

Whistleblowing Policy

Effective from Tuesday, 1 March 2022

Introduction

The council exists for the benefit of Hounslow's community; we are accountable to them and must, at all times, strive for the highest level of public confidence. Our priorities and services to residents are severely jeopardised if employees are engaged in any form of wrongdoing.

What is Whistleblowing?

Whistleblowing is simply the term used when a member of staff passes on information concerning wrongdoing in their workplace.

Our Aim

We want to make sure that you have a clear and safe route for reporting concerns. When you become aware of wrongdoing taking place, we know this matters to you, and you want to be able to report it. We also do not tolerate malpractice and encourage you to play your part in reporting concerns.

It is your duty to raise any concerns about known, or possible, wrongdoing through this policy at the earliest opportunity; so that they can be investigated in the strictest confidence.

Who does the Policy apply to?

This Policy applies to all non-teaching employees of the Council, except those employed in schools under the control of Governing Bodies. An employee is as defined in section 43K of the Employment Rights Act 1996. This therefore includes employees (including apprentices/trainees), agency workers, independent contractors, voluntary workers, and workers in our partner organisations.

Protection for Employees

We know it is difficult to report legitimate concerns for fear of victimisation or reprisal; be assured that in raising concerns you will be protected. Our commitment to you is:

- If you raise a genuine concern under this policy, you will not be treated unfairly or lose your job.
- You do not need to provide evidence for the council to investigate your concerns, though you are expected to have reasonable grounds for making the disclosure.
- If you face any form of victimisation or unfair treatment, by a colleague or agent of the council for having raised a concern, this will either be treated as misconduct under our disciplinary policy or raised with external partners.
- We will take necessary steps to ensure that your identity is not disclosed unless it is absolutely necessary, in which case this will be discussed with you beforehand.

Legislation

[Public Interest Disclosure Act 1998](#) and the [Employment Rights Act 1996](#) provide employees with further protection from detriment and dismissal for reporting concerns. You must comply with this legislation, particularly as regards the nature of the information given and the person or body to whom it is being reported, in order to receive protection.

Financial irregularities

Nothing in this Policy overrides the Council's duties and responsibilities, set out in the 'Finance Procedures and Regulations of Hounslow Council', section 4G of the [Council's constitution](#). Internal Audit must be informed wherever a concern, regarding financial matters, is reported. Should a line manager or other recipient of a concern require any advice or be unsure about their obligations with regard to financial matters, they should contact Internal Audit.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness.

All parties involved, including the whistleblower, need to maintain confidentiality and breaches could be considered under the disciplinary policy.

Anonymous reports

You are encouraged to put your name to your allegation. If you do not tell us who you are, it will be much more difficult for us to protect your position or to give you feedback.

We will nonetheless treat anonymous reports seriously and endeavour to investigate them. A decision to investigate will be based on:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

Where it is considered that an investigation cannot be progressed, this will be recorded.

The decision about whether to investigate an anonymous concern is wholly at the discretion of the person to whom the matter is reported.

Malicious allegations

A disclosure made, which you know to be untrue, or is made frivolously, or for personal gain, will be considered as having been made maliciously and treated as misconduct, which may lead to disciplinary action. If however, you make an allegation in good faith and reasonably believe it to be true, but it is not confirmed by a subsequent investigation, we will understand that you acted in the interests of the council and you have nothing to fear.

When should this policy be used?

You should use this policy to report a serious concern about:

- service provision or the conduct of officers or members of the Council, or others acting on behalf of the Council; and
 - which falls within one of the six qualifying categories listed below.
1. a criminal offence, for example fraud
 2. someone's health and safety is in danger
 3. risk or actual damage to the environment
 4. a miscarriage of justice
 5. the organisation is breaking the law, for example does not have the right insurance
 6. believing that someone is covering up wrongdoing

Whistleblowing law requires that before making any disclosure, you must reasonably believe that in making the disclosure, you are acting in the public interest and that the wrongdoing falls within the above categories.

If this is not the case, then the matter cannot be handled under this policy and will need to be considered in accordance with other appropriate policies. For example:

- Concerns that relate to issues that directly affect you, such as the way you have been treated at work, should be raised under the Resolution Framework; they are not covered by whistleblowing legislation and you should not use this policy
- Concerns about the conduct of a Council Member, should be made in writing to the council's Monitoring Officer. See further information in the [Members Code of Conduct](#)

If you are unsure whether your concerns fall within a whistleblowing disclosure, you may wish to seek independent advice. See section Other Independent Advice for possible contacts.

How to raise a concern

Whistleblowing concerns should be reported as soon as possible. To raise a concern you can either call our confidential external whistleblowing hotline, Safecall, on 0800 915 1571 or you complete and submit the report online at: www.safecall.co.uk/report.

Safecall provide a 24 hour a day, 7 days a week service via a freephone number. When you contact Safecall, you will be put in touch with someone who is trained to receive whistleblowing concerns. You will be asked to provide details of the nature of your concern, any background, dates and why you believe it to be true.

If you are a manager and a member of staff reports a concern to you, you should:

- Advise them to raise their concern with Safecall as above; or
 - Offer to log the concern with Safecall on their behalf, in which case you should gather as much information as you can
-

How the Council will respond

All concerns reported to the external provider will be passed to the council for action. On receipt, the concern will be assessed to determine whether or not an investigation is appropriate and if so, what form it should take.

This assessment and /or investigation is not an acceptance or rejection of your concerns. These initial enquiries are essential if we are to be fair to employees, who may be wrongly or mistakenly accused.

The matters raised may be investigated by management, internal audit and fraud, or through the disciplinary/grievance process. However, in some cases it may be appropriate for the matter to be referred to external bodies e.g. the police or professional or statutory bodies e.g. we will follow established child protection/abuse procedures.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so.

It is likely that you will be interviewed to ensure that your disclosure is fully understood.

What you can expect

Throughout the process of addressing your concern you can expect:

- your concern to be taken seriously
- to be given full support from senior management
- that the Council will do all it can to help you through the investigation
- to be notified of the case outcome if you wish so but in certain cases it might not be possible to provide specific details around the actions which have been taken.

Raising a concern to a Prescribed Person / Body

Raising a concern [a prescribed person / body](#) is a recognised route where you will still receive protection under the Public Interest Disclosure Act. If you tell a prescribed person or body, it must be one that deals with the issue you're raising, for example a disclosure about wrongdoing in a local authority can be made to The Comptroller and Auditor General.

We strongly encourage you to raise concerns with us in the first instance, however, to enable us to review the issues and take any action necessary.

Other independent advice

Trade Union – LBH Staff Side Secretary; Email: StaffSide_Secretary@hounslow.gov.uk

Protect – [Protect](#) (formerly Public Concern at Work) is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If you are unsure about whether or how to raise a concern, or if you want confidential advice, you can contact [Protect](#).

Related links

The following documents relate to the Whistleblowing Policy and may be useful. If you cannot access these, please speak to your line manager or your People Business Partner:

[Resolution Framework](#)

[Code of Conduct](#)

[Protocol on Relationships between Councillors and Officers](#) Section 5c of the [council's constitution](#)

[Members' Code of Conduct](#) Section 5A of the [council's constitution](#)

[Public Interest Disclosure Act 1998](#)

[Employment Rights Act 1996](#)

