

Whistleblowing Policy



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0.3	27 Dec 2018	Revised draft	Mike Talbot
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1. Introduction

- 1.1 The purpose of this **Whistleblowing Policy** document is to set out the position of the London Borough of Hillingdon in relation to the [Public Interest Disclosure Act 1998](#) (PIDA) and the processes followed by the Council where PIDA applies.
- 1.2 PIDA provides protection to '*workers*' making disclosures in the public interest, where the disclosure falls with the definition of a '*protected disclosure*' under PIDA. The protection afforded to the worker is from victimisation or dismissal by their employer, where the detriment is as a result of the worker making the disclosure.
- 1.3 A '*worker*' is defined by Sections 43K and 230(3) of the [Employment Rights Act 1996](#) as amended by PIDA.
- 1.4 The Council seeks to ensure that:
 - 1.4.1 all **employees, contractors and suppliers of the Council** are confident in raising serious public interest concerns by providing clear avenues through which those concerns can be raised; and
 - 1.4.2 those who raise legitimate public interest concerns are reassured that they will not be victimised or punished for raising the concerns.
- 1.5 Members of the public raising serious concerns falls outside the scope of this policy and will be dealt with in accordance with the Complaints or other relevant policies (see section 6 of this Policy).
- 1.6 When a disclosure is made by a 'worker' who chooses to remain anonymous, though the complaint is less powerful the same protections will apply as when the identity of the worker making the disclosure is known. The same processes must always be followed in both instances.

2. Protected Disclosures

- 2.1 Protected disclosures made under the PIDA must be for one of the reasons set out below:
 - 2.1.1 That a criminal offence has been committed, is being committed, or is likely to be committed;
 - 2.1.2 That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject;
 - 2.1.3 That a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - 2.1.4 That the health or safety of any individual has been, is being, or is likely to be endangered;
 - 2.1.5 That the environment has been, is being, or is likely to be damaged; or
 - 2.1.6 That information tending to show any matter falling within any one of the preceding paragraphs has been, is being, or is likely to be deliberately concealed.
- 2.2 It is important that the processes set out in this Policy are followed when a worker believes that one of the circumstances above applies. Further information for workers on making a disclosure can be found at <https://www.gov.uk/whistleblowing>.

3. Reporting Concerns

- 3.1 **Employees** - If you are a council employee and you have a concern relating to your employment with the council, you should raise these informally in the first instance with your line manager. If you remain dissatisfied and raising it informally has not resolved the issue, you should contact the HR Operations Team for advice.
- 3.2 **Employees, Council contractors and suppliers** - If your concern relates to a matter as described in section 2.1 of this policy, you should raise this initially with the appropriate Head of Service. If you are an employee, you must raise the matter with your line manager in the first instance.
- 3.3 If the matter is of an extremely sensitive or serious nature, or you have a genuine belief it that management may be implicated in the wrongdoing, the matter should be raised with the following officers:
- 3.3.1 Deputy Director of Exchequer & Business Assurance Services (Acting): 01895 556132 (Ext: 6132) - where complaint relates to fraud or corruption;
- 3.3.2 Monitoring Officer: 01895 250617 (Ext: 0617) – all other complaints, except those falling under the statutory safeguarding (adults and children) processes.
- 3.3.3 Complaints falling under the statutory safeguarding processes should first be reported to either the [Hillingdon multi-agency safeguarding Hub](#) 01895 556633 for children, or the [Safeguarding Adults Service](#) 01895 556633 for adults. If there is a genuine belief that the complaint cannot be reported in this way, it should be reported to the Corporate Director, Social Care: 01895 250506 (Ext: 0506).
- 3.4 Only where there is a genuine belief that the matter cannot be raised with one of the officers listed in 3.3 due to being implicated in the wrongdoing, it should be raised with one of the following officers:
- 3.4.1 Corporate Director of Finance: 01895 556074 (Ext: 6074)
- 3.4.2 Chief Executive: 01895 250569 (Ext: 0569)
- 3.5 The issues you raise may be communicated orally or in writing and reasonable concerns will need to be demonstrated. Employees may be accompanied by a companion (a work colleague or trade union representative) at any meetings or interviews that are arranged in connection with the matters identified until the process is complete.
- 3.6 If you are an employee, you should note that concerns should not be taken to the media and must always be made to the Council following this procedure as a first action. Sections [43F](#) and [43G](#) of the Employment Rights Act 1996 describe circumstances where a disclosure might be made to a regulator or other legally prescribed person. Going to the media, or writing about concerns on social media websites or other internet sites, will in most cases constitute a breach of the Council's [Code of Conduct](#), and will be dealt with as per the [Disciplinary Policy and Procedure](#).
- 3.7 If you are an employee and are concerned that you have not received a satisfactory response to your concerns, you may discuss this with the Head of HR. Council contractors and suppliers should raise the matter directly with the Officers named at section 3.3 of this policy if they fail to receive a timely response.

4. How the Council will respond

- 4.1 We will take your complaint seriously and we will assess initially the action that should be taken. We are committed to the highest possible standards of openness, probity and accountability and we will ensure that the issues you raise are dealt with appropriately.

- 4.2 The actions that are taken will depend on the nature of the complaint. For example, we may:
- 4.2.1 Carry out a management investigation (including under the disciplinary process) or refer the matter to the Whip's Office or the Council's Standards Committee where the complaint relates to the alleged misconduct of councillors;
 - 4.2.2 Refer the matter to the Police or the External Auditor; or
 - 4.2.3 Set up an independent investigation to look at the complaint raised.
- 4.3 Within 10 working days of a concern being raised, the person dealing with the case will acknowledge receipt of your complaint in writing and indicate how the Council proposes to deal with the matter. You will be informed of progress from time to time as appropriate and you will be advised of the outcome of the investigation, subject to legal constraints and the need for confidentiality. If you raise your concern anonymously, your disclosure will be treated as confidential, but you will not receive any feedback on progress or the outcome of the matter.

5. Support and Safeguards

- 5.1 We will try to minimise any difficulties that you may experience arising from your raising a legitimate concern. We will advise you on any processes or proceedings in which you will need to be involved. If you are an employee of the Council, the employee assistance programme is available for you should you need it.
- 5.2 We will not tolerate any harassment or victimisation towards you and we will take appropriate action to protect you when you raise a legitimate public interest concern.
- 5.3 You should ensure that you identify yourself when making allegations under this policy because complaints submitted anonymously may not be capable of being verified and inevitably will carry less weight. Additionally, we will not be able to contact you for supporting information if you submit anonymous complaints.
- 5.4 All concerns will be treated in confidence and every effort will be made to protect your identity if this is your preference. At an appropriate time, however, you may be asked to come forward as a witness.
- 5.5 To benefit from the legal protection available under the Employment Rights Act, employees must show that the complaint relates to a legitimate public interest concern (rather than a matter of personal interest).
- 5.6 In the event that you become concerned about your position having made a complaint under this policy, you should contact the HR Operations Team, who will be able to advise you.

6. Other Relevant Policies

- 6.1 Other relevant Council policies etc include:
- Counter Fraud Strategic Plan;
 - [Corporate Investigations Protocol](#);
 - [Surveillance Policy](#);
 - [Anti-Bribery Policy](#);
 - [Anti-Money Laundering Policy](#); and

- [Prosecutions & Sanctions Policy](#).

7. Review Cycle of the Whistleblowing Policy

- 7.1 The Council's Whistleblowing Policy will be updated periodically (as and when required) and be subject to a detailed review every 3 years to ensure it is up to date with best practice in this area. The next detailed review is planned for December 2021.

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