



WHISTLEBLOWING POLICY

Responsible: L Dandy / Management Committee

Status: Statutory

Date reviewed: Sept 2023

Next review Date: Sept 2024

1 Policy Statement

1.1 The Royal Borough of Kingston Upon Thames (RBK) is committed to achieving the highest possible standards of service, including honesty, openness and accountability, and recognises that employees have an important role to play in achieving this goal.

1.2 All of us, at one time or another, have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a danger to the public or colleagues, misconduct or malpractice or wrongdoing which affects others, it can be difficult to know what to do.

1.3 You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.

1.4 RBK has introduced this policy to enable everyone to blow the whistle safely so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.

1.5 If something is troubling you, which you think we should know about, or look into, please use this procedure. If, however, you are aggrieved about your personal position, please use the Grievance Procedure. This Whistleblowing procedure is primarily for concerns where the interests of others or of the Council are at risk.

1.6 The Council has an Anti-Fraud and Corruption Strategy which is available on the Council's website. Where a concern relates to an employee or Member of the Council failing to comply with the Anti-Money Laundering Policy this concern can be raised in accordance with this Whistleblowing Policy. The Anti-Fraud and Corruption Strategy sets out the ways in which the Council prevents, detects and investigates fraud and corruption. A concern about fraud and corruption can also be raised in accordance with this Whistleblowing Policy.

2 Introduction

2.1 RBK seeks to ensure all of its activities are conducted to a high standard and with integrity. In the event that employees or members of the public become aware of activities that give cause for concern the following Whistleblowing Policy will be followed. This policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

2.2 RBK is committed to tackling fraud and other forms of malpractice and treats these issues seriously.

2.3 RBK recognises that some concerns may be extremely sensitive. It has therefore developed a system that allows for the confidential raising of concerns within the

Council environment but also has recourse to an external party outside the management structure of the Council.

2.4 RBK is committed to creating a climate of trust and openness. A person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered.

3 Purpose of the policy

3.1 The purpose is as follows:

- To encourage you to feel confident in raising concerns.
- To provide you with a confidential method of raising concerns.
- To enable you to confidentially raise concerns within the Council environment.
- To ensure you receive a response to your concerns and if not satisfied you are aware of how to pursue them.
- To reassure you that you will be protected from reprisals or victimisation where you reasonably believe the disclosure to be made in the public interest.

This Whistleblowing procedure is primarily for concerns where the interests of others or of the Council are at risk.

4 Who is covered by this procedure

4.1 Council employees including schools, agency staff, trainees, apprentices, volunteers, consultants and interim managers, or any self employed staff employed on council business.

4.2 The policy applies to contractors working for the Council and partner agencies. It also covers any suppliers and those providing services under a contract or in partnership with the Council in their own premises.

5 Definitions

5.1 The Council has a range of policies and procedures, which deal with standards of behaviour at work, for example, Council's Complaints, Grievance and Dignity at Work procedures, and other statutory reporting procedures that may apply to some sections. Staff are encouraged to use these procedures when appropriate.

5.2 This policy is not part of the disciplinary procedures, although disciplinary action may result from the use of this policy.

5.3 This policy is not designed to be used for allegations that fall within the scope of other procedures (for example child or vulnerable adult protection) which will not normally be

referred for consideration under those procedures, unless there is good reason to believe that the procedure is not being followed or will not be followed effectively.

5.4 The type of activity or behaviour that the Council considers should be dealt with under this policy includes:

- Action which is contrary to the Code of Conduct for employees or members.
- The inappropriate use of the Council's Contract Standing Orders and financial procedures.
- Corruption, bribery or blackmail
- Dangerous procedures risking Health and Safety, including risk to the public as well as other employees.
- Services that fall below approved standards or practice.
- Sexual, physical or financial abuse of clients, or
- Other unethical conduct, including deliberate concealment of information relating to the above.
- Damage to the environment.
- The unauthorised use of public funds.
- Conduct which is a criminal offence or a breach of law.
- Disclosures related to miscarriages of justice.
- Involves possible fraud or financial irregularity
- Failure to comply with legal or regulatory duty or obligation.

6 What protection do you have?

6.1 The Public Interest Disclosure Act 1998 offers protection to workers from any detriment from their employer that arises from the worker making the disclosure (whistleblowing). This Act has both the support of employers' organisations and Trade Unions.

6.2 The Council will not tolerate any harassment or victimisation (including informal pressures).

6.3 Under the Act, you will be required to resolve your concerns directly with the Council to a prescribed person (listed below) and will be protected from victimisation if in the last resort you have to take your concerns to an outside body.

6.4 Protection is provided to an employee where disclosure has been made with an honest and reasonable belief that the malpractice has occurred, is occurring or is likely to occur. You

will also be protected if you make your disclosures to an external body as long as you honestly and reasonably believe that the allegations are substantially true.

6.5 If appropriate, for members of staff, the Council's Dignity at Work procedure will apply to those who carry out unacceptable behaviour. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or redundancy procedures.

6.6 The Council cannot give legal advice to workers about disclosing information to us and whether whistleblowers will receive the legal protections offered by PIDA. Individuals will need to seek their own legal advice in relation to how the protection afforded by PIDA affects them.

7 Raising unfounded malicious concerns

7.1 You are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, when it appears that there are clear grounds for suggesting that you may have acted frivolously, maliciously or vexatiously, this will be taken seriously and may constitute a disciplinary offence.

8 Harassment or Victimisation

8.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

8.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.

8.3 The Council will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern.

9 What action should you take?

9.1 RBK encourages you to raise the matter internally in the first instance. This allows staff and those in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

9.2 As a first step you should normally raise concerns with your line manager, Head of School or Head Teacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If the circumstances make contacting a line manager not appropriate, then you can contact the Officers listed in 14.2 or the fraud hotline on 0208 871 8283.

9.3 Concerns made in writing should set out the background and history of the concern, giving names, dates and places where possible and the reason why there are particular

concerns about the situation. The earlier the concern is expressed, the easier it is for someone to take action.

9.4 If you need advice and guidance on how matters of concern may be pursued, this can be obtained from Employee Relations in the HR service, or from Internal Audit.

9.5 Because of the difficulty of raising a concern, a trade union or work colleague may raise the matter on behalf of you, or accompany you when making the allegation.

9.6 If you are not in a formal line management relationship because of your employment relationship, e.g., agency staff or contractors, you should first discuss your concerns with a relevant colleague or manager within the service.

10 Anonymous allegations

10.1 This policy encourages you to give your name when making an allegation. Concerns expressed anonymously are usually much less powerful, but they will be considered at the discretion of the investigating officers.

10.2 In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern and
- the likelihood of confirming the allegation from attributable sources
- the evidence base

11 How will the Council respond?

11.1 The individual who receives the information or allegation will assemble the information made available to them. The details of the allegation are then immediately passed on to the Monitoring Officer in order that it can be included on the central Whistleblowing Register. The Monitoring Officer will decide which service should conduct the investigation.

11.2 An appropriate investigating officer is then appointed by the relevant service, dependent on the nature of the allegation. The investigating officer(s) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance. This could involve for example members of staff, the Internal Audit service, external audit, legal or HR advisors, or the police. Concerns or allegations, which fall within the scope of specific procedures (e.g., child protection, Health and Safety or discrimination issues), will normally be referred for consideration under those procedures. It may be decided to employ an outside firm to undertake the investigation or it may be passed to external audit to investigate, depending on the nature of the allegation.

11.3 The initial assessment will decide whether the concerns fall under the Whistleblowing Policy. A response will be sent to the person raising the concern to inform them of the outcome (i.e. if it will be investigated under a separate policy, or investigated under the Whistleblowing Policy and the process that will be followed.

11.4 Fraud allegations will be passed to the South West London Fraud Partnership (SWLFP) to carry out the investigation.

11.5 Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

11.6 The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you as part of the investigation process. If you are a Council employee, and the investigating officer has invited you to attend a meeting, you will have the right to be accompanied. This should be a representative of a recognised trade union, or a work colleague who is not involved in the area of work to which the concern relates.

11.7 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise on the procedure.

11.8 Within 4 weeks of receipt of the Whistleblowing you will be informed if the concern will be investigated and under what policy. If investigated under this policy you will be informed how and by whom the concerns will be handled and an estimate of how long the investigation will take and where no further action is proposed, reasons for this decision.

11.9 Subject to legal constraints, you will be informed of the overall conclusion of the investigation. However you will not be provided with specific details of any proposed disciplinary action, as these will remain confidential to the individual(s) concerned.

11.10 If you are dissatisfied with the conduct of the investigation or outcome of the matter or have genuine concerns that the matter has not been handled appropriately, or feel you have suffered a detriment for raising the concern, you should report this to the Chief Executive or appropriate nominated officer. You are entitled to independent advice on this.

12 Confidentiality

12.1 Wherever possible RBK seeks to respect the confidentiality and anonymity of the Whistleblower and will as far as possible protect you from reprisals. The Council will do its best to protect your identity when you raise a concern and do not want your name disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence in criminal proceedings or Employment Tribunals.

12.2 The Council will endeavour to ensure your identity will not be disclosed to third parties without a court order.

12.3 Where the procedure allows a matter to be taken outside the Council, you should not disclose confidential information unless the information relates to the matter under investigation and until the internal procedures have been exhausted. No confidential information shall be disclosed externally in a frivolous or vexatious manner.

13 Support for Employees

13.1 It is recognised that raising concerns can be difficult and stressful. Advice and Support is available via an employee's line manager, Departmental Human Resources or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.

13.2 The Council provides Workplace Options - Employee Assistance Programme (EAP) for members of staff which can provide confidential and independent support including on employment issues, managing health and wellbeing and consumer rights. This service is free to employees and their families living at home and is available 24 hours a day, 7 days a week, 365 days a year. Contact details are Freephone: 0800 243 458 Email: assistance@workplaceoptions.com Website: www.workplaceoptions.com User name: RBK Password: employee SMS text (for call back): 07909 341229 Minicom: 020 8987 6574

13.3 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

13.4 Help will be provided to you in order to minimise any difficulties which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with you and with you being represented, if you so wish.

13.5 If you believe that you have suffered a detriment for having raised a concern, you should report this.

13.6 If you are not satisfied with the action taken by the Council and feel it's right to question the matter further may consider the following possible contact points:

- External Auditor
- the employee's Trade Union
- the Citizens Advice Bureau and / or law centre / firm
- relevant professional bodies or regulatory organisations
- the Local Government Ombudsman

- the Information Commissioner
- a relevant voluntary organisation
- the Police and/ or Health and Safety Executive

14 How the matter can be taken further

14.1 If you have raised your concern, but feel that this has not been resolved or you feel that the matter is so serious or sensitive that you cannot discuss it with your line managers

14.2 The following officers can be contacted: -

- Chief Executive - ian.thomas@kingston.gov.uk
- Monitoring Officer - lauren.mccann@kingston.gov.uk
- Head of Internal Audit - alix.wilson@kingston.gov.uk
- AD - People and Organisation Development - sandra.farquharson@kingston.gov.uk
- South West London Fraud Partnership hotline 020 8871 8383

14.3 If the concern involves potential fraud or criminal activities the Councils Fraud Hotline 020 8871 8383. or email swlfp@richmondandwandsworth.gov.uk can be used.

14.4 You may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible.

15 Referral outside the Council

15.1 This policy is intended to provide you with a way in which concerns can be raised and resolved within the Council.

15.2 In exceptional circumstances you may consider the matter too serious or sensitive to raise within the internal environment of the Council. In this instance, depending on the nature of the concern, the matter could be directed to the police or local MP.

15.3 The Comptroller and Auditor General is a prescribed person, to whom external persons can make disclosures relating to “the proper conduct of public business,

value for money, fraud and corruption in relation to the provision of public services”. Their Whistleblowing hotline is 020 7798 7999

15.4 The Act does not require the C&AG to investigate every disclosure s/he receives; their decision whether or not to investigate is based upon various criteria designed to ensure the most effective use of the resources at their disposal in safeguarding the public interest. The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP

15.5 The councils external auditor is Grant Thornton:- <http://www.grantthornton.com/uk/>

15.6 The Local Government Ombudsman can also be contacted, they will not, however, take any action until the allegation has been dealt with internally first. They can be contacted at: - <http://www.lgo.org.uk/> Telephone the LGO Advice Team on 0300 061 0614 or Text 'call back' to 07624 811595.

15.7 Further information may be obtained from the following: Citizens Advice Bureau <https://www.citizensadvice.org.uk/about-us/co>

ntact-us/ The Information Commissioner <http://www.ico.gov.uk/> Health and Safety Executive <http://www.hse.gov.uk/> Care Quality Commission <http://www.cqc.org.uk/contact-us/report-concern/report-concern-if-you-are-member-public> Ofsted (Whistleblowing hotline) 0300 123 3155 whistleblowing@ofsted.gov.uk

16 Relationship with other employee procedures

16.1 The Whistleblowing Policy is not designed to replace the Grievance or Dignity at Work Procedures because it exists for clearly defined reasons.

16.2 An issue considered under the Whistleblowing Policy may lead to action under the Council's Disciplinary Procedure and/or action by the Internal Audit service, South West London Fraud Partnership or the police.

16.3 The Council's policies outline the approach employees must take regarding contact with the media. It is particularly important that disclosures are not made directly to the media but are initially directed through the Whistleblowing Policy if appropriate. Failure to do this may expose vulnerable clients to public view and may expose the employee to disciplinary action.

17 Mediation and dispute resolution

17.1 If we believe that the issues relate more to conflicts or trust between managers and employees or other staff members, we will give consideration at the earliest opportunity, to the use of mediators or officers from another service in an attempt to resolve these conflicts, rebuild trust or support staff who have raised concerns.

18 Accountability

18.1 Everyone should expect to be held accountable for adopting fair, honest and open behaviours and practices when raising, receiving and handling concerns.

18.2 Individuals and service areas will be accountable for:

- poor practice in relation to encouraging the raising of concerns and responding to them
- the victimisation of staff for making public interest disclosures
- raising false concerns in bad faith or for personal benefit

- acting with disrespect or other unreasonable behaviour when raising or responding to concerns

19 Communication, Recording, Monitoring and Review of Whistleblowing

19.1 This policy will be communicated as appropriate and will be subject to regular monitoring and review.

19.2 The Monitoring Officer will maintain a Corporate Register containing all concerns that are brought to their attention. This register will include details of who raised the concern/s (if available), the department the concerns relate to, a brief summary of the concern/s, the outcome of the initial assessment i.e whether it has been accepted as a Whistleblowing or has been referred under a separate policy. If investigated under a Whistleblowing, the register will include the conclusion of the investigation, any action taken and any other relevant information. The Monitoring Officer will report the number of whistleblowing cases received and a summary of the outcome to the Audit and Governance Committee on an annual basis.

20 Conclusion

20.1 Existing good practice within the Council in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the Council operates ensures that cases of suspected fraud or impropriety rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Council. This document is a public commitment that concerns are taken seriously and will be actioned.

21 Summary

DO

- Make an immediate note of your concerns a) Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of the parties involved. b) Note any documentary evidence that may exist to support your claim but do not interfere with this evidence.
- Report your concerns a) to your line manager or b) to those listed above in 14.2
- Deal with the matter quickly. Any delay could allow the problem to continue and escalate and evidence to disappear
- Think about risks and outcomes before you act
- Follow the guidance provided and contact the appropriate officer

DON'T

- Do nothing and let it go unreported

- Be afraid of raising concerns
- Approach and accuse individuals directly
- Try and investigate the matter yourself
- Convey your suspicions to anyone except those of the proper authority as set out in our policy.
- Use the whistleblowing procedure to pursue a personal grievance

IF IN DOUBT - RAISE IT

TO BE AGREED BY MC