

## Appendix 2

# LONDON BOROUGH OF TOWER HAMLETS

## WHISTLEBLOWING PROCEDURE

# SPEAK UP

Let's work together against what's wrong.



## **1. INTRODUCTION**

- 1.1 Whistleblowing is when an employee reports suspected past, present or imminent wrongdoing, or an attempt to conceal wrongdoing. Officially this is called 'making a disclosure in the public interest'. Whistleblowing is important to safeguard the effective delivery of public services, and to ensure value for money. It serves to protect and reassure the workforce, increasing public confidence and to maintain a healthy working culture and an efficient organisation.
- 1.2 This Procedure applies to all employees of London Borough of Tower Hamlets including permanent and temporary employees. It also covers agency workers and employees seconded to the Council.
- 1.3 Contractors working for the Council may also use this Procedure in order to make us aware of any concerns that they, their employees or sub-contractors may have with regard to any contractual or other arrangement with the Council. Any concerns relating to non-Council business, however, should be raised with the relevant contractor's organisation, regulator or other suitable agency.
- 1.4 This procedure outlines the process that you should follow when reporting a perceived wrongdoing within the Council.
- 1.5 It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is raised using the correct procedure, the individual will be protected from any unfair or negative treatment. As set out in this procedure, you can raise concerns through a number of internal routes.

## **2. ROLES AND RESPONSIBILITIES**

- 2.1 The roles and responsibilities which apply in relation to the Whistleblowing Policy include, but are not limited to:

### The Monitoring Officer

- Has overall responsibility for the maintenance and operation of the Whistleblowing Policy.
- To whom whistleblower concerns are raised.
- Considering whether the concern is covered by the Whistleblowing Policy.
- Ensuring matters raised are handled properly.
- Monitoring whistleblowing cases and to report on the use of this Procedure and the outcome of investigations, including disclosures where no further action is taken.

### Corporate and Divisional Directors

- Promoting and providing a safe culture and environment where employees and other workers are confident that they can speak up about concerns without fear of reproach or recrimination.
- Ensuring that mechanisms are in place within Directorates to inform the Monitoring Officer of any matters of concern which are raised

### Line Managers

- Providing a safe environment where Tower Hamlets employees and other workers are comfortable speaking up about matters of concern.
- Ensuring that any matters raised are treated seriously and dealt with promptly in accordance with this policy and procedure, including informing the Monitoring Officer of all concerns reported to them.
- Maintaining confidentiality, as appropriate, of the employee(s) involved in the concern.
- Not deterring, bullying, isolating or otherwise victimising anyone using these procedures or destroying information about malpractice, all of which may result in disciplinary action.

### Councillors

- Can report and pursue concerns reasonably believed to be in the public interest.
- Supports standards of behaviour of openness, probity and accountability of all employees, Councillors and its contractors.
- Will receive reports giving them the opportunity to scrutinise the operation of the Whistleblowing Policy and Procedure and will lead on a shared learning culture.
- Will receive regular monitoring reports and yearly performance reports.

### Employees and other workers

- Reporting and pursuing concerns reasonably believed to be in the public interest (affecting others and not just the individual; this procedure is not to be used for reporting personal grievances or complaints relating only to the complainant's treatment).
- Raising concerns to the appropriate person in the appropriate way in line with the Whistleblowing Policy and this Procedure.
- Not raising or pursuing any malicious or vexatious allegations relating to the department or colleagues

### 3. **WHAT IS A RELEVANT CONCERN**

3.1 Please see the Whistleblowing Policy (section 2).

### 4. **REPORTING A CONCERN**

4.1 If you experience something in the workplace which you consider to be a relevant concern then it is important that the concern is raised straight away. Whilst proof is not required, you must have a reasonable belief that disclosing the information is in the public interest before raising a concern using this Procedure. The following paragraphs outline the different ways in which you can raise a concern.

4.2 The concern should, in most instances, be raised firstly with your line manager though it is important that you do raise the concern with the person best placed to deal with the matter and with whom you feel most comfortable.

4.3 There may be certain rare occasions when it would be inappropriate to raise the concern with your line manager because, for example, the concern:

- may implicate the manager in some way,
- is about a senior manager within the line management chain or somewhere else in the department,
- is particularly serious and needs to be dealt with as a matter of urgency

4.4 Concerns can also be raised with a senior manager if it is not appropriate to raise the concern with the line manager or you feel more comfortable doing so.

4.5 If it is believed that the concern is extremely serious and urgent and it cannot be raised with the line manager, another line manager, a senior manager, then it can be raised directly with the Monitoring Officer. The concern should only be raised in this way if you have given serious consideration to all other internal options.

4.6 You can raise your concerns in confidence with the Monitoring Officer in the following ways:

- Complete the 'Blow the Whistle' report form and which is available on the Council's intranet and then email it to: [monitoring.officer@towerhamlets.gov.uk](mailto:monitoring.officer@towerhamlets.gov.uk)
- By sending an email to the Monitoring Officer at the above email address;
- By letter addressed to the Monitoring Officer, 6<sup>th</sup> Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
- By telephoning the Monitoring Officer on 020 7364 4800
- By appointment to discuss with the Monitoring Officer or a person appointed by him/her for that purpose

- Through a friend, a trade union representative, or a professional association representative

4.7 If you are the subject of an ongoing investigation or procedure (e.g. disciplinary or redundancy) then raising a concern will not necessarily have the investigation or the procedure halted or suspended. The decision in relation to this will be made by the Divisional Director, HR & Transformation in consultation with Monitoring Officer.

## **5. INFORMATION NEEDED TO RAISE A CONCERN**

5.1 When raising a concern under this procedure, you should provide the following information where possible:

- the nature of the concern and its key elements.
- when it happened.
- who was involved.

5.2 In addition to details of the concern, you should try to provide the following information

- the background and reason behind the concern.
- whether you have already raised a concern with anyone and the response.
- any other relevant dates.
- if applicable, any personal interests that you have must be declared from the outset.

5.3 It is important that matters are not investigated by you. Proof is not needed, just a reasonable, honest belief that wrongdoing has occurred or is likely to occur.

## **6. PROCEDURE FOR INVESTIGATING CONCERNS**

6.1 All investigations will be conducted sensitively, as quickly as possible, and under this procedure. The investigation should be concluded within 3 months of the matter being raised, though some scenarios may result in a longer timeframe. While we cannot guarantee that the outcome will be as you may wish, the matter will be handled fairly and in accordance with the Whistleblowing Procedure.

6.2 Once you have raised a concern with your line manager, a meeting may be arranged with them to determine how the concern should be taken forward. This may involve the line manager seeing if the matter can be satisfactorily resolved at that time without the need to trigger the formal procedure. Otherwise, it may involve an internal inquiry or a formal investigation. It will be established at the meeting who

will be dealing with the matter, for example, the Health and Safety Team if the matter relates to Health and Safety.

- 6.3 If a meeting is arranged, you may be accompanied by a trade union representative or a colleague who is not involved directly with the concern if you so wish. If you prefer, the meeting can be conducted over the telephone rather than face to face.
- 6.4 Where the concern is passed to the Monitoring Officer or you raise it directly with the Monitoring Officer then provided that you are not anonymous we will within 5 working days commencing from the first working day following receipt of concern provide a written acknowledgement will be sent to you.
- 6.5 Then within 15 working days commencing from the first working day following receipt of the concern, you will be informed in writing of:
- how it is proposed to deal with the matter;
  - whether further investigations will take place, or if not deemed appropriate, why this decision has been made;
  - an estimate of how long it might take to provide a final response; and
  - what support can be offered to you.
- 6.6 A decision will also be made on whether the concern should be investigated internally under the Whistleblowing Policy or the Grievance, Disciplinary or another policy, as appropriate. It may also be decided that the matter should:
- be referred to the Police, and/or
  - be referred to the external auditor, and/or
  - be the subject of an independent inquiry; or
  - have no further action taken
- 6.7 Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required, this may be taken before any investigation is conducted.
- 6.8 We may decide that no further action will be taken under this policy in the following (not exhaustive) set of circumstances:
- if, after investigation, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
  - if the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
  - if the matter is already, has already been, or should be, the subject of proceedings under one of the Council procedures

- 6.9 We will aim to update you on the progress of the concern within 28 days of it being raised, where possible. However, in the event of a formal investigation or the involvement of the police or other external agency, you will receive sufficient information about the outcome of any investigation to enable you to be informed that the concern is being dealt with.
- 6.10 Once the investigation has concluded, you will receive an explanation about how the matter has been addressed. If there are legal constraints, e.g. in a criminal investigation, you will receive sufficient information about the outcome of any investigation to enable you to be informed that the concern has been dealt with. If no further action is proposed we will inform you of the reasons for this in writing.
- 6.11 If the investigation is not completed within 3 months or in the time originally estimated for the investigation, we will provide regular updates as agreed with you.
- 6.12 Throughout any investigation, you will still be expected to continue your duties/role as normal unless deemed inappropriate.
- 6.13 Please note that the time estimates cited above are indicative only. We will respond to your concerns as quickly as possible but we will have to test your concerns. Rest assured though that testing your concerns is not the same as either accepting or rejecting them. The overriding principle for us will be the public interest. In order to be fair, initial enquiries may have to be made to decide whether an investigation is appropriate and, if so, what form it should take.

## **7. CONFIDENTIALITY**

- 7.1 We will take steps in any investigation to ensure that confidentiality is maintained as far as possible and will endeavour to protect your identity. This should be possible in the majority of cases. Thus, any document, report or recommendation prepared by us in relation to the matter will not identify you unless:
- you have consented in writing to your identity being exposed, or
  - there is evidence to show that you have acted maliciously, or
  - we are under a legal obligation to do so, or
  - the information is already in the public domain, or
  - it is on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 7.2 All parties will be under an obligation to use all reasonable endeavours to ensure that they keep the matter and all information relating to the disclosure strictly confidential except, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

7.3 The same considerations of confidentiality should be afforded to the employee(s) at the centre of the concern as far as appropriate.

**8. TRAINING**

8.1 From time to time appropriate training will be given to Councillors, Corporate and Divisional Directors, Line Managers and employees and other workers in respect of the operation of the Whistleblowing Policy and Procedure.

8.2 It will also form part of the induction for Councillors and all new employees.