

LONDON BOROUGH OF TOWER HAMLETS

WHISTLEBLOWING

SUPPORTING GUIDANCE FOR MANAGERS

SPEAK UP

Let's work together against what's wrong.



1. What matters should be dealt with under the policy?

The Policy and associated procedures should be used to report acts or omissions that give an employee serious cause for concern and are in the public interest. The following list provides examples of such acts or omissions:

- criminal offences (this may include, for example, types of financial impropriety such as fraud);
- unauthorised use or misuse of public funds
- failure to comply with an obligation set out in law;
- abuse of position, whether or not for personal gain
- miscarriages of justice;
- endangering of someone's health and safety;
- damage to the environment;
- conduct which may damage the Council's reputation;
- other unethical conduct; and
- covering up wrongdoing in the above categories.

2. What type of concerns should not be raised under this policy?

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. Complaints relating to an individual's employment (e.g. a personal grievance about a problem or concern an employee has about your work, working conditions or relationships with colleagues) should either be dealt with informally by the employee's line manager in the first instance or use the Council's Dispute Resolution processes.

3. What are my responsibilities under this policy?

Raising Awareness

When staff suspect or discover something is wrong, they are encouraged to report this to you. This gives you the chance to correct any potential or actual malpractice before the issue escalates. Please note that if there are allegations of potential fraud, or financial irregularity, then these must be reported to the Monitoring Officer.

You must ensure that all employees under your supervision are aware of the Whistleblowing Policy and associated procedures and that they know how to raise a concern if they become aware of malpractice or wrongdoing.

Regular reminders of the Whistleblowing Policy should be provided at team meetings. Regular 1:1 meetings for the purposes of work planning and personal development will also provide employees with the opportunity to raise concerns confidentially if necessary.

Responding to Concerns

Whistleblowing is raising a concern about wrongdoing, risk or malpractice with someone in authority. A concern can be raised in a variety of ways, for example, by email, letter,

telephone, or during a 1:1 meeting. It may be that several letters or emails together constitute a whistleblowing concern.

A whistleblowing concern may be raised during a grievance or a disciplinary or capability process. This may raise a question mark in your mind as to the motivation behind the timing of the allegations being made. However, regardless of the context, the concerns raised must still be treated seriously and investigated in accordance with the Whistleblowing Policy.

When an employee raises a concern you should:

- Consider whether the concern is actually a public interest disclosure or whether it is best dealt with under another procedure and advise the employee accordingly.
- Keep accurate records of discussion and meetings relating to the concern and gather as much information from the employee as possible and record on a Whistleblowing Complaints Record Form as appended.
- Give reassurance that protection against recrimination or victimisation will be provided.
- Take advice from HR if you consider steps are needed to protect the Whistleblower.
- Report the matter to the Monitoring Officer.
- Await further instruction regarding any investigation.
- Keep the employee informed.

Maintain Confidentiality

Council policy assures individuals raising a concern under this procedure that their report will be treated confidentially. You should assure the individual that your initial contact will be dealt with in the strictest confidence and only discussed with other relevant persons for the purposes of seeking advice.

You should advise the individual however, that should the matter become, for example, the subject of a disciplinary case or police investigation it may not be possible to guarantee anonymity.

Ensuring Protection from Victimisation, Bullying & Harassment

Victimising or deterring staff from raising legitimate concerns is a serious disciplinary offence. You must ensure that anyone who makes a complaint had confidence that it is going to be properly investigated and addressed; and they will suffer no detriment as a result of speaking out.

Council Policy assures individuals raising a concern under this procedure that they will be protected from unfair dismissal, victimisation and harassment as a result of making a public interest disclosure that they reasonably believe to be true.

You have a responsibility to ensure that victimisation, bullying and harassment are not tolerated within your team and to immediately address any reports of such behaviour.

4. What should I do if I receive an anonymous complaint?

If you receive an anonymous complaint you should consider whether the allegations fall into one of the whistleblowing categories as detailed on the whistleblowing complaint record form.

Where you consider the allegations to constitute a whistleblowing complaint you should follow the whistleblowing procedure and report the matter to the Monitoring Officer.

Whether a concern expressed anonymously will be investigated under this policy will be at the discretion of the Council. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issue raised;
- whether the allegation/concern is worthy of belief; and
- the likelihood of confirming the allegation from attributable sources.

WHISTLEBLOWING COMPLAINT RECORD

CONTACT INFORMATION

Name of Employee making the complaint:

Service:

Line Manager:

Contact Telephone Number:

Complaint received anonymously

COMPLAINT CATEGORY

- a criminal offence such as theft, fraud, bribery or corruption
- unauthorised use or misuse of public funds
- a failure to comply with an obligation set out in law
- abuse of position, whether or not for personal gain
- a miscarriage of justice
- endangering the health and safety of an individual
- damage to the environment
- conduct which may cause damage to the Council's reputation
- other unethical conduct
- covering up wrongdoing in any of the above categories

EMPLOYEE(S) INVOLVED

Name:

Post Title:

Service Area:

Name:

Post Title:

Service Area:

DESCRIPTION OF COMPLAINT

RECORD DETAILS

Name of Officer recording the complaint:

Date complaint recorded:

Date matter reported to the Monitoring Officer:

OUTCOME

- matter to be investigated under the disciplinary procedures
- matter closed due to lack of information
- matter referred to an alternative procedure
- anonymous complaint not substantiated