LBBD

Whistleblowing Policy

2022

Date Last Reviewed:	June 2022
Approved by:	Audit & Standards Committee
Date Approved:	6 December 2022
Review Date:	June 2023
Document Owner:	Head of Assurance

The Councils commitment to the Whistleblowing Policy

This Whistleblowing Policy sets out the Council's commitment to ensuring compliance with the requirements of the Public Interest Disclosure Act 1998 as amended by the Enterprise and Regulatory Reform Act 2013. The council has designated the Head of Assurance as the Whistleblowing Officer.

What are the aims and requirements of this policy?

The Council wishes to encourage and enable employees, and persons providing services on behalf of or to the council, to raise serious concerns within the Council rather than overlooking the issue or 'blowing the whistle' outside.

For that reason, this policy has been put in place to make sure that if you want to come forward and raise any concern within the remit of this policy, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

Executive Summary

Sometimes employees, and those who contract with the council, are the first to spot that something is wrong and putting the council and/or its residents at risk but are reluctant to act for fear of not being taken seriously, that their concerns may not be justified or that they may be victimised for speaking out.

Legislation is in place to protect those that raise legitimate concerns in the public interest and in the right way.

This policy sets out the concerns that are dealt with under the whistleblowing procedure, the way in which you may raise concerns and how the Council will respond to those concerns.

Contents

Title	Page No.
What is Whistleblowing	1
Who is covered by this policy?	1
What types of actions are covered by the policy?	2
What is not covered by the policy?	3
Protecting you	3
How to raise a concern	3
How we respond to your concerns	5
Untrue Allegations	6
Further Support & Guidance	6

Whistleblowing Policy

It is our policy is to promote a culture of openness and a shared sense of integrity throughout the Council by inviting employees to act responsibly in order to uphold the reputation of the Council and maintain public confidence.

What is whistleblowing?

Whistleblowing is the reporting of suspected, or ongoing, wrongdoing at work.

We are committed to being open, honest and accountable. For this reason, concerns about malpractice and impropriety are taken very seriously. We want you to be able to raise any concerns that the interests of others and the Council (and therefore residents of Barking and Dagenham) are at risk.

This is because Employees may be the first to spot anything that is seriously wrong within the council, however, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they, or someone else, may be victimised.

That is why we have produced this whistleblowing policy to help employees , including agency workers and contractors (and those working within our council-owned companies), to contact us with concerns. This policy has been put in place to make sure that if you want to come forward and raise any concern which you feel relate to illegal, improper or unethical conduct, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

Who is covered by this policy?

The whistleblowing policy applies to all employees including those in schools as well as anyone designated as casual, temporary, agency, contractors, consultants, authorised volunteers or work experience.

It also covers those working for suppliers/providing services under a contract with the Council where this or an equivalent whistleblowing policy is in force. This would include Council-owned companies that are wholly owned by the council but operate within the private sector.

As the companies are owned by the Council and inextricably linked both financially and reputationally, it stands to reason that the overarching principle of the Council's Whistleblowing Policy should apply. Any allegations made via the Council's Whistleblowing procedure are reported directly to the Assurance Group and any allegations made via the companies themselves should be immediately referred by way of the most appropriate communication. The Assurance Group will keep the Chief Executive of each company aware of any allegation and investigation as appropriate.

To ensure your concern is treated as whistleblowing, you must identify yourself and the policy is in place to encourage this. We will consider anonymous allegations, but by remaining anonymous means it is more difficult for us to clarify points or ask for further information.

What types of action are covered by the policy?

The policy is intended to deal with serious or sensitive concerns about wrongdoings that are in the public interest – referred to as public interest disclosures. Your concern may be about colleagues, people who work directly for the Council, suppliers, or people who provide services to the public for us.

When you raise a concern under the whistleblowing policy it must be in the reasonable belief that it is in the public interest to do so. Depending on the concern it is possible that other policies held by the Assurance Group will also be followed.

Examples of concerns that may be in the public interest are suspected, or ongoing actions, that fall into the following categories; (the list of actions under each category is not exhaustive)

Criminal Offences

- Misuse of Council funds or Improper or unauthorised use of Council money
- Other fraud or corruption
- Bribery
- An unlawful act
- A person abusing their position for any unauthorised use or for personal gain

Failure to comply with legal obligations

- A person deliberately not keeping to a Council policy, official code of practice or any law or regulation
- A person being discriminated against because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation

Actions which endanger the health or safety of any individual

- Service users, children or students, particularly children and adults in our care being abused or neglected
- Any other danger to health and safety

Actions which cause damage to the environment

- The environment being damaged (for example, by pollution)

Actions which are intended to conceal any of the above

- Other wrongdoing including instances where attempts have been made to conceal or cover up wrongdoing

What is not covered by the policy?

You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures, for example:

- Employee complaints about their contract of employment as these are dealt with through our Grievance or Managing Performance at Work procedures.
- Customers' complaints about our services as these are dealt with through our Corporate Complaints Procedure.
- Allegations against Councillors; these should be sent in writing to: Monitoring Officer, Law & Governance, London Borough of Barking and Dagenham, Barking Town Hall, 1 Town Square, Barking IG11 7LU. Write "Private and Confidential" on your envelope. Alternatively, a complaint form and other information is available at: https://www.lbbd.gov.uk/council/councillors-and-committees/councillors/complaints-about-councillors/how-to-complain-about-a-councillor/

You also cannot use this policy to raise issues that have already been settled through other procedures, for example, matters previously resolved under the Council's Disciplinary Rules procedures.

Protecting you

If your allegation is true, you have nothing to fear. But we understand that deciding to blow the whistle is not easy.

When you make a protected disclosure, you have the right not to be dismissed, victimised or subjected to any other detriment. Therefore, we will not tolerate any harassment or victimisation of a whistleblower and will treat such actions as a serious disciplinary offence which will be dealt with under the council Disciplinary Procedure.

We will do our best to protect your identity and keep your concerns confidential if this is what you want.

There may be occasions when you will need to provide statements of evidence for us to conclude the investigation. In this case, we will not reveal your name or position without your permission or unless we must do so by law; for example, if the evidence is required in Court then your anonymity may be subject to the decision of the Courts.

If you work for the Council, you should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you or any redundancy procedures that may affect you. Support is available for colleagues through the Employee Assistance Program.

The earlier you raise a concern, the easier it will be to take effective action. You should first raise your concern with your immediate Supervisor or Manager (obviously, this

will depend on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing). Alternatively, you may also raise concerns with your Head of Service or Director. Concerns that involve financial malpractice should always be raised with Officers within the Assurance Group.

Safeguarding Children and Adults

Please note that any concerns that relate to professionals who:

- behaved in a way that has harmed, or may have harmed a child or adult who has care and support needs and unable to protect themselves against neglect or abuse;
- possibly committed a criminal offence against, or related to, a child or adult who has care and support needs and unable to protect themselves against neglect or abuse;
- behaved towards a child or adult who has care and support needs and unable to protect themselves against neglect or abuse; in a way that indicates they may pose a risk of harm to them.

Where the concern involves children, please refer the matter to the Local Authority Designated Officer (LADO). The LADO can be contacted on lado@lbbd.gov.uk and they will determine what further action should be taken.

Where the concern involves adults please refer to the Local Authority Person in Position of Trust (PIPOT) by sending an email to: safeguarding.adults@lbbd.gov.uk to request a referral form for this purpose or request that someone call you back to discuss the matter.

How to Raise a Concern

If you prefer, or you do not work for the Council, you can contact the Assurance Group directly in any of the following ways:

- By writing to the Assurance Group at London Borough of Barking and Dagenham, 2nd Floor Barking Town Hall, 1 Town Hall Square, Barking IG11 7LU (write 'Private and Confidential' on your envelope)

- By phoning the Whistleblowing line on 020 4511 0103. You can leave a confidential voice-mail message 24 hours a day. During office hours the line is monitored and you will be able to speak directly with a member of the Assurance Group.

- By sending an e-mail to: Whistle.Blowing@lbbd.gov.uk

To maintain confidentiality, you are advised not to copy other people into your message to the whistleblowing mailbox.

If for, whatever reason, you feel your concerns cannot be reported by way of the above reporting options, you can contact the council's Whistleblowing Officer via the following methods:

- Post – Christopher Martin, Head of Assurance, London Borough of Barking and Dagenham, Barking Town Hall, 1 Town Square, Barking IG11 7LU (write 'Private and Confidential' on your envelope)
- Email – Christopher.martin@lbbd.gov.uk
- Phone - 020 8227 2174

If you are putting your concerns in writing it is best to give as much information as possible, such as:

- The reason why you are concerned about a situation
- any relevant names, dates, places and so on
- Background information
- What you personally witnessed or extent to which you have experienced the problem. If possible, you should provide documentary evidence.

You are strongly encouraged to raise your concerns in one of the ways set out above, but if you feel you are unable to raise the matter internally, or feel unsatisfied with any action we take, you could contact our external auditor, the National Audit Office or contact an organisation called Protect - *formerly Public Concern at Work for* independent advice and support. Protect can be contacted via the following means;

Address:

The Green House
244-254 Cambridge Heath Road
London E2 9DA
Protect Advice Line: 020 3117 2520
Complete a Protect contact form: https://protect-advice.org.uk/contact-protect-advice-line/

How we respond to your concerns

Within 10 working days of you raising a concern, the Whistleblowing Officer, or designated investigator, will:

- acknowledge that we have received your concern
- explain how we will handle the matter; and
- tell you what support is available to you

It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation we need to carry out.

The way we deal with the concern will depend on what it involves. If we need to take urgent action, we will do this before carrying out any investigation. We will first make enquiries to decide whether we should carry out an investigation and, if so, how we

should go about it. Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first.

Untrue Allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you.

However, if the investigatory process finds you have made an allegation which you know is untrue; we will take appropriate disciplinary or legal action against you.

Further Support & Guidance

If there are any questions about these procedures, the Monitoring Officer can be contacted on 020 8227 2174; alternatively, the Counter Fraud and Risk Manager can be contacted on 020 8227 2850, caft@lbbd.gov.uk or by visiting our intranet pages.