

# WHISTLEBLOWING POLICY 2022/23

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**WHISTLE BLOWING POLICY**

**CONTENTS**

1. Statement of Intent ..... 3

2. Aim and Scope of the Policy ..... 3

3. Issues not covered by the policy ..... 4

4. Protecting the Whistleblower ..... 4

5. Anonymity and Confidentiality ..... 5

6. How to raise an issue ..... 5

7. What ELWA will do..... 6

8. How matters can be taken further ..... 8

9. Corporate recording and monitoring ..... 8

10. Summary ..... 9

**1. Statement of Intent:**

- 1.1 The East London Waste Authority (ELWA) is committed to achieving the highest possible standards of service, including openness, honesty and accountability. In line with that commitment we encourage employees with concerns about any aspect of the ELWA's work to come forward and voice those concerns. It is intended that the Whistleblowing Policy enables individuals to raise concerns in a confidential manner and it is recognised that certain cases will have to proceed on a confidential basis. This Policy document makes it clear that individuals can do something without fear of reprisals.
- 1.2 This Whistleblowing Policy is intended to encourage and enable individuals to raise serious concerns within ELWA rather than ignoring a problem or reporting the matter outside of the Authority.
- 1.3 For clarity, other than those referenced below as they do not fall under the umbrella term of staff, people making referrals of suspected fraud and or corruption cannot be treated as whistleblowers. The Anti-Fraud and Corruption Strategy sets out the means for people other than staff to report suspected fraud and or corruption.

**2. Aim and Scope of the Policy:**

- 2.1 The policy aims to:
- Encourage individuals to feel confident about raising a concern in confidence
  - Encourage individuals to question practice and act upon any concern
  - Provide clear channels for raising concerns
  - Ensure individuals receive a response to concerns raised and are clear about how to pursue matters if not satisfied
  - Provide reassurance that individuals will be protected from possible reprisals or victimisation when raising a concern in the public interest where they reasonably believe something is wrong.
- 2.2 Under ELWA's Anti-Fraud & Corruption Strategy, individuals have a duty to raise with their manager any concerns they may have. However, if they feel they are unable to do so, they should use the alternative contact provided within the Whistleblowing Policy. Line managers should be aware of when issues fall under the scope of the Whistleblowing Policy and follow the Whistleblowing procedures.
- 2.3 The Whistleblowing Policy applies to:
- All staff employed by ELWA (including those designated as casual, temporary, agency, authorised volunteers or work experience)
  - Staff from the Constituent Councils discharging responsibilities on behalf of ELWA
  - Contractors working for ELWA, including ELWA Ltd and Renewi (for example, agency staff, builders, drivers, service providers and their sub-contractors)
  - Constituent Council staff.

- 2.4 To ensure your concern is treated as whistleblowing, you must identify yourself, and the policy is in place to encourage this. We will consider anonymous allegations, but it is less likely that we will conduct an investigation and achieve a successful outcome.
- 2.5 Concerns which would be appropriate to report include the following issues, where they affect or are relevant to ELWA:
- Health and safety risks, either to the public or other employees
  - Any unlawful act (e.g. theft)
  - The unauthorised use of public funds (e.g. expenditure for improper purpose)
  - A breach of the Employee Code of Conduct
  - Maladministration (e.g. not adhering to procedures, negligence)
  - Failing to safeguard personal and/or sensitive information (data protection)
  - Damage to the environment (e.g. pollution)
  - Fraud and corruption (e.g. to give or receive any gift/reward as a bribe)
  - Abuse of power
  - Poor value for money
  - Other unethical conduct
  - Any deliberate concealment of information tending to show any of the above.

### **3. Issues not covered by the policy:**

- 3.1 Issues and complaints from employees in respect of their employment are not within the scope of this Policy and are covered by alternative ELWA policies and procedures, e.g. Grievance. These must be dealt with by contacting the relevant manager within their service in the first instance.
- 3.2 Customers' complaints about our services. These complaints are dealt with through our Corporate Complaints Procedure. In the first instance please either email [enquiries@eastlondonwaste.gov.uk](mailto:enquiries@eastlondonwaste.gov.uk), or write to Support Services Manager, East London Waste Authority, 11 Burford Road, Stratford, London E15 2ST; in both cases please clearly mark your correspondences as a complaint.
- 3.3 Allegations against Councillors. Such allegations should be sent in writing to: The Monitoring Officer, East London Waste Authority, c/o London Borough of Barking and Dagenham, Legal Department, Town Hall, Barking, IG11 7LU. Please write "Private and Confidential" on your envelope.
- 3.4 Also, you cannot use this policy to raise issues that have already been settled through other procedures, for example, matters previously resolved under the Authority's Disciplinary Rules procedures.

### **4. Protecting the Whistleblower:**

- 4.1 The Policy has been written in line with the Public Interest Disclosure Act (PIDA) 1998, which protects whistleblowers from reprisals as long as they meet the rules set out in the Act. The main features are:

- Staff / employees / workers have the right not to be victimised or dismissed as a result of a disclosure which is protected by the Act
  - Protection provided by the Act is not subject to any qualifying period of employment
  - Where a whistleblower is victimised as a result of their whistleblowing, they can bring a claim at an employment tribunal for compensation. Awards are based on losses suffered and are unlimited
  - A disclosure will not qualify for protection unless it is made in the public interest and tend to show one or more number of issues listed above
  - The term "workers" relates to employees, including trainees and apprentices and extends to workers not directly employed by ELWA (i.e. contractors, agency workers and casual workers).
- 4.2 If, however, individuals raise malicious unfounded concerns, attempt to make mischief or personal gain, this will also be taken seriously and may lead to disciplinary action in accordance with ELWA's Disciplinary Policy and Procedures.

## **5. Anonymity and Confidentiality:**

- 5.1 All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of the whistleblower if they so wish, unless a disclosure is required by law.
- 5.2 The best way to raise a concern is to do so openly. Individuals are encouraged to provide their details when raising a concern. Openness makes it easier for the ELWA to investigate the matter and obtain further information.
- 5.3 Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of ELWA. In exercising this discretion, the factors to be taken into account would include:
- The seriousness of the issue raised
  - The credibility of the concern
  - The likelihood of confirming the allegation from other sources.

## **6. How to raise a whistleblowing issue:**

- 6.1 You should first raise your concern with your immediate supervisor or manager, but this will however depend on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing. If the concern is to do with your line manager, you should raise the matter with the Managing Director or in their absence the Finance Director.
- 6.2 Concerns that involve financial malpractice should always be raised with the Counter Fraud Team based at the London Borough of Redbridge. If you prefer you can contact the Counter Fraud Team direct in any of the following ways:
- a) By following this link to our online reporting form <https://www.report-fraud.co.uk/redbridge/fraud>

- b) By phoning the Report Fraud line on 0800 633 5267. You can leave a confidential voice-mail message 24 hour a day
- c) Contacting the Counter Fraud Team Manager through [Emma.Vick@redbridge.gov.uk](mailto:Emma.Vick@redbridge.gov.uk) or 07741 331040
- d) Writing to the Head of Audit & Investigations, Redbridge Town Hall, 128-142 High Road, Ilford, ID1 1DD (Write 'Private and Confidential' on your envelope).
- 6.3 Individuals may also seek guidance on whistleblowing from their Union, or Professional Body. Additional information can also be obtained from the whistleblowing charity Protect, formally Public Concern at Work and the Advisory, Conciliation and Arbitration Service (ACAS) [Advisory, Conciliation and Arbitration Service \(ACAS\)](#).
- 6.4 Once a whistleblower has reported the matter, it will be assigned to an appropriate officer to investigate, in order to demonstrate whether there are sufficient grounds for concern. In some cases, the whistleblower may be asked to provide evidence as a witness. If a whistleblower declines to be a witness, it may not be possible to pursue an investigation if it is not possible to gain sufficient evidence from other sources.
- 7. What ELWA will do:**
- 7.1 All whistle blows will be reported to the London Borough of Redbridge's Head of Audit and Investigations, so that they are recorded on a central record.
- 7.2 Any action taken following the whistle blow will depend upon the nature of the concern raised. It may:
- Be investigated internally by managers, Internal Audit or Human Resources
  - Be investigated by ELWA's external auditor
  - Be referred to the Police
  - Form the subject of an independent enquiry
  - In the case of extremism or radicalisation be referred to [Prevent](#) or [Channel](#) for support (the national programmes to safeguard, support, and protect children, young people and vulnerable adults at risk of radicalisation, extremism or terrorist related activity).
- 7.3 It may be possible to resolve some concerns by agreed action without the need to carry out an investigation. If urgent action is required this will take place before any investigation is conducted.
- 7.4 Concerns of a potentially criminal or unlawful nature will be dealt with in line with the required investigatory processes to support a potential criminal prosecution. Other matters will be considered individually and investigated appropriately.
- 7.5 Once a concern is raised through the whistleblowing processes, initial enquiries will be made to determine whether the concerns relate to the scope of this policy or whether it needs to be referred to other processes to deal with issues (such as the complaints processes).

- 7.6 If the whistleblower provides contact details, they will receive an acknowledgement within 10 working days and an outcome letter/email at the end of the investigation to state one of three outcomes:
- Management action to be taken (maintaining confidentiality)
  - Not able to pursue (e.g. insufficient evidence/information)
  - No further action required.
- 7.7 The whistleblower should report to the relevant officer if he/she or they believe that they are suffering a detriment for having raised a concern.
- 7.8 The outcome of each case will be dealt with depending on the findings of the investigation:
- **Prosecution/ disciplinary action** - Action should be taken in line with the ELWA's Anti-Fraud & Corruption Strategy, which has been approved by the Authority and which states "we will take the strongest possible action against offenders in deterring against any fraudulent activity within the organisation and services provided to the public, and to this end we will seek prosecution wherever appropriate"
  - **Management action / monitoring** - where there is no evidence of any wrongdoing, but weaknesses or loopholes have been identified. In these cases, management are required to make improvements to ensure that further instances do not occur
  - **Not possible to pursue** - these cases usually occur where there is inadequate evidence or because of inadequate information from the Whistleblower, possibly where the individual wishes to remain anonymous and it is not possible to discuss the matter further to gather more facts
  - **No further action required** - the investigation provides sufficient evidence to show that the concern or allegation is unfounded.
- 7.9 The officer investigating the matter will need to maintain adequate and appropriate contact with the whistleblower. It is likely that the whistleblower, if not anonymous, will be interviewed to ensure that the disclosure is fully understood.
- 7.10 Where any meeting is arranged, the whistleblower has the right to be accompanied by a Trade Union or Professional Association Representative or a current employee of ELWA who is completely independent of the allegation and the section to which it relates.
- 7.11 ELWA will do what it can to minimise any difficulties the whistleblower may have as a result of raising a concern. For instance, HR can provide guidance for whistleblowers when giving evidence in criminal proceedings. Guidance and support is also available from the whistleblower's Trade Union.
- 7.12 The whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, information about the outcomes of any investigations will be provided at an appropriate time.

**8. How matters can be taken further:**

- 8.1 If the whistleblower is not satisfied with the outcome of an investigation, they should contact the Head of Audit and Investigations as above, explaining why this is the case. The matter may be investigated further if the whistleblower can identify evidence that was not previously available or was overlooked at the time. However, the Head of Audit and Investigations' decision will be final.
- 8.2 This procedure is intended to provide employees with an avenue within the ELWA to raise concerns. ELWA would prefer that a serious concern is raised responsibly rather than not at all. If the employee does not feel comfortable reporting their concern to the specified officers in ELWA or has done so but does not feel satisfied with the outcome, there is the option of approaching a Member or external organisation (see suggested listed below):
- Local Councillor (if employee is a resident of one of the four Constituent Councils). This information can be found on the website of each of the four Constituent Councils
  - Authority Chair (if employee resides outside of the four Constituent Councils). This information can be found at <https://eastlondonwaste.gov.uk/elwa-members/>
  - Member of Parliament. This information can be found here: <https://members.parliament.uk/members/commons>
  - ELWA's external auditor (contact Debbie Hanson [dhanson@uk.ey.com](mailto:dhanson@uk.ey.com) referencing the correspondence as regarding EY as ELWA's external auditor)
  - Regulatory Authorities, depending on the nature of the concern. For example; Health & Safety Executive, Environment Agency etc.
  - A relevant 'prescribed body'. A full list of such bodies is available at; [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)
  - The Police.

**9. Corporate recording and monitoring:**

- 9.1 All outcomes from investigations will be maintained in a central record so that ELWA can identify potentially serious problems and trends which need to be addressed. Data relating to the outcomes of completed response to whistleblows will be reported to senior management and Authority Members as appropriate.
- 9.2 Information relating to the initial report and subsequent information is always treated in strictest confidence.
- 9.3 The Comptroller and Auditor General, National Audit Office is a prescribed person to whom employees can make disclosures relating to 'the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public service'. The contact number is 020 7798 7999 or email [enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk)
- 9.4 A concern raised first outside of the Whistleblowing reporting arrangements will only be protected under this policy and count as a qualifying disclosure under the legislation if the following apply:



- The report is in the public interest (if the employee honestly and reasonably believes the information and any allegation contained in it to be substantially true)
- The allegation has not been made for personal gain
- The employee has credible reason to believe that they would be victimised or that there would be a cover-up or that the matter is exceptionally serious.

## 10. Summary:

### 10.1 Whistleblowers should:

- Make an immediate note of their concerns
- Note all relevant details, such as what was said in telephone or other conversations, the date, time and names of parties involved
- Note any documentary evidence that may exist to support their concerns but do not interfere with this evidence
- Report concerns to their line manager or to those listed above in paragraph 6.1
- Deal with the matter quickly. Any delay could allow the problem to continue and escalate and for evidence to disappear
- Think about risks and possible outcomes before taking action
- Follow the guidance provided and contact the appropriate officer.

### 10.2 Whistleblowers should not:

- Do nothing and let their concerns go unreported
- Be afraid of raising concerns
- Approach and accuse individuals directly
- Try and investigate the matter themselves
- Convey their suspicions to anyone except those of the proper authority as set out in the ELWA policy
- Use the whistleblowing procedure to pursue a personal grievance.