

# West London Waste

*Treating waste as a valuable resource*

## **Whistleblowing Policy**

Minor amendments approved by the Clerk in January 2022.

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# 1. Introduction

## Purpose

- 1.1 At West London Waste, we know that staff care about their jobs, their working environment and the wider goals which the Authority is striving to achieve. When staff become aware of wrongdoing taking place, this concerns them and they want to be able to report it.
- 1.2 The purpose of the Whistleblowing Policy is two fold:
  - to provide staff with a clear and safe route for reporting concerns
  - to gather information about concerns and, once investigated, to determine whether further action needs to be taken.

## Duty to Report

- 1.3 The Authority's priorities and its services could be severely jeopardised if employees are engaged in any form of wrongdoing. The Authority is reliant on such matters being reported in order that they can be stopped. The Employee Code of Conduct places a duty on employees to report any suspicions of fraud, theft or other wrongdoing. .

The types of activity that should be disclosed include, but are not limited to, the following:-

- fraud or corruption (see also the Anti-Bribery and Counter-Fraud Policy,)
- financial maladministration
- failure to comply with legal obligations
- endangering of an individual's health and safety
- damage to the environment
- a criminal offence
- failure to follow financial and contract procedure rules
- miscarriages of justice
- deliberate concealment of information relating to any of the above

Some examples might be:

- A danger in the workplace
- An act of fraud within the Council
- Someone who is offering, taking or soliciting bribes
- Misreporting performance data

- Inappropriate conduct or behaviour affecting children or vulnerable adults

### **Protection for Employees**

- 1.4 Authority Members, officers and the Operational Management Team are committed to this Policy. Staff who raise a genuine concern under this policy will not be at risk of losing their job or suffering any form of detriment as a result. Providing employees who raise a concern have a reasonable belief that wrongdoing is occurring, it does not matter if they are mistaken. If a person is subjected to any detriment for having raised a concern, this will be treated as misconduct and may lead to disciplinary action being taken against the perpetrator.

### **When should the Policy be invoked?**

- 1.5 If an employee has a genuine concern about possible wrongdoing at work, as specified above, they should report it under this Policy. .
- 1.6 Where staff are aggrieved about issues directly affecting them, they should use the Grievance Policy to pursue their concerns.

### **Who does the Policy apply to?**

- 1.7 This Policy applies to all employees, officers, consultants, contractors and agency workers.

### **Financial Irregularities**

- 1.8 Nothing in this Policy overrides the Authority's duties and responsibilities as set out in the 'Financial Regulations of WLWA'. Internal Audit must be informed wherever a concern, regarding financial matters, is reported. Should a line manager or other recipient of a concern (see paragraph 2.5) require any advice or be unsure about their obligations with regard to financial matters, they should contact Internal Audit.

## 2. Process

### Advice and Support

- 2.1 The Authority recognises that employees may wish to seek advice and support from their trade union before blowing the whistle. Alternatively, employees may wish to seek advice from Protect , an organisation which is entirely separate from the Authority. Protect provide confidential advice, free of charge, to people concerned about wrongdoing at work. Their website is <https://protect-advice.org.uk/>. They can be contacted by telephone on 0203 117 2520 or by email at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk).

### Confidentiality

- 2.2 The Authority hopes that individuals will feel able to voice whistleblowing concerns openly under the policy. However, if the individual wants to raise their concern confidentially, the Authority will make every effort to keep their identity secret.
- 2.3 All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly.
- 2.4 Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of the person reporting the concern if that is their wish. Should there be any exceptional circumstances where the whistleblower's identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.

Any breaches of confidentiality may be considered under the Authority's Disciplinary Policy.

### How to Raise a Concern

Staff who have a concern about wrongdoing should first raise it with their line manager or a more senior manager. If the employee has any personal interest in the matter, they should inform the manager at the outset.

If staff feel unable to raise the matter with their manager, for whatever reason, there are other people within the Authority to whom the concern can be reported:

- Finance Director
- Managing Director
- Treasurer
- Clerk
- Chief Technical Advisor

If the concern relates to possible fraud, corruption, financial malpractice or bribery, under the Bribery Act 2010, staff are asked to raise the matter with the Treasurer, who is best placed to deal with such issues.

If an employee feels that the matter is so serious they cannot discuss it with any of the above, they should contact the Clerk of the Authority.

## **How the Authority Will Respond**

### Issues reported outside of line management

- 2.5 When an issue is reported outside the line management, the person receiving the complaint (ie one of the named postholders set out at paragraphs 2.5 and 2.6) will assess the concerns and determine whether or not further investigation is appropriate.
- 2.6 Where further action is required, the recipient will send a factual report to an appropriate manager asking them to investigate. If the whistleblower wants their identity to be kept secret then this should not be disclosed to the investigator.
- 2.7 In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g. the Police, the External Auditor, or they may discuss, with the Clerk, the option of an independent enquiry involving people from outside the Authority.

### Issues reported to the line manager

- 2.8 When an issue is reported to the line manager directly, the manager should consider the most appropriate means of dealing with the concern. The manager may wish to take advice, either from their own manager or from one of the officers of the Authority listed at paragraphs 2.5 and 2.6, before proceeding.
- 2.9 If the whistleblower wants their identity to be kept secret, the manager must ensure it is kept confidential in any investigation of the case.
- 2.10 The line manager must notify one of the officers of the Authority listed at paragraphs 2.5 and 2.6 that a concern has been reported and of the outcome of any investigation. This is for monitoring purposes.

## **Investigation**

### **Outset**

- 2.11 The investigating manager must have had no involvement in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.
- 2.12 Should any further information be required from the whistleblower and their identity is being kept confidential, the investigation manager will discuss this with the named postholder (see paragraphs 2.5 and 2.6), who will be responsible for contacting the whistleblower.
- 2.13 At the conclusion of the investigation, the manager may wish to make recommendations or there may be action required under employment ~~and~~ policies.
- 2.14 Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying their line management as appropriate.
- 2.15 Where further action is recommended in respect of other staff, the investigating manager should contact the relevant line manager (Director/officer of the Authority) and discuss an appropriate way forward.

## **Notification**

- 2.16 The investigating manager must forward a copy of their report to the named postholder, who referred the case to them, along with a note of any further action proposed.

## **Contact with the Whistleblower**

- 2.17 Once an individual has reported a concern, there should not be a need for any further input from them during the process, unless they need to be interviewed as part of the investigation. .
- 2.18 The named postholder to whom the whistleblower raises the concern should consider whether further support for or liaison with the whistleblower is appropriate and take any steps necessary.
- 2.19 The named post holder to whom the concern was raised will provide any feedback on the final outcome, which it is appropriate to share. This may

mean that the whistleblower does not receive any feedback beyond an acknowledgement that their concerns are being considered.

### **Malicious Complaints**

2.20 If an employee maliciously raises a matter, which they know is untrue, this will be treated as misconduct and may lead to disciplinary action being taken.

### **Anonymous Reports**

2.21 Where staff report concerns anonymously, it is much more difficult for the matter to be looked into. Consequently, anonymous reports will be considered at the discretion of the person to whom the matter is reported.

### **Raising a Concern Externally**

2.22 The Authority strongly discourages staff from raising concerns externally in the first instance and instead wishes to foster confidence in the internal reporting mechanisms set out in this Policy.

2.23 However, the Authority would prefer that employees raise issues with an appropriate external contact than not at all. If staff choose to follow this route then, providing that they have a reasonable belief and have evidence to back up their concern, they may wish to contact one of the following:

- a relevant prescribed regulatory body (see section Four)
- the Police

Advice and support is also available from the external agency, Protect, as identified in section 2. We strongly advise individuals to seek advice before reporting a concern externally.

2.24 Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act.

### **If Staff Are Dissatisfied**

2.25 Whilst the Authority cannot guarantee that it will respond to all matters in the way which staff reporting them may wish, it will endeavour to handle matters fairly and properly.

2.26 If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, they can refer to the other levels and named bodies within this procedure.



- 2.27 Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy have the right to lodge a grievance under the Authority's Grievance Policy.

### **3 Links**

- 3.1 The following documents relate to the Whistleblowing Policy and may be useful. They are available from Head Office and intranet.
- Grievance Policy
  - Code of Conduct
- 3.2 Non-Authority documents, are available on the internet. If you do not have access to the internet, please contact the Finance and Performance Team for assistance.

### **4 List Of Relevant 'Prescribed Persons'**

- 4.1 Staff who feel unable to raise a concern with one of the people listed at paragraphs 2.4 – 2.6, may wish to disclose the matter to one of the following prescribed regulatory bodies. In doing so, staff must have a reasonable belief that the matter is true.

- 4.2 The full list of prescribed regulatory bodies is set out in the 'Public Interest Disclosure (Prescribed Persons) Order' 1999, as amended and are listed on the government website

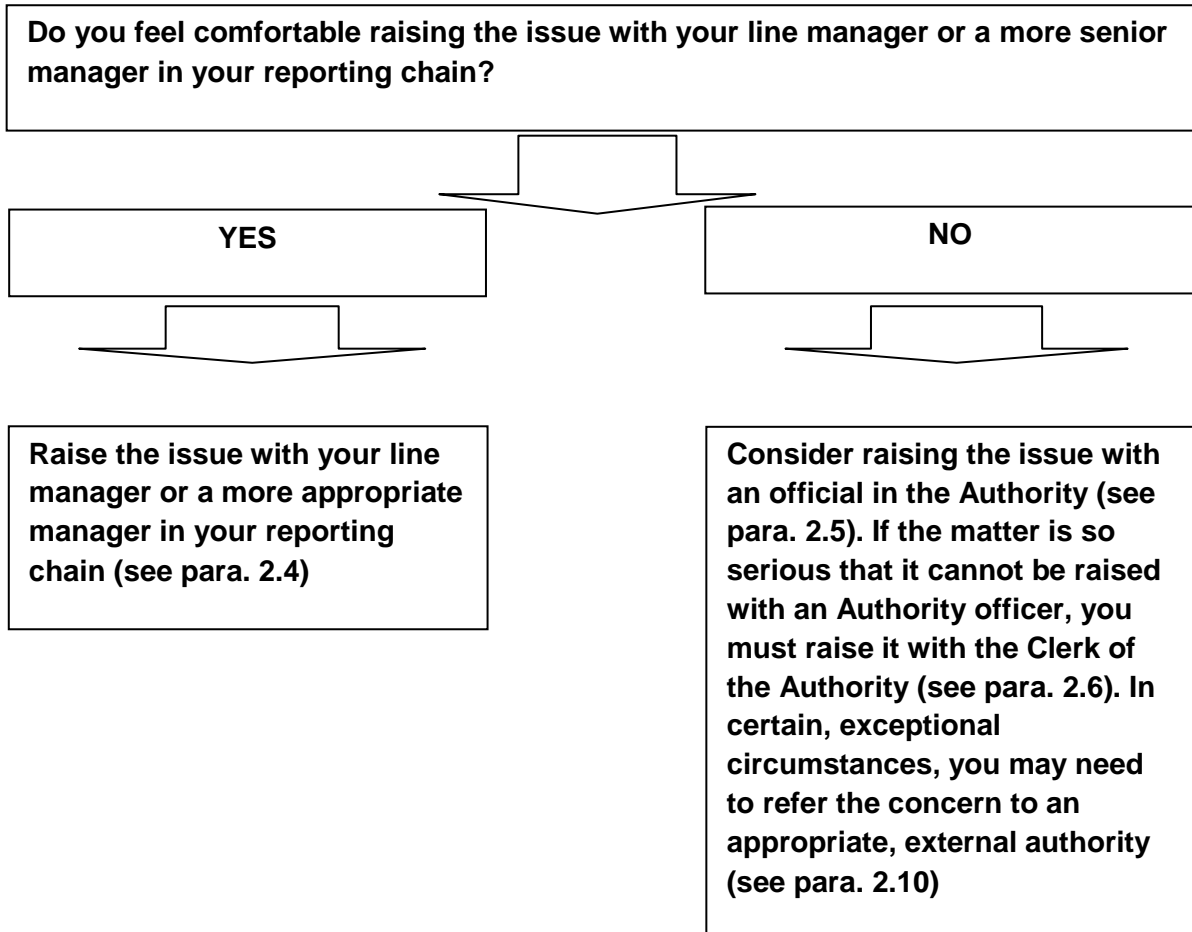
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

- 4.3 Of the bodies listed, those which are most likely to be relevant to local authority staff are set out below:

- Commissioners of the Inland Revenue  
[www.gov.uk/government/organisations/hm-revenue-customs/groups/hmrc-commissioners](http://www.gov.uk/government/organisations/hm-revenue-customs/groups/hmrc-commissioners)
- Comptroller and Auditor General of the National Audit Office  
[www.nao.org.uk/about-us/role-2/what-we-do/our-powers/the-comptroller-function](http://www.nao.org.uk/about-us/role-2/what-we-do/our-powers/the-comptroller-function)
- Director of the Serious Fraud Office [www.sfo.gov.uk/about-us/who-we-are/director](http://www.sfo.gov.uk/about-us/who-we-are/director)
- Environment Agency [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
- Financial Conduct Authority [www.fca.gov.uk](http://www.fca.gov.uk)
- Health and Safety Executive [www.hse.gov.uk](http://www.hse.gov.uk)
- Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk)
- Care Quality Commission [www.cqc.org.uk](http://www.cqc.org.uk)
- The Pensions Regulator [www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)
- [The Equality and Human Rights Commission](http://www.equalityhumanrights.com/en/whistleblowing)  
<https://www.equalityhumanrights.com/en/whistleblowing>

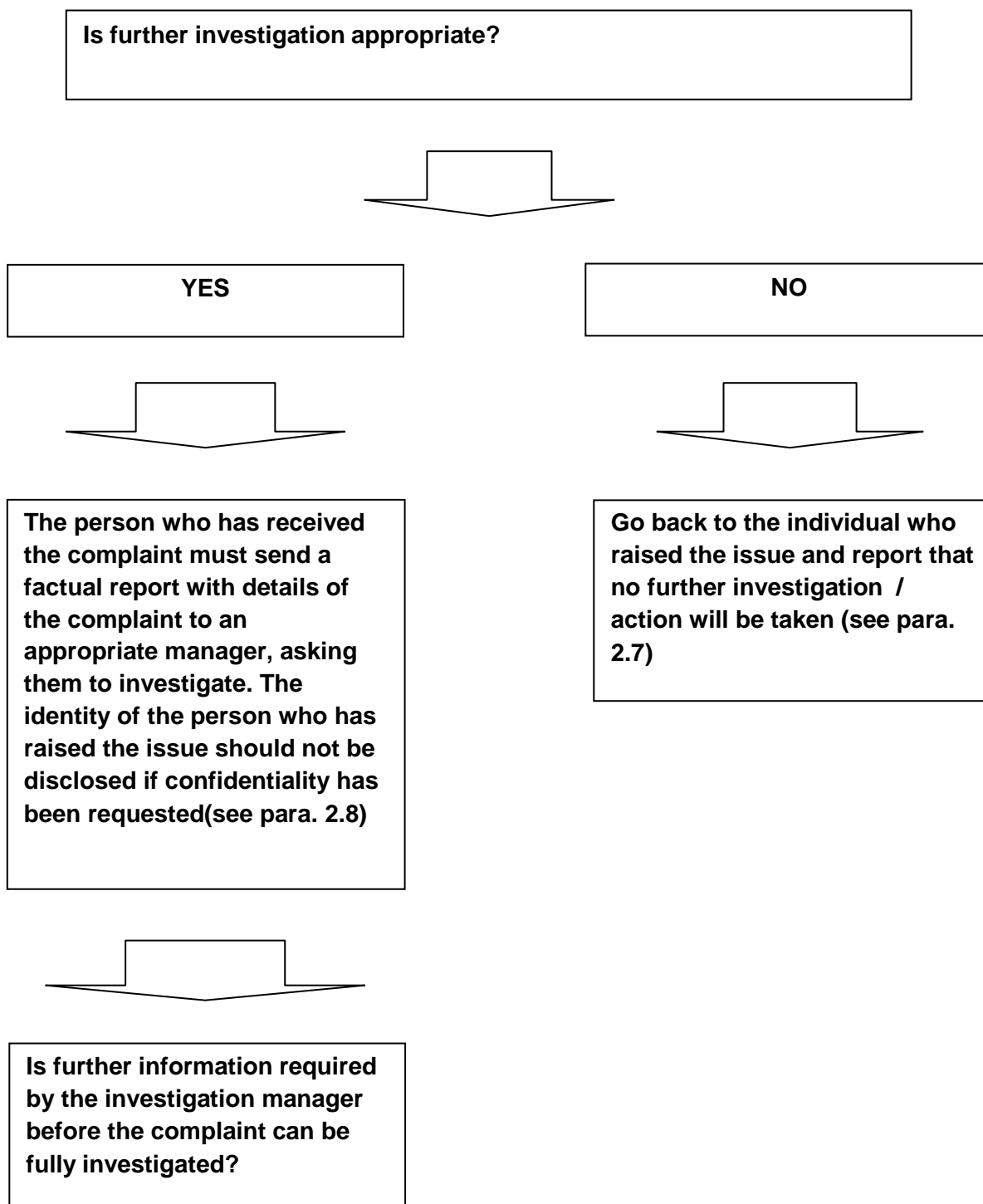
**HOW TO RAISE A CONCERN**

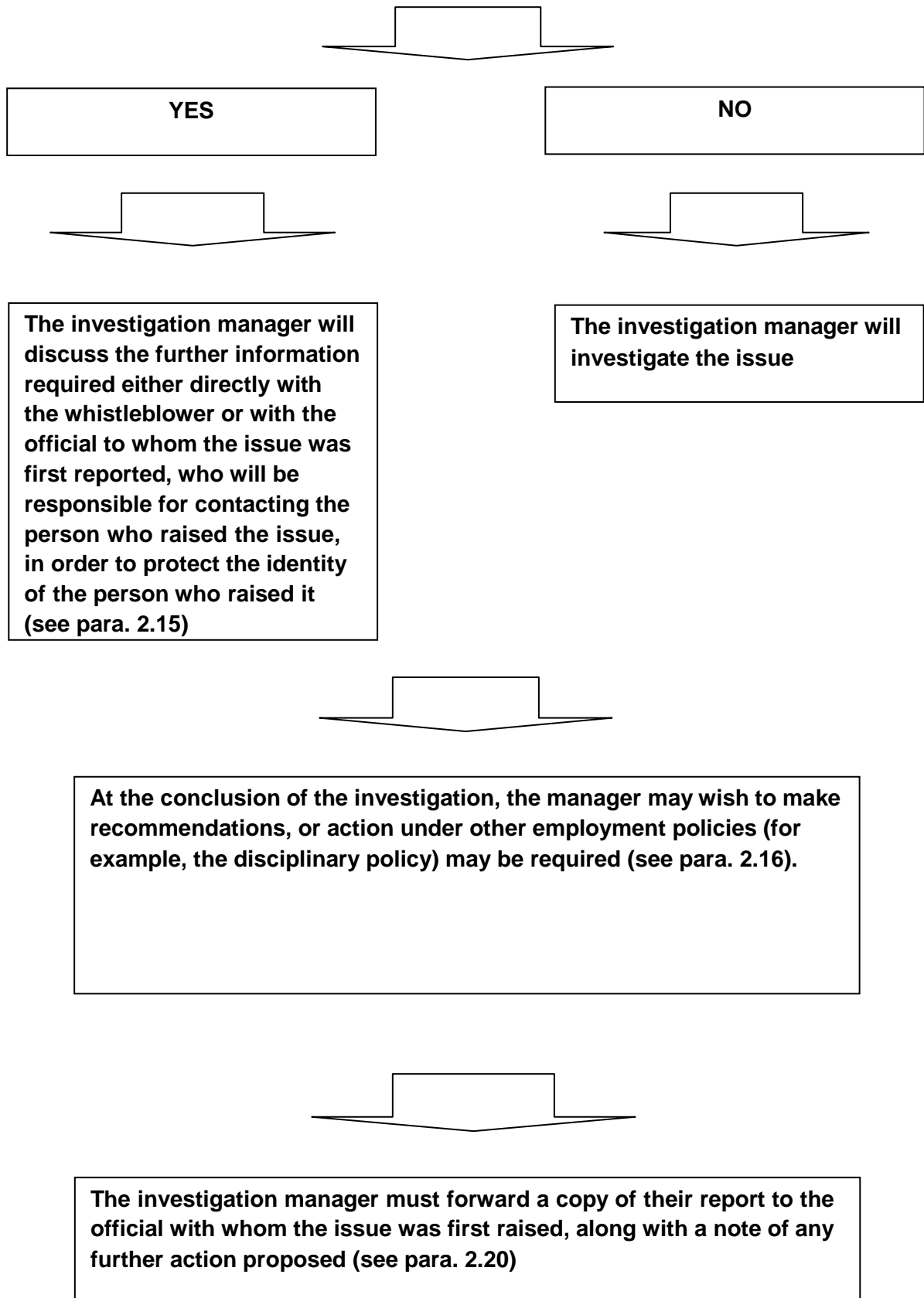
If you have a concern about possible wrongdoing in the workplace,



### HOW THE AUTHORITY WILL RESPOND

When an issue has been reported to somebody **outside your line management chain**, the person who has received the complaint will consider whether further investigation is appropriate.



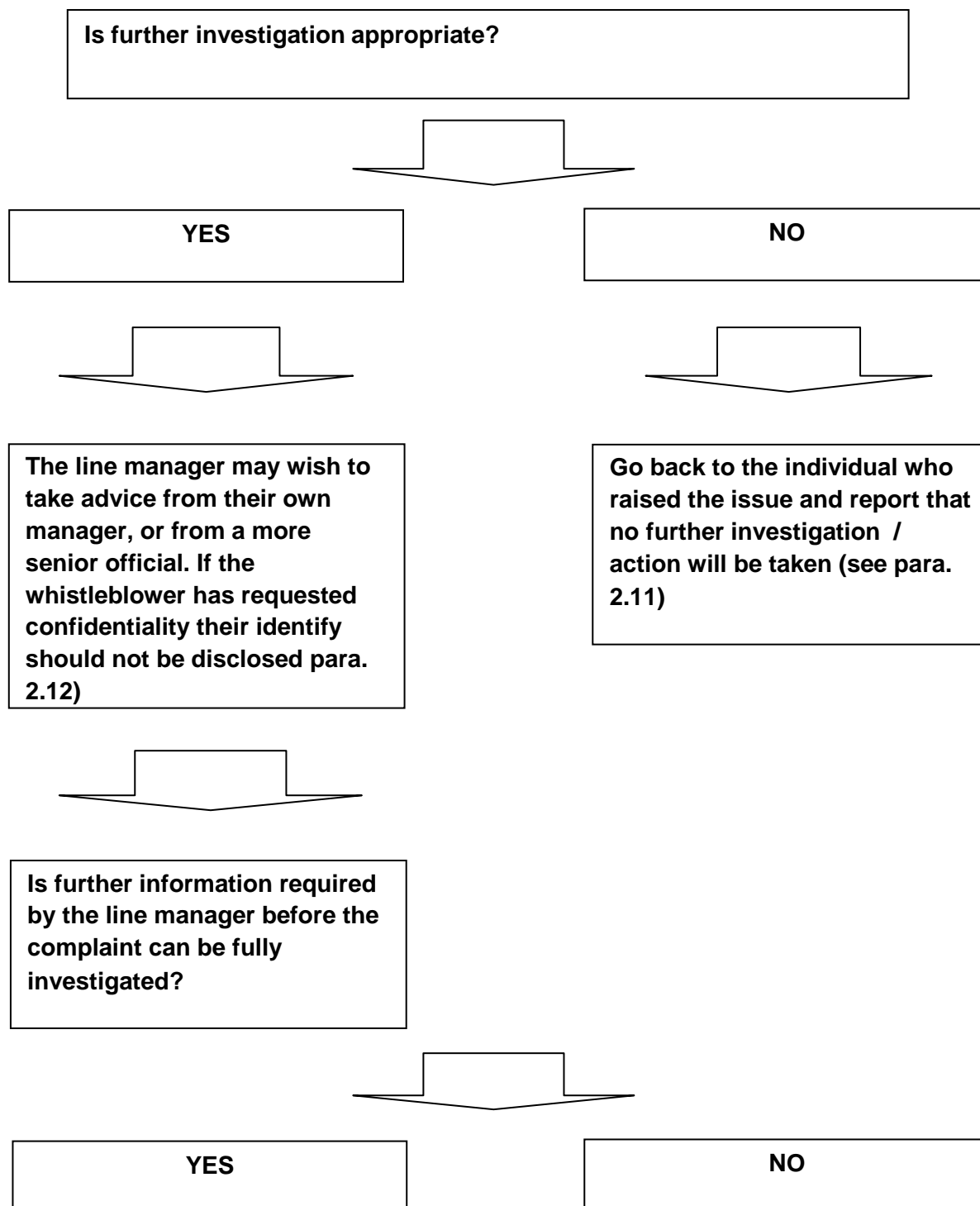




**The official to whom the issue was first raised will provide any feedback that is appropriate to share on the final outcome, to the person who first raised the issue (see para. 2.23)**

**HOW THE AUTHORITY WILL RESPOND**

When an issue has been reported to **your line manager or somebody within your line management chain**, they will consider whether further investigation is appropriate.





**The line manager will discuss the further information required with the person who reported the issue, before conducting an investigation**



**The investigation manager will investigate the issue**



**At the conclusion of the investigation, the manager may wish to make recommendations, or action under other employment policies (for example, the disciplinary policy) may be required (see para. 2.16).**



**The line manager will provide any feedback that is appropriate to share on the final outcome, to the person who first raised the issue (see para. 2.23)**