

HUMAN RESOURCES

WHISTLEBLOWING POLICY

1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Company. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Company. They 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. Issues of concern may also come to the attention of the Directors, contractors, suppliers or consultants working for the Company and they too should also feel confident that there are proper procedures in place to enable them to report any areas of concern.
- 1.2 The Company is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees, and others who work with us, with serious concerns about any aspect of the Company's work to come forward and voice those concerns. This policy makes it clear that this can be done without fear of victimisation, discrimination or disadvantage.
- 1.3 This whistleblowing policy is intended to encourage and enable employees, Directors and others working for the Company to raise serious concerns **within** the Company rather than overlooking a problem or 'blowing the whistle' outside as premature or unnecessary publicity may damage the Company's reputation, impede proper investigations, or hurt individuals unnecessarily.
- 1.4 The policy applies to all employees, Directors, contractors, suppliers and consultants and provides them with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentially.
- 1.5 The procedures contained within this policy are in addition to the Company's complaints process and any other statutory reporting procedure that applies within individual departments.
- 1.6 This policy has been discussed with the relevant trade unions and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 The Whistleblowing Arrangements Code of Practice Publicly Available Specification developed by the British Standards Institute and Public Concern at Work defines whistleblowing as;

The popular term used when someone who works for or in an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, shareholders, the public or the organisation's own reputation.

2.2 Whistleblowing can therefore be described in simple terms as a disclosure made by an employee, Director or third party working for the Company who has concerns about a danger or illegality that has a public interest to it, usually because it threatens others.

2.3 A grievance or private complaint is, by contrast, a dispute about an individual's own employment or personal position and has no public interest to it.

2.4 This Whistleblowing Policy has been developed in line with best practice as described in the code of practice and aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- provide reassurance that you will be protected from possible detriment if you have a reasonable belief that any disclosure you have made is true.

2.5 The whistle-blowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- criminal offences
- failure to comply with legal obligations
- miscarriages of justice
- dangers to health or safety, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients
- other unethical conduct, or
- deliberate concealment of any of the above categories

2.6 If your concerns relate to your own employment, contractual position or your personal position as a Director then they do not fall under the scope of this policy and should be raised via the Grievance Procedure or Dignity at Work

Policy, under the terms of the contract with the Company or, in the case of a Director with your Party Group Leader or the Company's Managing Director.

2.7 This policy does not cover members of the public and any report received will be dealt with under the corporate comments, compliments and complaints policy or as a tip off via the Anti Fraud and Corruption Strategy.

3. SAFEGUARDS

3.1 The Company is committed to good practice and high standards and wants to be supportive of employees, Directors and those contractors, suppliers or consultants who work with the Company.

3.2 We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. As a result, we will not tolerate any detrimental treatment (including informal pressures) and will take appropriate action to protect you when you raise a concern that you believe to be true.

3.3 Subjecting a worker to a detriment means subjecting the worker to "any disadvantage" because they blew the whistle. This could include (but is not limited to) any of the following:

- failure to promote
- denial of training
- closer monitoring
- ostracism
- blocking access to resources
- unrequested re-assignment or re-location
- demotion
- suspension
- disciplinary sanction
- bullying or harassment
- victimisation
- dismissal
- failure to provide an appropriate reference
- failing to investigate a subsequent concern

3.4 If someone is found to have subjected a bona fide whistle-blower to any detriment this will be dealt with under the Company's Disciplinary Procedure or through the Member Code of Conduct as appropriate.

3.5 Should you believe that you have suffered a detriment as a result of raising a concern, you can report this to any of the officers named in section 8.2 of this policy. Please be aware however, that should you already be the subject of

disciplinary or redundancy procedures, the procedures will not be halted as a result of the whistleblowing report.

4. OPEN DISCLOSURES

4.1 The best culture is one where individuals have sufficient faith in the whistleblowing arrangements and culture of the Company to allow them the confidence to make open disclosures. This is where those involved know what the issues are along with who raised them. This is the aim for Company and it is hoped that any individual with a whistleblowing concern will feel able to raise their issues openly.

4.2 This openness makes it easier to assess the report, gather additional information and carry out an investigation.

4.3 It also allows any hidden agendas to be identified, helps to prevent witch hunts and reduces the risk of mistrust and paranoia developing within the area being investigated.

5. CONFIDENTIALITY

5.1 It is, however, recognised that some individuals may not feel that they can make such a report. Where this is the case the policy provides the whistleblower with the option of requesting that their name remains confidential.

5.2 Where confidentiality is requested we will do our best to ensure that your name is not revealed. This cannot, however, be guaranteed as there are certain circumstances where the name of the whistle-blower may be made known. For example:

- The report is found to be knowingly false or malicious, or
- Disclosure is ordered by the courts.
- A formal statement is required as part of a police investigation.

5.3 Whilst it is possible to keep the name of a whistle-blower confidential, it is not possible to prevent others from trying, often successfully, to work out the source of a report. This can lead to speculation and an unpleasant atmosphere that could have been avoided by making an open disclosure.

6. ANONYMOUS ALLEGATIONS

6.1 This policy encourages you to put your name to your allegation whenever possible and actively discourages anonymous reports.

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

6.3 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.

6.4 Anonymous reports also raise a specific problem with regard to the legal requirement that personal data should only be collected fairly.

6.5 In addition, people making anonymous reports are not covered by the safeguards put in place to protect named whistle-blowers.

7. UNTRUE ALLEGATIONS

7.1 If you make an allegation that you believe to be true, but it is not confirmed by the investigation, no action will be taken against you.

7.2 If, however, you make allegations that you know to be false, then disciplinary action may be taken against you under the Company's procedures or if you are a Director through appropriate channels including the Member Code of Conduct.

8. HOW TO RAISE A CONCERN

8.1 As a first step, if you are an employee you should normally raise concerns with your immediate manager or their superior. However, depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, this may not be appropriate.

8.2 Where this is the case the following officers are identified as appropriate contacts within this policy;

- Chief Operating Officer
- General Manager
- Managing Director
- Group Head of HR and Organisational Development

If you are a Director you may feel it is appropriate to raise the issue initially with your Party Group Leader or alternatively you may contact the Company Managing Director or the Councils Monitoring Officer or Audit Manager to raise your concerns. Third parties working for the Company may also raise any concerns with any of these Officers.

8.3 There are two ways to formally make a whistleblowing disclosure

- Verbally
- In writing, either by sending a letter to one of the named contacts listed in 8.2. It is preferable for concerns to be raised in writing and where this is the case the following details are requested;
- Your name and contact details
- Background information and history including details as to why you are concerned
- Whether the issue has already been reported to management and the outcome of this
- Whether you wish your name to remain confidential

- Whether you want feedback
- The names and jobs of any other employees/Directors who may support your concern.

8.4 Where reports are made verbally to one of the named officers they should attempt to ascertain the same information. The earlier you express the concern the easier it is to take action.

8.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.6 Should you wish to obtain independent advice in relation to a potential whistleblowing report then Public Concern at Work operate a confidential helpline 020 7404 6609. Further advice and guidance can also be found on their website www.pcaw.co.uk.

8.7 You may wish to consider discussing your concern with a colleague first, or if you are an Elected Member with your Party Group Leader and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

8.8 You may invite your trade union, professional association representative or a friend, or if you are a Director, another Elected Member or a Group Party Leader, to be present during any meetings or interviews in connection with the concerns you have raised.

9. HOW THE COMPANY WILL RESPOND

9.1 The Company will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

9.2 As part of this process contact will be made with you to clarify your concerns and obtain any further information that you may have. You will also be provided with details of who to contact should you require further support.

9.3 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

9.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Company will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection

or discrimination issues) will normally be referred for consideration under those procedures.

- 9.5 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.
- 9.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the officer will seek further information from you.
- 9.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend or if you are a Director, by another Elected Member or your Group Party Leader.
- 9.8 The Company will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Company will arrange you to receive advice about the procedure.
- 9.9 The Company understands that you may wish to be assured that the matter has been properly addressed. Therefore, where possible an estimate of the length of any investigation will be provided and, subject to legal constraints, if requested we will keep you updated at least on a monthly basis during the process and will inform you of the outcome of any investigation. This may include where disciplinary action is taken as a result of an investigation but not details of any sanctions that may be issued.

10. THE RESPONSIBLE OFFICER

10.1 The Group Head of HR and Organisational Development has overall responsibility for the maintenance and operation of this policy. That officer will maintain a record of concerns raised and the outcome and will report as necessary to the Company.

10.2 If requested the the Group Head of HR and Organisational Development will do everything that can lawfully be done to protect your identity but you should be aware that it may need to be disclosed to the police or courts as part of an investigation or subsequent prosecution.

11. HOW THE MATTER CAN BE TAKEN FURTHER

11.1 This policy is intended to provide you with an avenue to raise concerns within the Company and it is hoped that you will utilise it. However, should you feel unable to raise your concerns internally; the following are possible alternative contact points:

- Public Concern at Work 020 7404 6609
- The Company's External Auditor – Grant Thornton 0121 212 4000
- The National Audit Office - 020 7798 7999
- The Police

11.2 It is stressed that this list is not exhaustive and you are free to contact any organisation that you feel will be able to deal properly with your concerns. This may include;

- your solicitor
- other relevant professional or regulatory bodies as prescribed by the Secretary of State

You should, however, take legal advice before reporting an issue to a body other than those specified above to ensure that you are making a protected disclosure.

11.3 You will be protected under the Public Interest Disclosure Act 1988 if you raise your concerns with any of the above, provided that;

- you believe the disclosure to be in the public interest
- you reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- you do not make the disclosure for personal gain.

11.4 If you do take the matter outside the Company, you should ensure that you do not disclose confidential information.

12 THE LAW

This policy has been written to take into account the Public Interest Disclosure Act 1988, which protects workers making disclosures about certain matters of concern, where those disclosures are made within the act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

13 EQUALITY

The Company will ensure that when implementing the Whistleblowing Policy, no employee or individual whistle-blower will be disadvantaged on the basis of their protected characteristics. This means that the Policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

14 MONITORING

Data relating to Whistleblowing cases will be collated and monitored regularly to ensure that the Policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

15 REVIEW

The policy will be reviewed by Human Resources in the light of operating experience and/or changes in legislation.

Last reviewed: September 2015