing.

Guidance for managers is included in Appendix A.

### How to raise concerns about other matters

The Whistleblowing Policy is designed to sit alongside the other routes for raising concerns about the council including the Grievance and Complaints Procedures. To show the relationships a 'route map' for raising concerns is shown in Appendix B.

As a guideline, concerns, which should be raised through these routes, are as follows:

- employment related issues should be raised through the council's staff procedures,
- concerns about councillors should be raised under the member officer protocol and ultimately the Standards Committee,
- issues with provision of council services to the public raised through corporate complaints procedure.

## **Aims of the policy**

This policy aims to:

- Encourage you to feel confident in raising concerns
- Provide avenues for you to raise concerns and receive appropriate feedback.
- 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 any reprisals or victimisation by the council, if you have reasonable belief that the matter disclosed tends to show wrongdoing and you have made the disclosure in an appropriate manner and in good faith.

## **What to raise concerns about**

The 1998 Act lists matters about which concerns can be raised and these are as follows:

1. that a crime has been committed, is being committed, or is likely to be committed

Examples might be child abuse, the abuse of any other vulnerable clients, or theft.

### **Fraud**

Disclosures about fraud are dealt with separately under the council's Fraud Response Plan ([click here for the Fraud Response Plan](#)) although if disclosure was made in accordance with this policy the monitoring officer remains responsible and any persons raising concerns have the same protection under the policy and the 1998 Act.

2. that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject

- Examples might be breach of contract, breach of statutory requirement or breach of any provision in the constitution.

3. that a miscarriage of justice has occurred, is occurring, or is likely to occur,

4. that the health and safety of an individual has been, is being, or is likely to be endangered,

5. that the environment has been, is being or likely to be damaged

6. that information tending to show any of 1 to 5 above has been concealed or is likely to be deliberately concealed.

## **Our assurances to you**

### *To protect you*

The chief executive and chief officers are committed to this policy. If you make a disclosure on one or more of the matters listed above and you have a reasonable

belief that your concern is real and you are acting in good faith, you will not suffer any detriment, even if after investigation it transpires that your concern is unfounded.

#### *To protect your identity*

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. If such harassment or victimisation should occur, you should write to Deborah Collins, Monitoring Officer, Southwark Council, 2nd floor, PO Box 64529, London, SE1P 5LX who will deal with the matter.

However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. 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 court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

### **How to raise a concern internally**

#### *Stage one*

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager. This may be done orally or in writing.

#### *Stage two*

If you feel unable for whatever reason to raise the matter with your manager under stage one, please raise the matter with the appropriate Head of Service for your service area, or else an appropriate specialist officer within the Council as follows:

- policy and equalities manager  
for service equality issues                      Claire Webb                      Ext. 57136
- head of human resources  
for employment and equalities                      Bernard Nawrat                      Ext. 57185
- health and safety strategy manager  
for health and safety issues                      Chris Rackley                      Ext. 57001

When you raise the matter, please say if you are doing this in confidence. The person you contact can then make appropriate arrangements.

#### *Stage three*

If stage one and/or two have been followed and you still have concerns, or if you feel that the matter is such that you feel you cannot raise it with your manager or head of service, for example because it concerns them or it is very serious, please write to Deborah Collins, monitoring officer, Southwark Council, 2nd floor, PO Box 64529, London, SE1P 5LX. The monitoring officer can investigate concerns about the most senior officers.

## **How to raise concerns about fraud**

Disclosures concerning fraud should be made to your manager, or to the relevant chief officer or to the council's finance director (via Mike Pinder, head of audit and risk, on extension 54346). Further information and advice can be found in the Fraud Response Plan. It should be noted that if the disclosures made under this policy the monitoring officer remain responsible and any persons raising concerns have the same protection under the policy and the 1998 Act.

## **Advice**

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- your trade union:  
UNISON 020 7525 6030,  
UNITE 020 2525 6037  
GMB 020 7525 2401 and  
UCATT 020 7525 4539 (local branches)

The Council recognises that employees may wish to seek advice and be represented by their trade union representative when raising a concern under the policy, and acknowledges and endorses the role trade union representatives play in this respect. Trade union representatives acting in accordance with the Policy and Procedure will not suffer detriment in their employment with the Council.

- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

## **How will we handle the matter**

Once you have told us about your concern, we will take the following steps:

- Look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.
- Write to you summarising your concern and setting out how we propose to handle it and provide you with details of the officer handling the matter and how you can contact him or her. We will always write to you at your home address unless you tell us not to.
- The investigations will be conducted on a strictly confidential basis and the subject of the complaint will not be informed unless and until it becomes necessary.
- We will give you as much feedback as necessary. However, please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.
- Inform the monitoring officer that you have raised a concern under the whistleblowing Policy and provide her with details of your complaint.
- The monitoring officer will keep a central record of all such complaints and where the complaint was not raised directly with her; keep a watchful eye on the progress of the investigation and of action taken.

## **External contacts**

While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact, for example:

- *Audit Commission Whistleblowing hotline 0845 0522 646 (matters of fraud or corruption)*
- *Health and Safety Executive, St Dunstan's House, 201, Borough High Street SE1 1GZ 020 7556 2100*
- *Equality and Human Rights Commission, 3 More London, Riverside Tooley Street, London, SE1 2RG 0845 604 6610 (helpline)*
- *National Disabilities Council, Caxton House, Tothill Street, SW1H 9NA 020 7273 6190*
- *Independent Advocacy Service (for Community Care services for adults) Cambridge House, 151, Camberwell Road, SE5 0HF 020 7703 0261*
- *Children's Society, Edward Rudolph House, 69 Margery Street WC1X 0JL 020 7837 4299*
- *Standards for England, Fourth Floor, Griffin House, 40 Lever Street, Manchester, M1 1BB Telephone: 0845 078 8181 Fax: 020 7378 5001*

If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

## APPENDIX A

### WHISTLEBLOWING POLICY

#### GUIDANCE FOR MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. Business managers should ensure that employees are aware of the Whistleblowing Policy and know where it can be located.
2. If you receive a disclosure in respect of any of the matters set out under the heading 'What to Raise a Concern About' in the Whistleblowing Policy you must take the following action:
  - 2.1 take the matter seriously and do not dismiss or belittle the information,
  - 2.2 respect as far as possible the confidentiality of the employee, and adhere to the policy under the heading "To protect your identity" where the employee has specifically asked for confidentiality,
  - 2.3 ensure that the employee understands the Whistleblowing procedure,
  - 2.4 acknowledge the concern in writing within 3 working days,
  - 2.5 discuss ways that the employee could be supported,
  - 2.6 investigate the concern objectively, dealing with all parties with sensitivity and tact,
  - 2.7 seek advice from the human resources team,
  - 2.8 seek advice and involve other managers if appropriate,
  - 2.9 set out clearly how the concern is to be taken forward,
  - 2.10 ensure that notes are made and kept of the process followed, notes of discussions etc.,
  - 2.11 keep informed the person raising the concern about the progress made and outcome of the investigation
  - 2.12 provide the Monitoring Officer with details of the concern and inform her about the progress and outcome of the investigations.
3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the monitoring officer.
4. Note that if the concern relates to fraud, you should report it to your chief officer (who is responsible for reporting all cases to the finance director via the head of audit and risk) in line with the Fraud Response Plan for Managers.