

WHISTLEBLOWING POLICY - JUNE 2020

Date Last reviewed:	June 2020
Approved by:	ELWA Authority
Date Approved:	29/06/20
Version Number:	1.2
Review Date:	June 2021
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1. The East London Waste Authority's commitment to the Whistleblowing Policy

1.1 This Whistleblowing Policy sets out the East London Waste Authority's (the "Authority") commitment to ensuring compliance with the requirements of the Public Interest Disclosure Act 1998 as amended by the Enterprise and Regulatory Reform Act 2013. The Authority has designated the Finance Director as Whistleblowing Officer.

2. What are the aims and requirements of this policy?

2.1 The Authority wishes to encourage individuals, employees and persons providing services on behalf of or to the Authority to raise serious concerns with the Authority rather than overlooking the issue or 'blowing the whistle' outside.

2.2 For that reason, this policy has been put in place to make sure that if you want to come forward and raise any concern within the remit of this policy, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

3. Who is governed by this policy?

3.1 The whistleblowing policy applies to all staff (including those designated as casual, temporary, agency, authorised volunteers or work experience), and those contractors working for the Authority, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Authority, for example, plant hire or specialist waste handling services.

4. Executive Summary

4.1 Sometimes employees and those who contract with the Authority are the first to spot that something is wrong and putting the Authority and/or its residents at risk, but are reluctant to act for fear of not being taken seriously, that their concerns may not be justified or that they may be victimised for speaking out.

4.2 Legislation is in place to protect those that raise legitimate concerns in the public interest and in the right way.

4.3 This policy sets out the concerns that are dealt with under the whistleblowing procedure, the way in which you may raise concerns and how the Authority will respond to those concerns.

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5. What is whistleblowing?

- 5.1 Whistleblowing is the reporting of suspected or ongoing wrongdoing at work.
- 5.2 It is our policy to promote a culture of openness and a shared sense of integrity throughout the Authority by inviting employees to act responsibly in order to uphold the reputation of the Authority and maintain public confidence.
- 5.3 We are committed to being open, honest and accountable. For this reason, concerns about malpractice and impropriety are taken very seriously. We want you to be able to raise any concerns that the interests of others and the Authority (and therefore residents of the four Constituent Councils of Barking & Dagenham, Havering, Newham and Redbridge) are at risk, within the Authority rather than overlooking the issue or 'blowing the whistle' outside.
- 5.4 This is because members of staff may be the first to spot anything that is seriously wrong within the Authority; however, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised.
- 5.5 That is why we have produced this whistleblowing policy to help staff, including agency workers and contractors to contact us with concerns. This policy has been put in place to make sure that if you want to come forward and raise any concern which you feel relate to illegal, improper or unethical conduct, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

6. Who is covered by this policy?

- 6.1 The whistleblowing policy applies to all staff (including those designated as casual, temporary, agency, authorised volunteers or work experience), and those contractors working for the Authority, for example, agency staff, builders, drivers, service providers and their sub-contractors.
- 6.2 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.

7. What types of action are covered by the policy?

- 7.1 The policy is intended to deal with serious or sensitive concerns about wrongdoings that are in the public interest – referred to as public interest disclosures.
- 7.2 When you raise a concern under the whistleblowing policy it must be in the reasonable belief that it is in the public interest to do so. We may ask you to sign a declaration to ensure you understand this principle.
- 7.3 Examples of concerns that may be in the public interest are suspected or ongoing actions that fall into the following categories – the list of actions under each category is not exhaustive.

Criminal Offences

- a) Misuse of Authority funds.
- b) Other fraud or corruption such as accepting gifts or hospitality from contractors.

- c) Bribery.
- d) An unlawful act such as theft of ELWA property or funds.
- e) A person abusing their position for any unauthorised use or for personal gain.
- f) Improper or unauthorised use of Authority money.

Failure to comply with legal obligations

- g) A person deliberately not keeping to an Authority policy, official code of practice or any law or regulation.
- h) A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life.

Actions which endanger the health or safety of any individual

- i) Service users, children or students, particularly children and adults in care being mistreated or abused.
- j) Any other danger to health and safety.

Actions which cause damage to the environment

- k) The environment being damaged (for example, by pollution).

Actions which are intended to conceal any of the above

- l) Other wrongdoing including instances where attempts have been made to conceal or cover up wrongdoing.

7.4 Your concern may be about members of staff, people who work directly for the Authority, suppliers, or people who provide services to the public for us.

8. What is not covered by the policy?

8.1 You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures, for example:

- a) Staff complaints about their contract of employment. These complaints are dealt with through our Grievance or Managing Performance at Work procedures.
- b) Customers' complaints about our services. These complaints are dealt with through our
- c) Corporate Complaints Procedure. In the first instance please either email enquiries@eastlondonwaste.gov.uk, or write to Support Services Manager, East London Waste Authority, Harvey House, St Edward's Court, London Road, Romford, RM7 9QD; in both cases please clearly mark your correspondences as a complaint.
- d) 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.

8.2 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.

9. Protecting you

9.1 If your allegation is true, you have nothing to fear. But we understand that deciding to blow the whistle is not easy.

9.2 When you make a protected disclosure you have the right not to be dismissed, victimised or subjected to any other detriment because you have made a disclosure. Therefore, we will not tolerate any harassment or victimisation of a whistleblower and will treat such actions as a serious disciplinary offence, which will be dealt with under the Authority Disciplinary Procedure.

9.3 We will do our best to protect your identity and keep your concerns confidential if this is what you want.

9.4 There may be occasions when you will need to provide statements of evidence in order for us to conclude the investigation. In this case we will not reveal your name or position without your permission or unless we have to do so by law, for example, if the evidence is required in Court then your anonymity may be subject to the decision of the Courts.

9.5 If you work for ELWA, you should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you or any redundancy procedures that may affect you.

10. How to raise a concern

10.1 If you work for ELWA, you should first raise your concern with your immediate supervisor or manager but obviously this will depend on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing in which case raise the matter with the Managing Director or in their absence the Finance Director).

10.2 Concerns that involve financial malpractice should always be raised with the Counter Fraud Team based at the London Borough of Redbridge. If you prefer, or you do not work for ELWA, you can contact the Counter Fraud Team direct in any of the following ways:

a) By writing to the Counter Fraud Team at:

- Head of Audit & Investigations, Redbridge Town Hall, 128-142 High Road, Ilford, ID1 1DD (Write 'Private and Confidential' on your envelope)
- By phoning the Whistleblowing line on 0800 633 5267. You can leave a confidential voice-mail message 24 hours a day.
- By sending an e-mail to: whistleblow@redbridge.gov.uk

10.3 To maintain confidentiality, you are advised not to copy other people into your message to the whistleblowing mailbox.

10.4 If you are putting your concerns in writing it is best to give as much information as possible - including any relevant names, dates, places and so on.

- 10.5 You should also provide:
- The reason why you are concerned about a situation.
 - Background information.
 - What you personally witnessed or the extent to which you have experienced the problem. If possible, you should provide documentary evidence.
- 10.6 The earlier you raise a concern, the easier it will be to take effective action.
- 10.7 You are strongly encouraged to raise your concerns in one of the ways set out above, but if you feel you are unable to raise the matter internally, or feel unsatisfied with any action we take, you could contact
- our External Auditor;
 - your local Citizens' Advice Bureau
 - relevant professional bodies or regulatory organisations
 - a relevant voluntary organisation; or
 - the police.
- 10.8 You can get independent advice or support from an organisation called Protect. Their contact details are:
- Protect
The Green House
244-254 Cambridge Heath Road
London E2 9DA
Phone: Protect Advice Line: 020 3117 2520 (* option 1)
Business Support: 020 3117 2520 (*option 2)
E-mail: whistle@protect-advice.org.uk
- 10.9 The office is open and the helpline is staffed from 9am to 6pm, Monday to Friday. There is an answering machine out of hours.
- 11. How we respond to your concerns**
- 11.1 Within 10 working days of you raising a concern, the Whistleblowing Officer or designated investigator will:
- acknowledge that we have received your concern;
 - explain how we will handle the matter; and
 - tell you what support is available to you.
- 11.2 It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation we need to carry out.
- 11.3 The way we deal with the concern will depend on what it involves. If we need to take urgent action, we will do this before carrying out any investigation.

11.4 We will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it. Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first.

12. Untrue Allegations

12.1 If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you.

12.2 However, if the investigatory process finds you have made an allegation which you know is untrue; we will take appropriate disciplinary or legal action against you.

13. Data Protection

13.1 When an individual makes a disclosure, the Authority will process any personal data collected in accordance with its Data protection Policy, which is GDPR compliant. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

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1. Introduction

- 1.1 This document sets out both the process for staff who wish to notify any suspicions and how the Organisation's officers should respond in the event of being notified of a suspected fraud or misuse of public money. It is an important strategy as the Organisation is committed to the principles of probity and accountability.

2. Public Service Values - Corporate Governance

- 2.1 The document recognises that high standards of personal and professional conduct are a basic requirement throughout the Public sector. It defines three crucial public service values, which staff, must follow in the course of their professional duties.

Accountability

- 2.2 Everything done by staff of ELWA must be able to stand the tests of scrutiny, public judgements on propriety, and professional codes of conduct. As the public sector is publicly funded, ELWA is accountable to Parliament for the services it provides and for the effective and economical use of taxpayers' money, with the proper stewardship of public monies requiring value for money to feature foremost in the day to day duties of staff at all levels.

Probity

- 2.3 There is an absolute standard of honesty required from staff in dealing with the activities, transactions and assets of the Organisation. Integrity should be the hallmark of all personal conduct in decisions affecting customers, staff and suppliers, and the use of information acquired in the course of public sector duties.

Openness

- 2.4 There should be a willingness to be open with the public, staff and customers in the normal course of public sector business.

3. Fraud Prevention

- 3.1 There is a duty on all staff to minimise the opportunity for fraud to be perpetrated.
- 3.2 The financial affairs of ELWA are carried out within rules laid down in the Authority's Constitution – which are designed to minimise the opportunities for fraud. All staff must be aware of these instructions, and staff who handle or requisition goods or services and handle cash must follow the procedures and ensure that they are complied with.

4. Responsibilities

Staff

- 4.1 Each employee must ensure that care is taken over the use and security of all official property, and must tell their appropriate level of management immediately if an actual or suspected fraud or other irregularity has occurred.

Management

4.2 Management (including all levels of operational management) must establish systems, in which there are appropriate controls built in, to prevent fraud and detect acts of fraud. They must take immediate action if fraud or other irregularities are reported or discovered.

5. Definition of Fraud, Theft and Other Irregularities

5.1 An irregularity is any action by staff, which breaches the required high standards of financial integrity expected by the public.

5.2 Irregularities fall broadly within the following categories, the first three of which are criminal offences:

- a) theft - the dishonest taking of property belonging to another person with the intention of depriving the owner permanently of its possession;
- b) fraud - involves the use of deception to obtain an unjust or illegal financial advantage;
- c) bribery and corruption - giving people money or favours to undertake a specific course of action;
- d) failure to observe the Financial and Contract Rules in the Constitution.

6. Notifying Suspected Fraud, Theft and Other Irregularities

6.1 Suspected fraud can be detected in a number of ways but in all cases it is important that staff feel able to report their concerns with total confidentiality.

6.2 The appropriate method for staff to report any suspected fraud is via their line manager as follows:

- a) If an employee discovers a suspected fraud, then it should be reported to their manager straight away.
- b) Managers must immediately report the incident, in writing, to the Head of Audit & Investigations, Greg Mortimer / Telephone: 020 8708 3130 / greg.mortimer@redbridge.gov.uk

6.3 In some cases - for example, where the suspicions relate to the line manager - the notifying individual may prefer to report the suspicion to an independent officer. In such circumstances, reporting options are as follows:

- a) Staff can write to the Finance Director, Maria G. Christofi / Telephone: 020 8708 3588 / maria.christofi@lredbridge.gov.uk
- b) Staff can write to the Managing Director, Andrew Lappage / Telephone: 020 8724 5614 / andrew.lappage@eastlondonwaste.gov.uk

6.4 Whenever a report is made, confidentiality will be maintained in all circumstances other than where the report is shown to be malicious.

6.5 If the Finance Director is being accused of fraud, the report must be made to the Managing Director. If the Managing Director is being accused of fraud, the report must be made to the Finance Director

6.6 Members of the public may report allegations or suspicions of fraud being perpetrated by employees to the Managing Director, Finance Director, Monitoring Officer or the Chair of ELWA. The matter will then be handled in the same manner as any other reported fraud.

7. Investigating Suspected Fraud

7.1 Once fraud is suspected it is critical that any investigation is conducted in a professional manner aimed at ensuring that the current and future interests of both the Organisation and the suspected individual(s) are protected - the protection of the suspected individual(s) during any investigation is to be treated as being of equal importance, as a suspicion should not be seen as a guilt to be proved.

7.2 The agreed disciplinary procedure relevant to the Member of Staff will be applied at all times during any investigation.

7.3 It is crucial that the notifying employee does not feel threatened. Therefore, if necessary, and as far as possible ELWA undertakes to protect the identity of such employees and not to release the source of notification at any time during the investigation.

7.4 The Finance Director must undertake the actions detailed below.

- a) The individual's line director and the relevant Personnel Manager should assess whether there is a need for any employee to be suspended. The decision should be kept under review at all stages of the ensuing investigation.
- b) Notify ELWA's Internal Auditors of all suspected frauds upon receipt of such information.
- c) Consider, with the Internal Auditor, at what stage the Police are notified. Where the answer to the following criteria is "yes", the police should be notified immediately:
 - Is there a reasonable suspicion of fraud or a corrupt practice?
 - Is there reasonable certainty that anything obvious has not been overlooked?
- d) Identify a course of action to proceed with any investigation and appoint a manager to oversee the investigation.
- e) Identify the reporting process.
- f) Ensure that strict confidentiality is continuously maintained, including that of any witnesses.

7.5 Once the Police are involved, further internal investigations may be suspended if improper or inappropriate investigations might jeopardise the Police case.

7.6 At the request of the Finance Director, ELWA's Internal Auditors may co- ordinate the investigation.

7.7 When either ELWA or ELWA's Internal Auditors undertake any further investigations, any information collected must be fully documented.

- a) A file should be opened to record details of all:
 - Telephone conversations;

- Face-to-face discussions;
 - Records and documents reviewed;
 - Tests undertaken and their results.
- b) The file should be indexed and all details recorded no matter how insignificant they may initially appear.
- c) They must ensure the correct form of evidence is obtained and appropriately retained, in relation to:
- Prime documents
 - Certified copies
 - Physical items
 - Secondary evidence (e.g., discussions etc)
 - Circumstantial evidence
 - Hearsay.
- 7.8 All interviews must be conducted in a professional manner and all confidentiality respected.
- 7.9 Prior to any interview of the individual being investigated, that individual should be informed that the investigating manager or ELWA's Internal Auditors wish to discuss the incident with them and that they may have a representative present at the interview.
- 7.10 Where witnesses are asked to give statements by ELWA or ELWA's Internal Auditors, they should only be asked to give specific factual reports of events relevant to the investigation.
- 7.11 Witness statements should be in a written format wherever possible. Where, for whatever reason, this is not possible, the investigation manager or the Organisation's Internal Auditors should make a written note of all conversations held in relation to the investigation.
- 7.12 As far as possible, any request for anonymity by witnesses will be fully respected.
- 7.13 In order to facilitate the investigation of the suspected fraud, confidentiality should be maintained by all parties, particularly the investigator, witnesses and others involved with the investigation.
- 8. Liaison with External Auditors**
- 8.1 This will be done by the Finance Director who will report all suspected frauds to ELWA's External Auditors at the earliest opportunity.
- 9. Liaison with the Police**
- 9.1 The Police are the experts at investigating criminal fraud, and they will advise on the likely outcome of any intended prosecution. The Finance Director should contact the Police as soon as an illegal act is suspected, after discussing the position with the

ELWA's Internal Auditors. It should be noted that the Police welcome early notification of suspected fraud.

- 9.2 The Police and the authority, in either case will appoint a liaison officer this will not necessarily mean that the individuals concerned will automatically take responsibility for an investigation. This will fall to the appointed investigating officer in either organisation. Liaison officers are intended as a conduit between the two organisations to facilitate communication and access.
- 9.3 If the Police decide that a formal investigation is necessary, all staff should co-operate fully with such an investigation.
- 9.4 Where the Police decide that a formal investigation is necessary, consideration should be given to the suspension of any internal investigation.
- 9.5 All staff will be expected to co-operate fully with the Police investigation and may be asked to give statements to the Police as well as to the Organisation's Internal Auditors.
- 9.6 A strategy meeting should be held at the earliest opportunity involving Police Investigators, Internal & External Audit, Finance Director (or deputy) and in some cases representatives of the legal and personnel departments of the relevant Constituent Councils.
- 9.7 Where the Police decide not to formally investigate this will not prejudice any internal disciplinary procedures.

10. Reporting on the Investigation

- 10.1 In major investigations an interim confidential report should be made by ELWA's Internal Auditors to the Finance Director and any other officer decided upon at the preliminary stage.
- 10.2 The Interim Report should set out:
 - a) The findings to date;
 - b) The interim conclusions drawn from those findings; and
 - c) It should seek approval to continue the investigation if this is appropriate.
- 10.3 At the end of the investigation a final report will be produced which sets out all the facts relating to the case and management action that should be taken together with recommendations that should be implemented to prevent similar instances recurring.

11. Involvement of the public sector Executive

- 11.1 The Finance Director must notify the public sector Executive of all frauds in accordance with FDL(95)27, Guidance on Losses & Special Payments.

12. Personnel Policy

- 12.1 Any investigation of suspected fraud will be pursued in accordance with the Authority's or the relevant Constituent Council's agreed disciplinary procedure.
- 12.2 Any request for a reference in respect of an employee dismissed for fraud or any associated irregularity, or who has resigned whilst being investigated in relation to a

suspected fraud, must only be provided following consultation with the relevant Personnel Department in the Constituent Council.

- 12.3 Members of staff approached to provide a reference for an employee dismissed for fraud or any associated irregularity, or who has resigned whilst being investigated in relation to a suspected fraud, in a personal capacity will be personally liable for any information supplied and the Organisation will not accept any responsibility for references supplied in such a capacity.