

London Borough of Tower Hamlets

Whistleblowing Policy

23/11/2023



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1. Introduction

- 1.1 Tower Hamlets is committed to the highest standards of behaviour, openness, probity and accountability of all employees, Councillors, and its contractors and as such takes very seriously any form of malpractice that is identified or discovered.
- 1.2 Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something you have witnessed at work.
- 1.3 An important aspect of accountability and transparency is to provide a mechanism that enables employees and others to voice concerns about wrongdoings in a responsible and effective manner. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may not express your concerns because you feel that speaking up would be disloyal to your colleagues, managers, or to the Council. You 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.
- 1.4 We expect employees, and others who have concerns about any aspect of the Council's work which they believe shows malpractice or wrongdoing, to bring it to our attention. This Policy sets out the mechanism to do so.
- 1.5 All employees of London Borough of Tower Hamlets may use this Policy. This includes permanent and temporary employees. It also covers agency workers and employees seconded to the Council.
- 1.6 Contractors working for the Council may also use this Policy 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.

2. Scope

- 2.1 This Policy and associated procedure is not designed to be used where more appropriate procedures are available. For example, your issue may be a personal grievance about a problem or concern you have about your work, working conditions or relationships with colleagues. If so, then you should raise these with your line manager in the first instance or use the Council's Dispute Resolution processes.
- 2.2 Further, this Policy and associated procedure are in addition to the Council's complaints procedures and other statutory reporting procedures applying to services provided by your Directorates. You are responsible for making service users aware of the existence of these additional procedures.

- 2.3 This Policy and associated procedure/guidance are designed to enable you to raise concerns at a high level and to disclose information which you believe shows malpractice, impropriety, criminal activity, or dangers to health and safety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the instigation of other procedures e.g., disciplinary.
- 2.4 Further you need to be acting in the public interest which is why personal grievances and complaints are not usually covered by this Policy.
- 2.5 The Policy is intended to cover concerns where you reasonably believe that the disclosure tends to show past, present, or likely future wrongdoing falling into one or more of the following categories:
- 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.

3. Our Assurances to You

Your safety

- 3.1 The Mayor, Councillors, the Chief Executive and Corporate Leadership Team are committed to this Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise a genuine concern under this Policy, you should have nothing to fear, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken, no action will be taken against you.
- 3.2 It is important to note that this assurance does not extend to those who make malicious or vexatious allegations or who make an allegation for personal gain. This could be construed as gross misconduct and disciplinary action may be taken against you.

Statutory protection

- 3.3 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for you to take a case to an employment tribunal if you have been victimised at work or you have lost their job because they have 'blown the whistle'. This is on the basis that you have a reasonable belief that what you have reported is true and the report is in good faith.

Harassment or victimisation

- 3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) from your colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise a concern in good faith.
- 3.5 If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns to the Council's Monitoring Officer. The matter will then be dealt with as a new referral under this policy.
- 3.6 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, capability, or redundancy procedures that already affect you.

Your confidentiality

- 3.7 We will treat all concerns raised in a confidential and sensitive manner. Your identity will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process could reveal the source of the information and you may need to provide a statement as part of the evidence required. In such cases, we will always ask your consent to disclose your identity. Further, it is always possible that your identity could be guessed.

Anonymous allegations

- 3.8 It is not unusual for individuals who are thinking about raising a concern to want to make it anonymously. However, it is best that concerns are raised openly as it makes it easier for consideration and investigation of the concern. It is recognised, however, that there are circumstances when you would wish to keep your identity confidential.
- 3.9 Anonymous concerns that do not have a point of contact to which correspondence can be sent (e.g., an email address) will be considered at the discretion of the Council. In exercising this discretion, the following factors will be taken into account
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

- 3.10 Therefore, whilst we do not rule out the possibility of conducting investigations where you have not given a point of contact, it should be noted that, in

practice, we are unlikely to be able to proceed in the majority of such cases because of the practical difficulties that arise. No contact point will often present a barrier to effective investigation because it is impossible to contact you to check information received, ask for more details, or give feedback.

4. The Responsible Officer

- 4.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

5. Recording and Monitoring

- 5.1 The Monitoring Officer will maintain a confidential and secure register of all concerns raised through this Whistleblowing Policy. Investigations undertaken as a result of concerns being raised through these channels will be reported to the Audit Committee. Furthermore, weaknesses in Tower Hamlets controls may be identified through our investigations and recommendations to improve these will be raised with relevant managers and Chief Officers.
- 5.2 All records will be treated as confidential and kept no longer than necessary in accordance with Data Protection rules. Individuals have a right to request and have access to certain personal data: however, some information may be withheld in order to protect a third party.

6. Review of the Whistleblowing Policy

- 6.1 This Policy and reports made under it will be reviewed annually by the Monitoring Officer who will make a report to the Audit Committee.

7. External Contacts

- 7.1 Whilst we hope this Policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. If you do not wish to report your concern to the Monitoring Officer: you can get legal advice from a lawyer, or tell a prescribed person or body.
- 7.2 A Prescribed person or body as set out in the “prescribed persons list” published by the Department for Business, Innovation and Skills. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with the sector, often as a regulatory body. An up-to-date list can be found here:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 7.3 If you tell a prescribed person or body, it must be one that deals with the issue you are raising, e.g., a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.
- 7.4 If you raise concerns outside the Council you should ensure that it is to either one of the prescribed persons or bodies as set out in the “prescribed persons list” published by the Department for Business, Innovation and Skill. Through this Policy however, the Council also guarantees like protection if it is a qualified disclosure made to:
- The Police
 - Protect: The whistleblowing charity who can provide free advice.
 - 020 3117 2520
 - <https://protect-advice.org.uk/>
 - The Local Government Ombudsman
 - 0300 061 0614
 - http://www.lgo.org.uk/forms/ShowForm.asp?fm_fid=62
- 7.5 You should not disclose information that is confidential to the Council or to anyone else, such as a client or contractor of the Council, except to either one of the prescribed persons or bodies as set out in the “prescribed persons list” or 7.4 above.