

## Counter Fraud Framework Manual 2014

## Whistleblowing Policy Statement and Procedure

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### Version History

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# Counter Fraud Framework – Whistleblowing Policy Statement and Procedure

## 1. Introduction

- 1.1 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 employees 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. The London Borough of Barnet strongly endorses this policy; promoting how committed we are as an authority, in being open, honest and accountable.
- 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.
- 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 should eradicate any fear that it is not safe to raise concerns within the organisation or with a prescribed regulator for fear of being victimised, discriminated against or disadvantaged in any way as a result.
- 1.4 To give assurance that there is a safer alternative than your silence and that as a whistleblower you will be perceived as a witness and not as a complainant.
- 1.5 To give assurance that all concerns, regardless of their nature, raised under this procedure will be treated seriously and sensitively by highly trained and experienced officers.
- 1.6 Employees 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 people who make such disclosures from any detriment action which may occur as a result of making the disclosure.
- 1.7 The Council neither tolerates improper conduct by its employees, Council members or its contractors, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to the highest possible standards of openness, probity and the aims and objectives of the Public Interest Disclosure Act 1998.
- 1.8 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.

## 2. Purpose

- 2.1 Members of staff may be the first to identify inappropriate conduct within the Council. They may not say anything because they believe that this would be disloyal, that their suspicions are not justified or they may have fears of victimisation or reprisal if they do come forward. This is why the Council has produced this whistleblowing policy to help staff raise their concerns at an early stage.
- 2.2 We encourage staff to say something when it is a concern rather than wait for proof. This will allow us the opportunity to address a potentially serious problem before it is too late.
- 2.3 All employees of the Council and the public may use this policy. This includes permanent and temporary staff; consultants and contractors. It also covers agency staff and staff seconded to a third party. Any concerns relating to the third party, if relevant to the staff's secondment, can also be raised under this policy.

## Counter Fraud Framework – Whistleblowing Policy Statement and Procedure

- 2.4 This policy is also recommended to school governing bodies, the public and people linked to the business of the Council as Partners.
- 2.5 This policy provides:
- A framework that ensures that the Council and those that act on its behalf conduct themselves in a proper manner.
  - Intends to establish a system for reporting the disclosure of improper conduct or detriment action by London Borough of Barnet employees, Council members and its contractors. This procedure is not designed to inhibit staff or members from seeking advice from relevant professionals (e.g. Chief Executive, Assurance Director and Monitoring Officer, Human Resources, Health & Safety etc). This procedure is instead designed as an alternative to a less formal approach.
  - Aims to encourage employees to feel confident in raising their concerns and to act upon them. Instilling confidence that the disclosure will be reported to someone that actually has the ability to act upon it.
  - **Helps everyone to separate the “message from the messenger”.**
  - Reassures employees that if they raise any concerns in good faith, that they believe to be true, that they will be protected from possible reprisals or victimisation.
- 2.6 This policy is designed to complement normal communication channels between staff members and management. All employees 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.

### 3. Scope

- 3.1 It is impossible to provide an exhaustive list of the activities that constitute misconduct or malpractice within the Council. However we would expect you to report:
- A criminal offence (Fraud, Bribery, Corruption or Theft)
  - Misconduct
  - Miscarriages of justice
  - Unauthorised use of public funds
  - False claims against the Council
  - Abuse or ill treatment of any member of staff or service recipient
  - Abuse or ill treatment of vulnerable adults or children. *(In such cases a Whistleblowing referral may evoke a ‘Safeguarding’ investigation. The investigation will then be dealt with in accordance with the London Borough of Barnet’s ‘Safeguarding Policy’, whilst still offering the whistleblower the confidentiality and support of the Whistleblowing policy.)*
  - Danger to Health and Safety
  - Substantial Damage to the Environment
  - Serious failure to deliver a council service
  - Deliberate non compliance to a Council policy, an official code of practice, law or regulation
  - Deliberate concealment of information relating to any of the above
- 3.2 The Council offers many different channels for raising concerns and the whistleblowing system has a specific purpose and is not to be confused with any others. This policy is **not** about reporting:

## Counter Fraud Framework – Whistleblowing Policy Statement and Procedure

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

### 4. Raising a concern

4.1 Staff, Members of the public, contractors or partners are able to raise concerns using various channels:

- Call the dedicated whistleblowing phone line **0208 359 6123**
- Email the dedicated email address [whistleblowing@barnet.gov.uk](mailto:whistleblowing@barnet.gov.uk)
- Contact the Council's whistleblowing officer directly; either via a phone call, an email, in writing or in person to Clair Green – Assurance Assistant Director  
[Clair.Green@barnet.gov.uk](mailto:Clair.Green@barnet.gov.uk) 0208 359 7791

4.2 Concerns can also be raised with the Monitoring Officer and/or the Chief Executive,

4.3 All staff also have the option that in the first instance they may report wrongdoing to their line manager. This will depend on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing. Alternatively they can raise their concerns directly with the whistleblowing officer.

4.4 Alternatively, for independent advice, the person making the report may also contact Public Concern at Work, an independent charity providing free advice for employees who want to express their concerns on **0207 404 6609**.

4.5 The person making the report could also contact the Audit Commission Public Interest Disclosure Act telephone hotline on **0207 630 1019**.

4.6 We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. We are committed to ensuring nobody suffers detrimental treatment because of reporting a concern in good faith.

4.7 Whenever someone reports a wrongdoing that they believe to be true, appropriate action will be taken under the Public Interest Disclosure Act 1998 to protect them from harassment, victimisation or bullying.

4.8 Everything possible will be done to respect confidentiality. We will keep your concerns confidential if this is what you want, your name and position will not be revealed without your permission, unless we have to do so by law. This will all be explained at the time, you can then decide whether you wish to proceed or not.

4.9 We encourage you to give your name when you make an allegation. Concerns raised anonymously tend to be far less effective. If you feel that you cannot reveal your identity, our whistleblowing officer will then need to decide whether or not to consider the matter. This will be based on the seriousness of the matter, whether the concern is believable and whether we can carry out an investigation based on the information you have provided.

4.10 Sometimes, however, it is necessary for a statement to be taken as part of an investigation into the allegation. In this case, the implications will be discussed before a statement is made.

## Counter Fraud Framework – Whistleblowing Policy Statement and Procedure

- 4.11 All persons making a report will be asked to provide as much detail as possible so that the allegation can be investigated appropriately. It is far better to do this in writing, but as an alternative staff can speak to someone in a meeting.
- 4.12 All persons making the report will be allocated a specialist who will deal with them throughout the period of the investigation and will meet with them outside of their workplace where applicable.
- 4.13 Persons reporting wrongdoing may worry that reporting will lead to confidential information being disclosed. It may well be possible to pass on information covered by the Data Protection Act, however there are occasions where the need to blow the whistle overrides other legal issues. If persons reporting the wrongdoing have concerns, they can explore this with the relevant specialist allocated to the case?
- 4.14 To act as a deterrent, we will commit to publishing details of public legal cases of fraud or wrongdoing involving the Council. Other examples of fraud may also be publicised as a deterrent, although in all non public legal cases, personal details will be omitted from the publications.

### 5. Protection from reprisal

- 5.1 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.
- 5.2 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. An individual who victimises or harasses an employee who has made a protected disclosure can be personally liable in court for their actions.
- 5.3 No action will be taken against any person if a report has been made but is not confirmed by the investigation.
- 5.4 **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 any worker who makes false allegations maliciously or with a view to personal gain.**
- 5.5 If an employee 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.
- 5.6 If you have any questions about this policy / procedure, please contact Clair Green - Assurance Assistant Director on 0208 359 7791.