



# **Whistle Blowing: Policy and Procedure**

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## **1. PREAMBLE**

- 1.1 Employees may well be first to realise that there could be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. 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 Western Riverside Waste Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees (which here refers to both direct employees and persons appointed to posts under the lead borough arrangements) with serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This document makes it clear that staff can raise concerns without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Authority rather than overlooking a problem or blowing the whistle outside. This last point is very important. It is dealt with fully in sections 5 and 7 below.
- 1.3 These procedures are in addition to the Authority's grievance procedures. They are also intended to complement and support the Authority's standards of behaviour as set out in the Code of Conduct for Employees.

## **2. Aims and Scope of this Policy**

- 2.1 This policy aims to:
- provide avenues for you to raise serious concerns about any aspect of the Authority's work and receive feedback on any action taken;
  - allow you to take the matter further if you are dissatisfied with the Authority's response; and
  - reassure you that you will be protected from possible reprisals or victimisation for reasonable whistleblowing in good faith.

- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This policy is not intended to cover concerns that can be progressed under existing personnel procedures.
- 2.3 A serious concern may be about something that you sincerely believe in good faith:
- is unlawful; or
  - is against the Authority's Standing Orders or policies; or
  - falls below established standards or practice; or
  - amounts to improper conduct; or
  - is a health and safety risk to the public as well as other employees; or
  - involves damage to the environment; or
  - involves the unauthorised use of public funds; or
  - involves possible fraud or corruption.

### **3. Fraud**

- 3.1 At this point, special mention should be made of fraud, corruption and financial irregularity.
- 3.2 Fraud within the public sector costs the tax payer hundreds of millions of pounds each year and, in general, detected cases of fraud and corruption are on the increase.
- 3.3 All public sector organisations are likely to be affected in some way by fraudulent or corrupt activity.
- 3.4 The Metropolitan Police has reported that they cannot prosecute over half of fraud and corruption cases because of inappropriate action taken *before* the case is referred to them. Consequently the action that you take, if/when you first suspect fraudulent activity, may be crucial.

3.5 Because of the importance of this matter some of the following paragraphs concerned with whistleblowing give particular guidance on what you should and should not do if you suspect a fraud in the Authority. (See 5.1 and 9.1.) Further advice will be available from the Deputy Clerk.

#### **4. Safeguards**

##### **4.1 Harassment or Victimisation**

4.1.1 The Authority is committed to good practice and high standards and wants to be supportive of employees.

4.1.2 The Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Authority will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

4.1.3 This does not mean that, if you are already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of your whistleblowing.

##### **4.2 Confidentiality**

4.2.1 The Authority will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

##### **4.3 Anonymous Allegations**

4.3.1 This policy encourages you to put your name to your allegation especially as this permits a dialogue to be entered into that provides a channel of communication to allow investigators to seek to obtain more information that could be crucial. The use of email for this purpose is explained in paragraph 5.4. Concerns expressed anonymously are much less powerful, but they will be investigated thoroughly although follow-up action will in such cases be at the discretion of the Authority.

4.3.2 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 allegations from attributable sources.

#### 4.4 Untrue Allegations

4.4.1 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, the Authority will undertake a disciplinary investigation. Dependent on the outcome, disciplinary action may then follow.

### 5. **How to Raise a Concern**

5.1 If you suspect fraud, corruption or financial irregularity, you should always inform the Treasurer directly. No other officer needs to be contacted as the Treasurer will be responsible for progressing matters following notification, including liaising with such other officers as may be necessary.

5.2 For any other types of concern you should normally, as a first step, raise them with your immediate manager or the General Manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. In view of the small size of the Authority's workforce, it may be appropriate to raise any concern with the Clerk.

5.3 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

5.4 A further route for expressing any concerns if you feel unable to reveal your identity would be to use email but from an account that does not include

details of your name. This method, whilst protecting your confidentiality, does, nevertheless, provide the all-important channel of communication for those investigating allegations. The Authority will not seek to try and trace the details of the identity of anyone using email for this reason to provide details of their concerns.

- 5.5 The earlier you express the concern, the easier it is to take action.
- 5.6 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.7 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.
- 5.8 You may invite your trade union or professional association to assist you to raise a matter and may wish to seek their advice prior to initiating this procedure.

## **6. How the Authority will Respond**

- 6.1 The Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 6.2 The action taken by the Authority will depend on the nature of the concern. The matters raised may:
  - be investigated internally
  - be referred to the Police
  - be referred to the external Auditor
  - form the subject of an independent inquiry.
- 6.3 In order to protect individuals and the Authority, 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 Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of

specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

- 6.4 Some concerns may be resolved by agreed action without the need for investigation.
- 6.5 Within ten working days of a concern being received, the Authority will contact you (if you have given contact details):
- 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; and
  - telling you whether further investigations will take place, and if not, why not.
- 6.6 The amount of contact between the officer considering the issue and you will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 6.7 When any meeting is arranged, off site if you so wish, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 6.8 The Authority 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 Authority will advise you about the procedure.
- 6.9 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigation if you have given your contact details.

## **7. How the Matter can be Taken Further, if Necessary**

7.1 This policy is intended to provide you with a clear route to raise concerns within the Authority and for the concerns to be dealt with and settled appropriately. However, if you feel that this has not happened, and if you feel it is right to take the matter outside the Authority, please contact either:-

- the Internal Audit Team at Wandsworth Borough Council who can be contacted by 020 8871 6451
- the external auditor, details of which can be found on the Authority website:
- the Police (where your concern relates to a criminal matter).

7.2 Please use only these routes to raise a concern externally. Complaints made to other bodies, individuals or the media may actually hamper a speedy, full and professional investigation of the concern that you have expressed.

7.3 Information which is provided to you on a confidential basis must be treated as such and this may only be overridden where there is a clear public interest in disclosing it and you act in good faith and reasonably. You would need to ensure that you could justify your disclosure because it would be a serious betrayal of trust to use confidential information for any personal advantage, or for malicious or other improper reasons.

## **8. Record Keeping**

8.1 The Clerk to the Authority has overall responsibility for the maintenance and operation of this policy. That officer maintains a confidential record of concerns raised and the outcomes (so as not to endanger your confidentiality) and will report as necessary to the Authority.

## **9. Check List of Do's and Don'ts**

9.1 Lastly, some of the key points from the procedure on whistleblowing are summarised below:-

## Do

- (a) Make an immediate note of your concerns.
- *Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of any parties involved.*
  - *In addition, note any documentary evidence which may exist to support the allegations made, but do not interfere with this evidence in any way.*
- (b) Evaluate the allegation objectively.
- *Before you take the matter further, you need to determine whether any suspicions appear to be justified.*
  - *Be objective when evaluating the issue. Consider the facts as they appear, based on the information you have to hand.*
  - *If in doubt, report your suspicions anyway.*
- (c) Convey your suspicions to someone with the appropriate authority and experience.
- *To the Treasurer for suspected fraud, or corruption or financial irregularity.*
  - *Usually, to your immediate manager or their supervisor for other matters (but see paragraph 5.2 above for more details).*
- (d) Deal with the matter promptly, if you feel your concerns are warranted.

*In the case of suspected fraud, it is important to remember that any delay may cause the Authority to suffer further financial loss.*

## Don'ts

- (a) Don't do nothing.

(b) Don't be afraid of raising your concerns.

- *You will not suffer any recrimination from the Authority, as your employer, as a result of raising in good faith a serious concern.*
- *The Authority will treat any matter you raise sensitively and confidentially.*

(c) Don't approach or accuse any individuals directly.

(d) Don't try to investigate the matter yourself.

*There are detailed special rules for the gathering of evidence for use in disciplinary or court proceedings. If you attempt to gather evidence or other information and are not familiar with these rules you may destroy the case.*

(e) Don't convey your suspicions to anyone except those with the proper authority and as set out in this policy and procedure.

## **10. Advice and Guidance**

10.1 Further advice and guidance on how a matter may be pursued under this policy can be obtained from the Deputy Clerk.