

Whistleblowing Policy and Procedure

February 2018

www.southwark.gov.uk

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 introduced this Whistleblowing Policy and Procedure in line with the [Public Interest Disclosure Act 1998](#) ("the 1998 Act") to enable workers to raise issues of concern in an appropriate manner.

The term "worker" broadly includes:

- Employees
- Independent contractors
- Agency workers
- Trainees
- Anyone who is or was subject to a contract to undertake work or services for the council

We encourage all individuals to report any wrongdoing to the council; however, if you are not employed by the council you should also refer to your own employer's policy.

This policy 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.

Aims of the policy

This policy aims to:

- Encourage you to feel confident in raising concerns.

Governance: Corporate team

- 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, that the disclosure is in the public interest and that you have made the disclosure in an appropriate manner.

Who is covered by the policy

- Employees of the council
- Agency workers
- Individuals undertaking work experience
- Employees of contractors to the council

Who can your concerns be about

- Employees
- Contractors and their employees
- Volunteers

What to raise concerns about

You should follow this policy and procedure to raise concerns which you have a reasonable belief to be in the public interest, and which you reasonably believe tends to show one or more of the following:

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 fraud, bribery and corruption 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 or she is subject – including contractors providing goods and services on behalf of the council.
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 is 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.

When will raising a concern be “in the public interest”?

Raising a concern will be “in the public interest” if it is in the public good, or serves the interests of the public, but not simply because it is a matter the public are interested in. There are no “absolute rules” about what it is reasonable to view as being in the public interest. Relevant factors might include:

- The number of people affected by the issue;
- The nature and extent of the interests affected;
- The nature of the wrongdoing (particularly where it is alleged to be deliberate); and
- The identity of the alleged wrong doer.

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 Doreen Forrester-Brown, 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 Strategic Director of Finance and Governance (via Jennifer Seeley, Director of Finance, on extension 50695). Further information and advice can be found in the fraud, bribery and corruption response plan. It should be noted that if the disclosure is made under this policy the Monitoring Officer remains responsible and any persons raising concerns have the same protection under the policy and the 1998 Act.

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 Audit, Governance and Standards Committee.
- Issues with provision of council services to the public should be raised through corporate complaints procedure.
- Safeguarding concerns should be raised through the council's safeguarding policy procedure.

Advice

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

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

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. See their FAQ <http://www.pcaw.org.uk/individual-advice/faqs>

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 have evidence to back up your concern and a reasonable belief that raising it is in the public interest, you can also contact, for example:

- **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

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

Blowing the whistle to a prescribed person

If you decide to blow the whistle to a prescribed person rather than the council, you must make sure that you have chosen the correct person or body for your issue. A list of prescribed person and bodies is set out in the Department for Business Innovation and Skills "Blowing the whistle to a prescribed person – list of prescribed persons and bodies". You may also blow the whistle to your legal adviser, in the course of obtaining legal advice.

To make a disclosure relating to local authorities you may contact:

- The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP 020 7798 7999

You may also contact the council or the council's auditor, Grant Thornton.

Application of this policy to community schools

This policy does not apply to community schools.

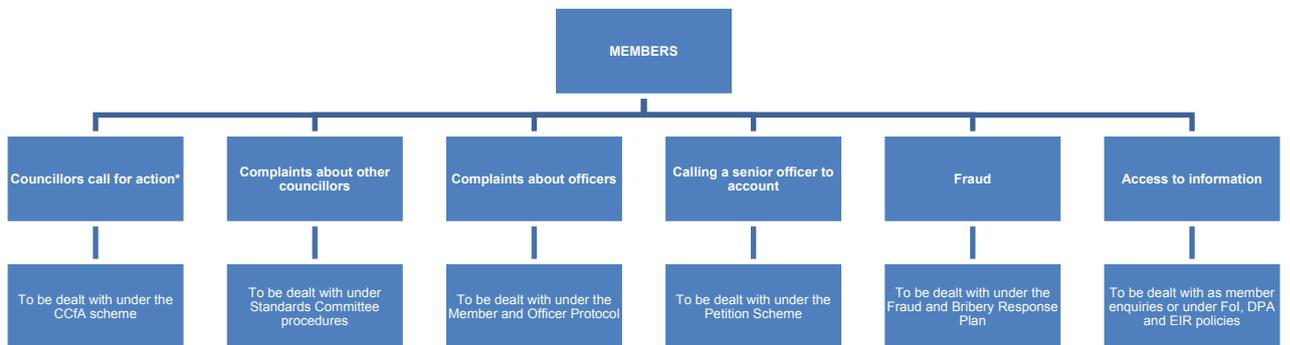
APPENDIX A

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; and
 - 2.13. Seek guidance from the monitoring officer if you are uncertain whether the person raising the concern has a genuine belief that it is in the public interest.
3. 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 Strategic Director of Finance and Governance via the Director of Finance) in line with the fraud, bribery and corruption response plan.

APPENDIX B



*** not including scrutiny**

