

## **LONDON BOROUGH OF ENFIELD**

### **WHISTLE BLOWING POLICY & PROCEDURES**

#### **INTRODUCTION**

The Council is committed to the highest possible standards of behaviour of openness, probity and accountability of all employees, councillors and its contractors. If you realise that there may be something seriously wrong within the Council, with a contractor, and/or its partners the Whistle Blowing Policy puts an easy mechanism in place to report your concerns and to raise issues.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may not express your concerns because they feel that speaking up would be disloyal to their colleagues, managers, or to the Council. You may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

We expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

It is recognised that most cases will have to proceed on a confidential basis. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.

The Council's Whistle Blowing Policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, consultants, etc. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

If something is troubling you, which you think someone should know about or look into, please use this Policy. If, however, you are aggrieved about your personal position, please use the Grievance Policy, which you can get from your manager or personnel officer. This Whistle Blowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

This Policy and associated procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to departments. You are responsible for making service users aware of the existence of these procedures.

The whistle blowing Policy is intended to cover concerns that fall outside the scope of the Council's procedures. These include but are no limited to:

- The unauthorised use of public funds
- A failure to comply with a legal obligation
- Any conduct which may damage the Council's reputation
- A danger to the health and safety of an individual
- Damage to the environment
- Possible fraud and corruption
- Possible acts of bribery
- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Other unethical conduct.

The Policy does not normally cover:

- Matters that concern day to day issues relating to an employee's terms and conditions of employment or a complaint about another employee which can usually be referred to their line manager, or if necessary be pursued using the Council's Grievance Procedure.
- Matters that concern schools are covered by a separate Schools Whistle Blowing Policy. The Schools Whistle Blowing Policy should be used in the first instance. If after having read the Schools Whistle Blowing Policy, you feel that your concern or issue is not covered, you can telephone the Ofsted Whistle Blower Hotline on 0300 123 3155 or email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)
- Matters that would normally be dealt with by the Council's collective bargaining arrangements with its recognised trade unions which should be reported to (GMB) 020 8379 3147 or (UNISON) 020 8379 4082.
- Matters relating to child abuse which should be reported to the Children in Need Service from 9am to 5pm: Telephone 020 8379 2483 and the Enfield Out of Hours Team outside office hours: Telephone 020 8379 1000.
- Matters relating to the abuse or neglect of an adult at risk should be referred to the Enfield Adult Abuse Line: Telephone 020 8379 5212.
- Allegations which you would normally make to Internal Audit & Risk Management concerning fraud or financial irregularity should continue to be made direct to Internal Audit & Risk Management by calling 020 8379 4043 or via email [benefits.investigation@enfield.gov.uk](mailto:benefits.investigation@enfield.gov.uk).

- Complaints from the public that relate to standard of service delivered by the Council or its contractors which should be reported through the Council's Corporate Complaints procedure.

## **OUR ASSURANCES TO YOU**

### **Your safety**

The Chief Executive and the Corporate Management Board are committed to this Policy and recognises that the decision to report a concern can be a difficult one to make. If you raise a genuine concern under this Policy, you should have nothing to fear, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken, no action will be taken against you.

Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

By reporting or raising a concern you will be doing your duty to your employer and those for whom you are providing a service.

### **Statutory Protection**

The Public Interest Disclosure Act 1998 establishes your right to raise such concerns and provides individuals with protection from victimisation, dismissal or any other detriment provided they have a reasonable belief that what they have reported is true and the report is in good faith.

### **Harassment or Victimisation**

The Council will not tolerate any harassment or victimisation (including informal pressures) from you colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, capability, or redundancy procedures that already affect you.

If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns to the Council's Monitoring Officer. The matter will then be dealt with as a new referral under this procedure.

### **Your confidentiality**

We recognise that you may want to raise a concern in confidence under this Policy. If you ask us to protect your identity by keeping your confidence, we

will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because you are needed to come forward as a witness or your evidence is needed in court), we will discuss with you whether and how we can proceed.

### **Anonymous allegations**

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this 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.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback.

### **HOW TO RAISE A CONCERN**

As a first step, you should normally report any concerns to your line manager or their manager, preferably in writing. However, if you feel the matter is extremely serious or sensitive or involves your line manager or their manager, you may report the matter to your Director.

If you feel that it is not appropriate to report your concerns to the individuals above then you can contact:

- Director of Finance, Resources and Customer Services – on 020 8379 4601
- Assistant Director of Legal Services – on 020 379 6438
- Assistant Director of Human Resources – on 020 8379 4141
- The Monitoring Officer – on 020 8379 4094
- The Chief Executive – on 020 8379 3901
- The Head of Internal Audit & Risk Management – 020 8379 4641

When raising your concern you may wish to take advice on the matter from any of those listed in the section below or discuss your concerns with a colleague first. It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

In raising your concern in writing, you should give as much detail as possible, i.e. the background and history, giving names and relevant dates and the reasons why you are particularly concerned about the situation.

If you feel hesitant about putting your concern in writing at this stage you should telephone the manager to whom you wish to make the report and arrange to meet them. Do bear in mind you may be asked to put the details in writing later.

Officers receiving a report under this section should notify the Audit and Risk Management Service of the report as soon as possible so that the Council can meet its requirements to keep a central record of whistle blowing concerns raised.

As a second step, if you believe that your management is involved you should approach the:

**Internal Audit & Risk Management – Leslie Marshall on 020 8379 4043 or Bob Cundick on 020 8379 4028 or via Email:**  
[leslie.marshall@enfield.gov.uk](mailto:leslie.marshall@enfield.gov.uk) or [bob.cundick@enfield.gov.uk](mailto:bob.cundick@enfield.gov.uk)

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements. (Remember Audit and Risk Management has a degree of independence that allows officers to raise concerns without being identified as the source)

As a third step, if these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

**John Austin – the Council’s Monitoring Officer on 020 8379 4094 or via Email: [john.austin@enfield.gov.uk](mailto:john.austin@enfield.gov.uk)**

If none of the above steps provides a suitable resolution then you can also contact any of the following independent organisations outside the Council for assistance with your concern:

- Audit Commission Public Interest Disclosure Act Hotline Tel: 0845 053 2646
- Public Concern at Work Tel: 020 7404 6609 or visit their website: <http://www.pcaaw.co.uk/>
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisation
- Relevant voluntary organisation
- The police.

If you do take the matter outside the Council you should ensure that you do not disclose confidential information.

#### **HOW WE WILL HANDLE THE MATTER**

Once you have told us of your concern the Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. We will look into your concern to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.

Where appropriate, the matters raised may:

- be investigated by management, officers from the Council's Audit and Risk Management Service, or through the disciplinary process;
- be referred to the police or appropriate agency such as Her Majesty's Revenue and Customs (HMRC) or the United Kingdom Borders Agency (UKBA);
- be referred to the Council's External Auditor; or
- form the subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Policy we will tell you.

While the purpose of this Policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

It should be noted that where a concern raised is linked to a potential redundancy, disciplinary and/or other managerial issue these processes will continue in parallel with the investigation of the alleged wrongdoing and will not prevent the Council from pursuing any subsequent action through to conclusion. This principle is not intended to prevent staff raising concerns.

Where staff have genuine concerns about potential wrongdoing they are expected to raise these concerns at the earliest opportunity and not raise these in response to other managerial actions being instigated.

In all cases, when a concern is raised, the responsible person will write to you:

- Acknowledging that the concern has been received
- Indicating how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquires have been made

- Supplying you with information on staff support mechanisms, and
- Telling you whether further investigations will take place and if not, why not.

### **EXTERNAL CONTACTS**

While we hope this Policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

Health and Safety Executive	health and safety issues
Environment Agency	environmental issues
HM Revenues & Customs	financial irregularities
Grant Thornton (Council's Appointed Auditor)	public sector finance issues or financial irregularity
Information Commissioner's Office	data protection issues

### **IF YOU ARE DISSATISFIED**

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this Policy, you will help us to achieve this.

### **REVIEW OF THE WHISTLE BLOWING POLICY**

The Policy and reports made under it should be reviewed at least annually by the Monitoring Officer who will make a report to the Audit Committee.