

REPORTING CONCERNS AT WORK

BI-BOROUGH WHISTLEBLOWING POLICY

(August 2014)



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

1. Policy Statement

- 1.1 The Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith & Fulham are committed to achieving the highest standards of service, including honesty, openness and accountability and recognises the hugely important role employees have in achieving that goal. The Councils will not tolerate any malpractice or wrongdoing in the administration and delivery of its services. The expectation is that employees will want to raise concerns they have about the way services are being provided, or about possible fraud, theft or corruption issues.
- 1.2 This policy applies to all employees and officers of both Councils. Other individuals performing functions in relation to Council work, such as agency staff and contractors, are encouraged to use it.
- 1.3 It is important to the business that any fraud, misconduct or wrongdoing by staff or officers is reported and properly dealt with. We therefore encourage all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 1.4 This policy is intended to encourage and enable staff to raise any concerns or suspicions without fear of victimisation or retribution. The Councils have introduced this policy to enable any employee to report their concerns with confidence.
- 1.5 If something is troubling you, which you think we should know about please use this procedure. If however you are aggrieved about your personal position please use the available grievance procedures already in use in your employing Council. These offer specific support and the means to take these issues forward. The concern reporting procedure is primarily for the expression of concerns where the interests of the Councils, their assets, their users or their staff are at risk.

2. Background

- 2.1 The law provides protection for staff that raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

Is being, has been, or is likely to be, committed.

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

- 2.2 A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.
- 2.3 The organisations encourage staff to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department.

3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue as appropriate.
- No member of staff will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a member of staff for raising a qualified disclosure will be a disciplinary offence.

- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff should not agree to remain silent. They should report the matter to a director.

4. Your protection

- 4.1 The Councils are committed to this policy. If you raise a qualified disclosure, you will be protected. We will not extend this assurance to someone who maliciously raises a matter they know to be untrue. Employees who knowingly make false accusations can expect to face appropriate disciplinary action.
- 4.2 The Councils will not tolerate the harassment or victimisation of anyone raising a genuine qualified disclosure. However, we recognise that you may nonetheless want to raise a concern in confidence under this Policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. 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 how we will proceed.
- 4.3 It should be noted that if you want to raise a concern in confidence, it may be more difficult for us to look into the matter or to protect your position. Investigations into anonymously raised concerns are likely to be limited by the sufficiency of the information provided. Anonymous referrals will be followed up at the discretion of the respective Council. In exercising that discretion, the factors that will be taken into account will include:
- The seriousness of the matters raised;
 - The sufficiency and detail of information provided;
 - The credibility of the concern; and
 - The likelihood of confirming the allegation and obtaining further evidence from attributable sources.

5. Reporting your concern

- 5.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you feel management are in some way involved or are condoning the activity you should approach Human Resources or the Tri-borough Director of Internal Audit, Fraud, Risk Management and Insurance.
- Bi-borough Director of Human Resources, Debbie Morris, 020 7361 2136
 - Tri-borough Director of Audit, Moyra McGarvey, 020 7361 2389
- 5.2 All matters relating to items covered under the grievance procedures should be referred to Human Resources.
- 5.3 If the matter is definitely related to fraud or corruption against the Council you should always immediately contact the Tri-borough Director of Audit. Any approach will be treated with the strictest confidence.
- 5.4 The earlier you express the concern, the easier it is to take action. 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.
- 5.5 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. All matters relating to fraud will be investigated by the Tri-borough Director of Audit or the Tri-borough Head of Fraud.
- 5.6 The person undertaking the review is required to acknowledge your referral and once the investigation is underway they are expected to keep you aware of developments, however they will not be able to tell you the precise action and the outcome taken where this would infringe a duty of confidence owed by the Council to someone else.
- 5.7 If your concern is that your line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation then the Tri-borough Director of Audit can review the investigation carried out, make any necessary enquiries and make their own report to Senior Management.

6. Independent Advice

6.1 Although we would hope this policy gives you the reassurance to report any concerns you may have through the internal channels we recognise that there may be circumstances where you feel unable to follow this process and want external advice and support. This support is available from;

- Public Concern at Work <http://www.pcaw.co.uk/>. This is an independent charity which exists specifically to offer legal advice and assistance to employees with concerns.
- Trade Unions: employees may wish to be represented by or seek the advice of their staff representative when using the provisions of this policy. The majority of Trade Unions have issued their own guidance on reporting concerns and both Councils endorse the trade union officers' role in this area. The principal staff side contacts are:
 - Unison: 0845 355 0845
 - GMB: 020 7736 5683

7. Summary

DO



- **Make a difference and report your concerns.**
- **Write down all the details of your concern.**
- **Deal with the matter quickly. Any delay could allow the problem to continue and escalate and for evidence to disappear.**

DON'T



- Let it go unreported.
- Be afraid to raise concerns but use this policy's protection.
- Take matters into your own hands or alert individuals to your concerns.