

Whistleblowing Policy



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1. Introduction

The [Public Interest Disclosure Act 1998 \(PIDA\)](#) protects employees and workers from dismissal, victimisation, or harassment if they raise a concern that they reasonably believe is in the public interest.

Whistleblowing is the term used when an employee or worker passes on information concerning wrongdoing. This is referred to “making a disclosure”.

2. Scope

This policy applies to all London Borough of Hillingdon employees, and all workers including agency workers, consultants, self-employed workers, apprentices, trainees, contractors, and volunteers. It also applies to organisations working in partnership with the Council.

These procedures are in addition to the council’s complaints procedures and other statutory reporting procedures applying to some services.

An employee/worker who makes a disclosure under this policy must reasonably believe:

- that they are acting in the public interest
- that the disclosure tends to show past, present, or likely future wrongdoing falling and must fall into one or more of the following categories to qualify as a protected disclosure:
 - committing a criminal offence
 - failing to comply with a legal obligation
 - a miscarriage of justice
 - endangering the health and safety of an individual including safeguarding concerns to children, young people, or vulnerable adults
 - environmental damage or
 - unauthorised disclosure of confidential information
 - unauthorised use of public funds
 - concealing any information relating to the above.

The above list is neither exclusive nor exhaustive.

Thus, any serious concerns that an employee/worker has, which are in the public interest, about any aspects 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 the Whistleblowing Policy.

This policy does not cover personal grievances to do with the individual’s employment as this should be dealt with under the grievance policy.

3. Principles

This policy is based on the following principles:

- To encourage the employee/worker to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide clear guidance and pathways to raise concerns with the reassurance that the Public Interest Disclosure Act 1998 protects employees/worker from dismissal, victimisation or harassment when raising a concern that they reasonably believe is in the public interest.
- To ensure that any matter raised under this policy will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation reported back to the employee/worker who raised the issue where possible.
- When a concern is raised in confidence, that the employee/worker's identity will not be disclosed without their consent, unless required by law.
- All parties involved in the whistleblowing process will maintain strict confidentiality throughout by ensuring that only the people who need to know have access to details of the case (except for any legal obligations requiring action from the Council e.g., in health and safety matters).
- Maliciously making a false allegation may be considered a disciplinary matter and would be dealt with under the Conduct and Disciplinary Policy and Procedure.
- Any person who deters or attempts to deter any individual from genuinely raising concerns under this policy may also be subject to the Council's Conduct and Disciplinary Policy and Procedure.
- Any attempts to identify, harass or victimise the whistleblower will be treated as a disciplinary offence under the Conduct and Discipline Policy and Procedure.

4. Raising a Concern under the Whistleblowing Policy and Procedure

- In the first instance, the employee/ worker should raise their concern verbally or in writing with their immediate manager, or, if the concern involves the direct line manager, a more senior manager. Wherever possible, the employee or worker should raise their concerns in writing.
- The manager will then either continue to deal with the concern or refer it to another appropriate senior manager.

- If the matter is of an extremely sensitive or serious nature, or the employee/worker has a genuine belief it that management may be implicated in the wrongdoing, the matter should be raised with one of the following officers:
 - Head of Counter Fraud - where complaint relates to fraud or corruption;
 - Head of Internal Audit
 - Monitoring Officer (Head of Legal)
- If the matter cannot be raised with one of the above, it should be raised with the Corporate Director of Finance or the Chief Executive.
- Employees may also raise their concerns by completing the form www.hillingdon.gov.uk/report-fraud or sending it to the Fraud mailbox at fraud@hillingdon.gov.uk.

5. How the Council will respond

- Following the recording of the concern, either directly by the whistleblower or the manager to whom it was reported, the completed form (see Appendix 1) should then be immediately forwarded to the Head of Counter Fraud for logging and monitoring purposes.
- The Head of Counter Fraud agrees the most appropriate way of investigating the concern in conjunction with relevant parties e.g., HR/LADO etc.
- Where appropriate, the matters raised may:
 - be investigated by management, internal audit and/or Counter fraud, or an independent employment investigator
 - through the disciplinary or grievance process
 - be referred to the police
 - to the LADO (Local Authority Designated Officer) or Adult Safeguarding Team
 - be referred to the external auditor
 - form the subject of an independent inquiry
- Where the concerns relate to the conduct of councillors, the matter will be referred to the Whip's Office or the Council's Standards Committee.
- 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.
- Within 10 working days of a concern being raised, the person with whom the concern was raised will respond in writing:
 - acknowledging that the concern has been received
 - indicating how the concern will be dealt with and next steps

- giving an estimate of how long it will take to provide a final response
 - updating the employee if any initial enquiries have been made subject to legal constraints
 - supplying the employee with details of support available
 - confirming whether further investigations will take place and if not, why not
- Where concerns are raised anonymously the disclosure will be treated as confidential, but it will not be possible to provide any updates on progress or follow up for any information.
 - A copy of the response will be forwarded to the Head of Counter Fraud for monitoring purposes.
 - The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the council will seek further information from the employee/worker who raised the concern. At each meeting, the employee/worker can choose to have a work colleague or trade union representative with them.
 - The Council will take steps to minimise any difficulties the employee/worker may experience as a result of raising a concern under the Whistleblowing Policy. Where an employee/worker is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice and support regarding the procedure.
 - Where possible, and subject to legal constraints, the Council will inform the employee/worker of the outcome of any investigation.

6. Safeguarding

If an employee/ worker has a concern that any person who works with children, young people or adults with care and support needs, in connection with their employment or voluntary activity, has:

- behaved in a way that has harmed a child, young person or vulnerable adult or may have harmed a child, young person, or vulnerable adult
- possibly committed a criminal offence against or related to a child, young person, or vulnerable adult
- behaved towards a child, young person or vulnerable adult in a way that indicates they may pose a risk of harm to children, young people or adults with care and support needs
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

then the employee or worker should raise the concern with the Local Authority Designated Officer (LADO) if related to a child or to Adult Safeguarding in the first instance.

It is important that a safeguarding concern is raised as a matter of urgency as the safety of others may be dependent upon the concern being dealt with swiftly. The concern may then be dealt with under the procedures for Managing Concerns or Allegations Against Staff and Volunteers Working with Adults with Care and Support Needs and Managing Allegations against Staff and Volunteers Working with Children.

7. Further reporting options

Following the outcome of the internal investigation, outlined in section 5, if the employee/worker reasonably believes that the appropriate action has not been taken, in the first instance this should be raised either with the Chief Executive and/or Leader of the Council. If all avenues have been exhausted internally, the employee/worker may opt to raise the concern outside the council to any of the following:

- The Police
- [Public Concern at Work](#) (email whistle@pcaw.co.uk or telephone [0207 404 6609](tel:02074046609))
- A relevant professional body or inspectorate (e.g., OFSTED or SSI)
- A trade union or professional association

Concerns should not be taken to the media and must always be made to the Council following the above procedure and where a satisfactory outcome is not achieved to the relevant external body. Going to the media, or writing about concerns on social media websites or other internet sites, will in most cases constitute a breach of the Council's Code of Conduct, and will be dealt with as per the Disciplinary Policy and Procedure.

Administration

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