

London Borough of Lambeth

WHISTLEBLOWING POLICY

Introduction

Lambeth Council (the Council) recognises its employees are well positioned to know when something wrong is taking place within the Council or is a serious cause for concern. They may not express their concerns however, because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation.

Policy statement

The Council is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment the Council encourages its employees and others with serious concerns about any aspect of the Council's work to come forward and voice their concerns.

This Whistleblowing Policy (the Policy) has been developed in accordance with the Public Interest Disclosure Act 1998 and provides a framework for employees to raise concerns, that are in the public interest, 'in-house' and without fear of victimisation, subsequent discrimination, or disadvantage.

This Policy aims to:

- encourage staff to feel confident about raising concerns and to question and act on those concerns
- provide a way for staff to raise concerns and receive appropriate feedback on any action taken.
- confirm that all concerns raised will be examined and the council will assess what action should be taken
- reassure staff that they will be protected from reprisals or victimisation for whistleblowing in the public interest in accordance with this procedure; and
- provide ways for staff to take the matter further if dissatisfied with the Council's response

Application and scope of the Policy

This Policy applies to all employees and those contractors working for the Council. Employees include staff working for the Council on a temporary basis, casual or sessional workers and trainees. The Policy also applies to agency workers and suppliers and those providing services under a contract with the Council in their own premises.

This Policy is in addition to and distinct from the [Council's Complaints Procedure](#) that provides a facility to those not employed by the Council (e.g., service users, advocates, family members and members of the public) to raise any concern.

This Policy is not intended to cover concerns that can be progressed under existing Human Resources procedures. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment.

Some Council departments may have separate procedures specifically relating to departmental functions. For example, Education and Social Care have adopted multi-agency child protection procedures in addition to procedures for the protection of vulnerable adults. All acts of whistleblowing can be raised under this Whistleblowing procedure and employees shall have the full protection of this Policy. Where the matter for investigation is covered by separate procedures, however, these will be applied where appropriate.

This Policy is intended to cover serious concerns that may fall outside the scope of other procedures, and include the following:

- A criminal offence has been committed or is likely to be committed

- A miscarriage of justice
- Conduct that endangers the health and safety of other employees and/or members of the public
- Safeguarding of children and young people and vulnerable adults
- Conduct that involves damage to the environment (e.g., pollution)
- The unauthorised use of public funds (e.g., expenditure for improper use)
- Possible bribery, fraud, and corruption in relation to the providing or receiving of Council services
- Conduct that is contrary to the Council's Standing Orders or Policies (e.g., breach of Council or statutory codes of practice)

The above does not represent an exhaustive list of areas covered by this Policy. Any serious concerns that employees may have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this Procedure.

Safeguards against harassment or victimisation

The Council is committed to good practice and high standards and wants to be supportive of all its employees.

Whistleblowers raising matters of serious concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work because of raising the concern (even if their disclosure or any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in the reasonable belief that they are doing so in the public interest.

A person would not be protected from disciplinary action if, for example, they raised a concern they knew to be false or malicious.

The Council will not tolerate harassment or victimisation and will act as is necessary to protect employees when they raise concerns in the public interest under this Policy.

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WHISTLEBLOWING PROCEDURE

How to raise your concerns

As a first step, you should raise any concern you have with your immediate manager or their manager, orally or in writing. If you do not feel comfortable with this you should contact one of the following, depending on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice or wrongdoing:

Michael O'Reilly, Counter Fraud Manager is the main point of contact for staff wishing to report an incident using the whistleblowing procedure. You email Michael at moreilly2@lambeth.gov.uk or call on 0207 926 2993.

If officers have any safeguarding concerns in relation to residents or service users these should be addressed urgently as follows:

- For any concerns relating to children please email helpandprotection@lambeth.gov.uk
- For any concerns relating to adults please email safeguardingadults@lambeth.gov.uk
- The phone number for all safeguarding concerns is 0207 926 5555

You can also contact one of the following to raise a concern:

- Email raiseaconcern@lambeth.gov.uk
- Director of Finance and Property (section 151 officer), Christina Thompson on 020 7926 5302, email: cthompson3@lambeth.gov.uk
- The Counter Fraud Team by email to Investigations@lambeth.gov.uk or by phone on 0207 926 1111 (fraud hotline)
- Strategic Director, Director, Assistant Director or Head of Service
- Anybody who has a whistleblowing concern about any local authority's Children's safeguarding services or practice can use Ofsted's Whistleblowing Hotline: 0300 1233155, email address: whistleblowing@ofsted.gov.uk, or write to the Ofsted whistleblowing team at: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WD

How will the Council respond?

The Council's response will depend on the nature of the concern that has been raised. In all instances the Council will:

- record and acknowledge your concern and refer the matter for investigation within three working days of receiving the referral
- respect your confidentiality; your identity will not be disclosed to anyone without your consent
- assess your concerns to determine further action
- let you know that enquiries have been made
- tell you whether further investigations will be made and if not, why; and
- inform you of the outcome of the inquiry

Depending on the nature of the issue raised, the Council may:

- request more information or evidence from you
- investigate through an investigation or audit
- undertake disciplinary action
- launch an independent enquiry; or

- refer the matter to the police

Anonymous allegations

Allegations made anonymously cannot be subject to the protections afforded by this Procedure as the protections are specifically designed to protect those persons, who fall within the scope of this Policy, making allegations. Anonymous allegations will, however, be considered by the Council if it decides to exercise its discretion. In exercising this discretion, the Council will take account of all relevant factors which will include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other attributable sources

Rights and responsibilities of employees

All employees are required to report any issue of concern regarding the provision of services or management of those services as soon as they arise to avoid any unnecessary delay. In most cases, this will be done through the usual line management arrangements.

To gain protection under this Procedure, the employee must reasonably believe that the disclosure is made in the public interest. Employees are not otherwise required to 'prove' the truth of any allegation. Whistle-blowers will, however, need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.

When any meeting or interview is arranged, employees may, if they so wish, be accompanied by a trade union official or a workplace colleague.

Can I take the matter further if I'm not satisfied?

This Procedure is intended to provide employees with an avenue to raise concerns within the Council. There may be circumstances where an employee considers that he/she needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed.

If employees feel it is right to take the matter outside the Council, the following may be appropriate:

- the National Audit Office's Public Interest Disclosure Line: 020 7798 7999
- the independent charity Protect: 020 3117 2520; whistle@protect-advice.org.uk
- Local Councillor
- a recognised trade union
- the Whistleblowing Helpline for NHS and Social Care on 08000 724725
- the Care Quality Commission on 03000 616161; enquiries@cq.com

If taking a concern outside the Council, employees should not disclose any confidential information unless they are doing so in accordance with the Whistleblowing Policy.

In circumstances where an employee decides to raise the matter externally, he/she will only be protected under this Policy, and under employment law, where the disclosure is made in accordance with Section 43 of the Employment Rights Act as amended by the Enterprise and Regulatory Reform Act 2013. This means that the disclosure must fall under one of the categories listed in Section 43 (above) and must be made in one of the following ways:

- a. While obtaining legal advice
- b. To a prescribed regulatory body provided the disclosure is made in the reasonable belief that it is in the public interest and the employee reasonably believes the prescribed body is responsible for the matter of concern and that the information and allegation/s are substantially true.

See <http://www.legislation.gov.uk/ukxi/2014/2418/schedule/made>

- c. To other third parties (including the media) where the employee makes the disclosure:
- In the reasonable belief that it is in the public interest and that the information and allegations are substantially true, and
 - Does not make the disclosure for personal gain, and
 - Has already raised the matter with the Council or prescribed regulator, unless the employee reasonably believes that he/she will suffer a detriment, or there is no prescribed regulator and he/she reasonably believes that evidence will be concealed or destroyed if he/she makes the initial disclosure to the Council, and
 - In all the circumstances it is reasonable to make the disclosure
- d. The disclosure is of an exceptionally serious nature and the Whistle-blower makes the disclosure:
- In the reasonable belief that it is in the public interest and, that the information and allegations are substantially true, and
 - Does not make the disclosure for personal gain, and
 - In all the circumstances it is reasonable to make the disclosure.

When considering whether it is reasonable for the worker to make the disclosure, regard will be had particularly to the identity of the person to whom the disclosure is made

Responsible Officer

The Counter Fraud Manager is responsible for the supervision and co-ordination of all counter fraud matters, including the maintenance and operation of this Procedure. A record of all concerns raised, and the outcomes will be maintained and reported periodically to Corporate Committee, which has responsibility for oversight on such matters.