



# **RAISING CONCERNS (WHISTLEBLOWING) POLICY AND PROCEDURE**

<b>Policy Owner</b>	<b>Head of Audit and Assurance</b>
<b>Reviewed by</b>	<b>Head of Audit and Assurance</b>
<b>Date of Review</b>	<b>July 2022</b>
<b>Approved by</b>	
<b>Date approved</b>	

## 1. Policy Statement

- 1.1. The London Borough of Bromley is committed to ensuring the highest standards of conduct and ethical behaviour throughout all of its operations and has high expectations of propriety, integrity and accountability from its staff and stakeholders. Our REAL Values set out the core standards that are integral for us as an organisation to achieving the ambitions set out in 'Making Bromley Even Better'.
- 1.2. The Council actively encourages open and honest communications, as a culture where employees, partners and other stakeholders can confidently raise concerns is one of the best means to ensure these standards and values are consistently maintained.
- 1.3. Therefore, the Council is keen to ensure that all persons working for the Council or on our behalf are able to speak up and raise issues which are of concern at work.
- 1.4. The overarching aims of this policy are to:
  - Encourage employees to feel confident in raising genuine concerns
  - Provide avenues for individuals to raise concerns and receive feedback
  - Protect individuals from reprisals for genuine disclosures.

## 2. Definitions

- 2.1. Whistleblowing can be defined as "the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrong-doing which affects others". (Whistleblowing Commission's Code of Practice)
- 2.2. The Public Interest Disclosure Act 1998 provides protections for employees who make such disclosures.

## 3. Scope

- 3.1. This policy applies to all employees (including temporary and agency staff), suppliers, volunteers and contractors working on behalf of the Council.
- 3.2. It can be used for concerns about others or the organisation such as:
  - conduct which is, has been or is likely to be an offence or a breach of law
  - the unauthorised use of public funds, for example assets or funds used for personal gain
  - possible fraud and corruption (please see the Counter Fraud and Corruption Strategy for examples)
  - sexual, physical, verbal or financial abuse of clients
  - disclosures related to past, current or likely miscarriages of justice, for example false information knowingly provided to support enforcement action
  - health and safety risks to the public or other employees
  - any other concerns regarding the conduct of officers or Members or others acting on behalf of the Council, for example breach of core Council standards and policies.
- 3.3. The Whistleblowing Policy does not replace the Council's complaints procedures and other statutory reporting procedures applying to some departments.

3.4. If you wish to raise concerns regarding your own employment, please use the grievance procedure.

3.5. If you have health and safety concerns, we encourage you to raise these first with your line manager or the Health and Safety Officer.

## 4. Roles and Responsibilities

ROLE	RESPONSIBILITIES
<b>Chief Officer Executive</b>	<ul style="list-style-type: none"> <li>• Approving and endorsing the Raising Concerns policy</li> <li>• Promoting fraud and corruption awareness and an open and transparent culture where staff feel empowered to report suspicions of wrong-doing without fear of reprisals</li> </ul>
<b>Audit and Risk Management Committee</b>	<ul style="list-style-type: none"> <li>• Reviewing and monitoring whistleblowing arrangements, including final approval of the Raising Concerns policy</li> <li>• The Chairman of the Audit and Risk Management Committee acts as a Member champion for whistleblowing arrangements and the Chairman and Vice Chairman are points of contact for raising concerns</li> </ul>
<b>Head of Audit and Assurance</b>	<ul style="list-style-type: none"> <li>• Maintaining, implementing and overseeing this policy, including keeping records of concerns raised, their outcomes and feedback given</li> </ul>
<b>Managers</b>	<ul style="list-style-type: none"> <li>• Ensuring that they respond appropriately to all concerns raised, and that these concerns are investigated properly</li> <li>• Ensuring that their staff are aware of this policy and procedure</li> <li>• Ensuring that appropriate support arrangements are put into place for staff who raise concerns</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>• Raising relevant concerns that they have under this policy</li> </ul>

## 5. Safeguards and Support

5.1. Employees are often the first to realise that there may be something wrong within the Council and therefore it is important that employees raise concerns so that issues can be dealt with as soon as possible, and to prevent any further possible damage or losses.

5.2. The Council recognises however that individuals may be worried about raising such a concern, perhaps through a sense of disloyalty to colleagues, uncertainty about the issue or because they fear victimisation or reprisals.

5.3. The Council is committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it

is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

5.4. Employees making a genuine disclosure will not suffer any disadvantage as a result of raising a concern. They are protected by both the Public Interest Disclosure Act and this policy. The Council will not tolerate the detrimental treatment, harassment or victimisation of anyone raising a genuine concern. This includes attempts to deter individuals from raising concerns. Any such instances will be dealt with through the Disciplinary Policy.

5.5. These guarantees apply regardless of the outcome of the investigation, including where the concern is unfounded.

*If you are unsure about raising a concern you can get independent advice from Protect, an independent charity on 020 3117 2520 or by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Their lawyers can talk you through your options and help you raise a concern about malpractice at work. You can also seek advice from your Trade Union or professional body.*

## **6. Confidentiality**

6.1. You can choose to raise your concern in confidence and we will do our utmost not to reveal your identity if you tell us this is your wish. However, in certain circumstances, particularly in matters of criminal or civil law, it may not be possible to maintain your anonymity, for example if a witness statement is required to progress the case. In such instances, we will discuss this with you before disclosing your identity, including arrangements that can be put in place to support you.

## **7. Anonymous allegations**

7.1. We encourage everyone to raise concerns openly as this will enable us to most effectively assess and investigate the issue. However, there will be occasions when individuals feel unable to provide their name. Therefore, we will consider all anonymous disclosures on their merits and these are always preferable to remaining silent.

7.2. However, before you choose to make an anonymous allegation, you should consider the following:

- It may be more difficult for the Council to investigate the concern or take any action as, for example, it may not be possible to confirm the allegation from other sources or ask you for follow up information
- You are unlikely to receive feedback on your concern
- You may not be afforded all protections under this policy and the law as there will be no evidence that it was you who raised the concern.

## **8. False Allegations**

8.1. Individuals raising genuine concerns will be supported and protected under this policy, even where further investigation demonstrates the concern to be unfounded.

8.2. However, individuals who knowingly make false or malicious allegations may be subject to disciplinary procedures.

## **9. Reporting**

9.1. The Head of Audit and Assurance will report annually to Audit and Risk Management Committee, in an anonymised format, on the numbers of referrals and their outcomes.

## **10. Review**

10.1. This policy will be reviewed every two years at a minimum, or sooner in line with significant developments.

## **11. Contact**

If you have any queries on this policy or would like further advice, please contact:

Francesca Chivers, Head of Audit and Assurance

[Francesca.chivers@bromley.gov.uk](mailto:Francesca.chivers@bromley.gov.uk)

0208 313 4308

Linda Pilkington, Principal Auditor

[Linda.pilkington@bromley.gov.uk](mailto:Linda.pilkington@bromley.gov.uk)

0208 313 4284

## Raising Concerns Procedure

1. The earlier a concern is raised, the easier it is to take action. You should be able to demonstrate that you have reasonable grounds for your concern but you are not expected to prove your concerns.
2. Concerns can be raised verbally (face to face or on the telephone) or in writing. When raising your concern please give as much detail as you can, including
  - The background and history of the concern, including any relevant names, dates and locations where possible
  - The reason why you are concerned.
3. As a first step, you should normally raise concerns with your immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. We recognise that individuals will not feel able to approach their line manager in all instances.
4. If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with either of the following:

<b>Francesca Chivers</b> <b>Head of Audit and Assurance</b>	020 8313 4308 <a href="mailto:francesca.chivers@bromley.gov.uk">francesca.chivers@bromley.gov.uk</a> Bromley Civic Centre, Stockwell Close, BR1 3UH
<b>Tasnim Shawkat</b> <b>Director of Corporate Services</b>	020 8461 7899 <a href="mailto:tasnim.shawkat@bromley.gov.uk">tasnim.shawkat@bromley.gov.uk</a> Bromley Civic Centre, Stockwell Close, BR1 3UH

5. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

<b>Ade Adetosoye CBE</b> <b>Chief Executive</b>	020 8313 4652 <a href="mailto:ade.adetosoye@bromley.gov.uk">ade.adetosoye@bromley.gov.uk</a> Bromley Civic Centre, Stockwell Close, BR1 3UH
<b>Cllr Michael Tickner</b> <b>Chairman, Audit and Risk Management Committee</b>	020 8313 4422 <a href="mailto:michael.tickner@bromley.gov.uk">michael.tickner@bromley.gov.uk</a> c/o Members' Room, Bromley Civic Centre, Stockwell Close BR1 3UH

<p><b>Cllr Robert Evans</b>  <b>Vice Chairman Audit and Risk Management Committee</b></p>	<p>01689 853002  <a href="mailto:robert.evans@bromley.gov.uk">robert.evans@bromley.gov.uk</a>  c/o Members' Room,  Bromley Civic Centre,  Stockwell Close  BR1 3UH</p>
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### **Recording concerns**

6. The Head of Audit and Assurance maintains a log of all concerns raised under this policy and their outcomes. The person receiving the concern must therefore notify the Head of Audit and Assurance of the concern as soon as practical.

### **How the Council will respond**

7. We will take every concern raised seriously and will assess each one to ascertain the best course of action, including whether any urgent action is required before investigation.
8. The manager or person receiving the concern will undertake this initial assessment, in discussion with Human Resources, Internal Audit and other specialist advice (such as safeguarding professionals) as necessary. Depending on the information received, we may undertake preliminary enquiries before determining how the matter should be investigated and the scope of any investigation. (No action / investigation should be commenced on any fraud concern without prior discussion with Internal Audit.)
9. Dependent on the concern we may, for example:
  - Undertake an internal investigation – the investigating officer will depend on the nature of the concern
  - Refer the matter to the police
  - Refer the matter to External Audit.
10. Concerns that fall under specific procedures will normally be referred for consideration under these procedures.

### **Keeping you informed**

11. Within ten working days of raising your concern the investigating officer will write to you:
  - Acknowledging receipt of the concern
  - Providing an indication of how we propose to deal with the concern, and the estimated timeframe for a final response (although this will be subject to the nature and complexity of the concern)
  - Advising you how to report any disadvantage or detrimental treatment as a result of making the disclosure
  - Signposting you to support mechanisms, such as the Council's employee assistance programme
  - Advising you that you are entitled to independent advice.

12. If we need to speak to you further, you have the right to be accompanied by a trade union representative or workplace colleague who is not involved in the area of work subject to the concern.

13. Subject to any legal constraints, such as data protection, we will provide you with information about the outcome of any investigation.

**How the matter can be taken further – External disclosures**

14. While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you feel unable to do so or you feel the Council has not properly responded to your concerns.

15. The Public Interest Disclosure Act extends whistleblower protections to disclosures made externally, to ‘prescribed people or bodies’. The ‘prescribed person’ will depend on the nature of your concern. A full list can be found here: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk), and those likely to be most relevant to the Council are provided below. You may also speak to a legal professional or your Member of Parliament.

16. If you make an external disclosure to a non-prescribed body, such as the media, you will only have whistleblower protections in certain circumstances. Therefore, you should seek independent advice before making any such disclosure.

<b>Prescribed body</b>	<b>Scope of Disclosures</b>	<b>Contact details</b>
<b>Ofsted</b>	Contact them about matters relating to regulation and inspection of children’s social care.	Ofsted Piccadilly Gate Store Street Manchester M1 2WD  0300 123 3155 whistleblowing@ofsted.gov.uk
<b>Care Quality Commission</b>	Contact them about matters relating to the provision of health and social care.	CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA  Tel: 03000 616161 Email: enquiries@cqc.org.uk Website: www.cqc.org.uk
<b>The Comptroller and Auditor General</b>	Contact them about the proper conduct of public business, value for money, fraud and corruption	The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP



	in relation to the provision of public services.	www.nao.org.uk/contact-us/whistleblowing-disclosures/
<b>The Information Commissioner</b>	Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information.	The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF  Tel: 0303 123 1113 Email: icocasework@ico.org.uk Website: www.ico.org.uk
<b>Secretary of State for Education</b>	Contact them about matters relating to schools including maintained schools.	Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD  Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe
<b>The Health and Safety Executive</b>	Contact them about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work	Health and Safety Executive Canary Wharf 10 South Colonnade Canary Wharf London E14 4PU  Tel: 0300 003 1647 Online form: <a href="#">Tell us about a health and safety issue - Contact HSE</a>