

Counter Fraud Framework Manual 2016

Whistleblowing Policy Statement

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Version History

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Version 1 2013 Final Issued	May 2013	Clair Green	2013 Update
Version 1	September 2013	Clair Green	Further Review 2013
Version 2 2014	October 2014	Clair Green	Annual Review
Version 3 2016	April 2016	Clair Green	Policy review Separation of policies from procedures

Counter Fraud Framework – Whistleblowing Policy Statement

1. Policy Statement

- 1.1 The London Borough of Barnet firmly believes in open and honest governance. It is the policy of this Council that all those who raise honest concerns about anything this Council does will be treated with respect, supported and protected from any adverse treatment. All members and senior staff, partners and contractors strongly endorse this policy and wish to put on record how committed we are, both individually and as an Authority, in being open, honest and accountable in all we do. We are committed to the highest possible standards of openness and probity, and the aims and objectives of the Public Interest Disclosure Act 1998.
- 1.2 The essence of a whistleblowing system is that staff should be able to by-pass their direct management line, as this may be the area about which their concerns arise. They should be able to go outside the organisation if they feel the overall management is engaged in an improper course of action.
- 1.3 The role of the whistleblowing policy is to assist with the deterrent and detection of wrongdoing. The Policy explains how concerns should be raised and seeks to allay any fears whistle-blowers may have.
- 1.4 It is our policy that **any person** (staff at all levels, those permanently employed, temporary staff, agency staff, contractors, non-executives, partners, agents, Members (including independent members), volunteers and consultants, residents, service users, members of the public or other partner or contracted organisations) may raise concerns within the Council (or, under certain circumstances, with a prescribed regulator or external body) without fear that they may be victimised, discriminated against or disadvantaged in any way as a result.
- 1.5 If any person raises concerns under this policy, they are to be perceived as and treated as a witness and not as a complainant.
- 1.6 All concerns, including those raised anonymously, regardless of their nature, raised under this procedure will be treated seriously and sensitively by highly trained and experienced Whistleblowing Reporting Officers.
- 1.7 Staff are encouraged to report wrongdoing and have the right to be heard and taken seriously when they do so. The Council will take all reasonable steps to protect staff who make such disclosures from any detrimental action which may occur as a result of making the disclosure.
- 1.8 The Council neither tolerates improper conduct by its staff, members, or its partners or contractors, nor the taking of reprisals against those who come forward to disclose such conduct.
- 1.9 The Council recognises the value of both confidentiality and accountability in its core functions and fully supports the making of disclosures to reveal corrupt conduct, mismanagement of public resources, or conduct which involves risk to service users, public health and safety, or the environment.
- 1.10 This whistleblowing policy has been drawn up in conjunction with the Public Interest Disclosure Act 1998. The Act establishes a framework for responsible whistleblowing and is intended to encourage staff and the public to report any concerns that they may have of improper conduct or malpractice or abuse within the Council or to any of its service users.
- 1.11 This policy is designed to complement normal communication channels between staff members, partners, contractors and management. All staff are encouraged to continue to raise matters via their respective Line Managers, however sometimes employees may feel more comfortable making disclosure of improper conduct using this procedure.

2. Scope

- 2.1 Whilst the Public Interest Disclosure Act lists specific times when formal protection must be granted to those who report suspicions of wrongdoing, it is our policy that any reports of

Counter Fraud Framework – Whistleblowing Policy Statement

wrongdoing by the Council which are made in good faith to an appointed Whistleblowing Reporting Officer will gain the reporter the protection set out in this policy.

2.2 Notwithstanding the previous paragraph, the policy does **not** cover reports about :

- 2.2.1 Issues affecting you as an employee (these should be raised through the Council's Grievance Procedure)
- 2.2.2 Service requests or complaints from the public about Council services
- 2.2.3 Lobbying for or against Council policy
- 2.2.4 Trade union or staff consultation

3. Protection from reprisal

- 3.1 The Public Interest Disclosure Act 1998 gives statutory protection for employees who report on crime, illegality, miscarriages of justice, danger to health or safety, damage to the environment or on deliberate concealment of these. The protection covers reports to the employer or to a regulating authority; otherwise the statutory protection depends on the circumstances.
- 3.2 Any person who makes a report will be protected from victimisation or reprisal. The Act protects the employee from being subjected to discipline, dismissal or any other detriment from making the report. In addition, the Council will treat any victimisation or harassment of an employee who has made the report under this procedure as a serious disciplinary offence – **harassment of a whistleblower will almost certainly amount to gross misconduct and will normally lead to dismissal without notice.**
- 3.3 An individual who victimises or harasses an employee who has made a protected disclosure can be personally liable in court for their actions.
- 3.4 No action will be taken against any person if a report has been made but is not confirmed by the investigation.
- 3.5 **Conversely, any person should not make a report, which they do not reasonably believe to be true, or which is malicious. Disciplinary proceedings may be taken against a member of staff who makes false allegations maliciously or with a view to personal gain.**
- 3.6 If a member of staff making a report is already the subject of disciplinary, capability or redundancy procedures they will not necessarily be halted as a result of a whistleblowing allegation.

4. Oversight of Policy

- 4.1 Members shall have oversight of this policy. This function is delegated to the Audit Committee. The Constitution requires the Audit Committee to monitor the Council's Counter Fraud Framework and Policies and recommend their application across the Council
- 4.2 The Audit Committee shall receive a report on whistleblowing by officers every three months. This report will form part of the Corporate Anti-Fraud Team Quarterly update / Annual report.
- 4.3 The report shall be produced by the Assurance Assistant Director and presented to the Audit Committee (or to such other committee as the full Council shall nominate) by the Assurance Assistant Director. The report must not contain any information that identifies whistleblowers, nor may it identify specific allegations until all associated investigations are completed.
- 4.4 Following that report, the Audit Committee may make such recommendations as they deem necessary relating to the policy, and may give such directions as they deem necessary to Assurance Assistant Director in order to ensure that the Council's policy is followed.

Counter Fraud Framework – Whistleblowing Policy Statement

4.5 Members recognise that it would not be proper for them to be seen to have any influence on outcomes. Their function is, with reference to the reports, to satisfy themselves that the policy is robust and that it is being followed by all officers involved in this area of work. In order to protect them from any wrongful allegations, members will **at no time** be able to direct investigations or be given details of on-going investigations.

5. Adoption of Policy and Amendments

5.1 This policy was adopted by The London Borough of Barnet on XXXDATEXXX. It replaces any previous policy.

5.2 The Assurance Assistant Director is instructed to make any changes that are necessary to this and any associated documents in order to ensure that they comply with changes to primary legislation and with codes of practice. Changes to the policy made under this section must be reported to members in the next quarterly report.

5.3 The Assurance Assistant Director is authorised to amend the list of Whistleblowing Reporting Officers (WBO) in the following circumstances :

5.3.1 If a WBO is replaced in their substantive post, the new holder of the post may be added to the list, subject to the training requirement being satisfied.

5.3.2 If a WBO fails to attend training or does not meet the required standard, they may be suspended or removed from the list and replaced by another officer of equivalent rank who has attended training and met the appropriate standard.

5.3.3 In the case of reorganisation, the Assurance Assistant Director may substitute officers of similar rank, always providing that the number of WBO will not exceed the number approved by members.

Help and Advice

For information on how to make a whistleblowing report, please see the Whistleblowing Procedural Guidance.

If you wish to raise any concerns about there is dedicated whistleblowing phone line **0208 359 6123**

Or, a dedicated email address **whistleblowing@barnet.gov.uk** that you can use.

If you have any questions about this policy, please contact the Assurance Assistant Director on 0208 359 7791