

Counter Fraud Framework Manual 2018

Whistleblowing Policy Statement

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 because 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

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- 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 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 relevant procedure such as 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 could amount to gross misconduct and may 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, redundancy or other council 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 referrals 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 Director and presented to the Audit Committee (or to such other committee as the full Council shall nominate) by the Assurance Director. The report must not contain any information that identifies whistle-blowers, nor may it identify specific allegations until all associated investigations are completed.

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- 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 Director in order to ensure that the Council's policy is followed.
- 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. To protect them from any wrongful allegations, members **are not** able to direct investigations or be given details of on-going investigations. However, it is acknowledged that there may be some instances where it is appropriate and necessary to share some details with relevant members, however this will be at the discretion of the Assurance Director and/or relevant Statutory Officers.

5. Adoption of Policy and Amendments

- 5.1 This policy was adopted by The London Borough of Barnet November 2018 It replaces any previous policy.
- 5.2 The Assurance Director is instructed to make any changes that are necessary to this and any associated documents 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.

Making a Whistleblowing report: -

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

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

The Assurance Director is the councils **dedicated Whistleblowing Reporting Officer** however dependent on the circumstance of your report (and in the absence of the Assurance Director) you can also make reports direct to the councils: -

Monitoring Officer, Chief Executive (or designated deputy), **Section 151 Officer** (Director of Finance) **Head of Counter Fraud Operations** or the **Head of Internal Audit**

Alternatively, if the matter you wish to report does fall within the remit of our Whistleblowing Policy but does concern **Fraud** or **the Safeguarding of an Child, Young Person or an Adult** please make your report as directed below: -

Fraud - To report a fraud, visit www.barnet.gov.uk/anti-fraud or call our **fraud hotline on 020 8359 2007**.

Children and Young People - Contact the Multi Agency Safeguarding Hub (MASH) team on **020 8359 4066** if you are concerned about a child or young person in Barnet and provide as much information as you can.

Outside of these hours, care and welfare concerns about children and young people that need an immediate response should be reported to the Emergency Duty team on **020 8359 2000**.

Adults Contact Social Care Direct

- Tel: 020 8359 5000 (9am- 5pm, Mon to Fri), or 020 8359 2000 (out of hours)
- Email: socialcaredirect@barnet.gov.uk

Or the police on 101. If the danger is immediate, always call the police on 999.

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