



# City of London Whistleblowing Policy

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## 1. Statement of Intent

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The City of London is committed to maintaining the highest possible standards of openness, probity and accountability amongst its employees and as such takes very seriously any form of malpractice that is identified or discovered. The City of London's Code of Conduct for employees sets out the standards expected from all of our employees and the City's core values. Likewise the City of London's Code of Conduct for Members sets out the standards expected from its elected representatives.

The City of London is confident that it has a management regime in place that seeks to ensure that most concerns can be raised through normal line management channels; the City's Whistleblowing Policy provides an alternative mechanism for employees to raise serious concerns that they may have in order that they may be swiftly resolved, and where such concerns cannot be raised through the existing management channels.

Where concerns are raised in the public interest and when the employee reasonably believes the concern to be true, they will be protected from any reprisals or victimisation. Furthermore, if genuine concerns are raised under this Policy, the employee will not be at risk of suffering any form of retribution as a result. When raising a concern it is vital that the employee take the utmost care to ensure the accuracy of the information provided. Should it be found that a concern has been raised maliciously then disciplinary action may be taken against the employee who raised the concern.

Where an employee has been the subject of a whistleblowing disclosure, and following investigation, it is found that the employee has a case to answer, the matter will be dealt with in line with the City of London's disciplinary procedure.

## 2. Definitions

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Concerns in relation to, but not restricted to, the following types of wrongdoings are covered by the City of London's Whistleblowing Policy:

- i. a criminal offence, such as fraud, theft or corruption that has been or is likely to be committed.
- ii. abuse of position, whether or not for personal gain.
- iii. misuse of, or damage to, City of London's property.
- iv. any danger to health and safety.
- v. misuse of public funds.
- vi. damage caused to the environment.
- vii. mistreatment of clients, particularly children and vulnerable adults in our care.



viii. Safeguarding, safety and well-being of service users.

This policy is not designed to be used where other more appropriate procedures are available. For example a problem or concern that an employee has about their work, working conditions or relationships with colleagues should be raised with their line manager in the first instance. Likewise concerns about Environmental Health should be notified to the City's Public Protection Team. If however, after using existing line management reporting mechanisms, employees remain significantly concerned that their issue has not been adequately addressed then this policy can be used.

### **3. Scope**

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All employees of the City of London, including City of London Police Civilian staff may use this Policy. This includes permanent and temporary employees. It also covers agency workers and employees seconded to the organisation. City of London Police Officers and Police Community Support Officers should refer to the City of London Police Professional Standards Reporting - Standard Operating Procedure.

Contractors working for the City of London may also use this Policy in order to make the City aware of any concerns that they, their employees or sub-contractors may have with regard to any contractual or other arrangement with the City of London. Any concerns relating to non-City of London business should be raised with the relevant contractor's organisation, regulator or other suitable agency.

Members of the public may also use this procedure, where they have a whistleblowing concern about services provided by the City of London.

### **4. Purpose**

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The Public Interest Disclosure Act 1998 provides protection for employees against detrimental treatment or dismissal as a result of a protected disclosure made by them if they speak out genuinely against corruption and malpractice at work. The Act applies to disclosures of facts not opinion. The purpose of this Policy is to clarify for employees how they can raise matters of concern that fall within the remit of this Act and what they can expect to happen once they have made a complaint.

### **5. Legal Position**

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Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed for doing so. The key piece of whistleblowing legislation is the Public Interest Disclosure Act 1998 (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain. The Public Interest Disclosure Act 1998 has been amended by other legislation, for example the Enterprise and Regulatory Reform Act 2013.



For a disclosure to be protected the worker or employee must follow the procedures laid down in the legislation. From 25 June 2013 onwards the Government has introduced a public interest test - only concerns which meet the test will give the whistleblower legal protection. (Disclosures made before 25 June 2013 need only to have been made 'in good faith'.)

There is no legal definition of the Public Interest test for Whistleblowing. The only other legislation with a Public Interest test is the Freedom of Information Act, which provides a useful starting point in the context of defining the test for the purpose of whistleblowing. The Information Commissioner's Office's (ICO) guidance to public authorities on how to assess "public interest" when dealing with requests under the Freedom of Information Act is helpful in this regard. This states that it should be taken to mean "public good" or "something which serves the interests of the public". Disclosures in the "public interest" would include those which highlight misconduct, wrongdoing or risks to the public, promote openness or transparency, or promote freedom of expression. The scope of "public interest" is, therefore, potentially very broad.

## **6. Employees who raise concerns under this Policy:**

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- i. Can ask for their identity to be protected and in general it will not be disclosed without their consent, but there may, however, be instances where the City of London is unable to resolve the concern without revealing the employee's identity e.g. where the employee's evidence is required in court. Should this be the case, the investigating officer will discuss this with the employee.
- ii. Can make anonymous disclosures of concern to the City of London Corporation via these whistleblowing channels and the matter will be dealt with in line with this Policy. Anonymous disclosures are, however, generally more difficult to investigate as the City is unable to contact the employee should further information be required. Furthermore we would be unable to give any feedback to the employee raising the concern. Reporting concerns via the whistleblowing channels is completely confidential and, therefore, employees are encouraged to leave their contact details in order for the City to be able to investigate any concerns in their entirety.
- iii. Can withdraw their disclosure, but the City of London will carefully consider the disclosure made and may still proceed with any investigation should it be in the City's interests to do so.
- iv. Should not contact any persons whom they have concerns about in order to determine facts or demand restitution. Furthermore employees must not attempt to conduct investigations or interviews, or question anyone, unless specifically asked to do so by the Investigating Officer.
- v. Must not discuss the matter with any third parties, such as the press, unless explicitly asked to do so by the Investigating Officer.



In addition, employees who are unsure about raising their concerns through this Policy or wish to seek any independent advice may contact:

- a. their trade union,
- b. their professional body (if they are members), or
- c. Public Concern at Work – an independent charity, whose lawyers can offer free confidential advice about how to raise a concern in the workplace. They can be contacted by telephone on 020 7404 6609, via email to [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) or by visiting their website at [www.pcaw.co.uk](http://www.pcaw.co.uk)

Appendix A describes the ways in which a whistleblowing concern can be raised. In certain circumstances it may be appropriate for an employee to report any concerns outside of the organisation. If they do so they should ensure they do not disclose any confidential information belonging to the City of London. Any disclosure of confidential City of London information outside of the organisation may result in disciplinary action against the employee. An employee considering an external disclosure is strongly advised to seek advice first.

An employee may wish to make use of the free and confidential employee assistance programme, if they have any worries about reporting any concerns or any other matter. The helpline is confidential and can provide support on a wide range of work issues.

## **7. How the City of London will respond to any concern**

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Upon receipt of any concern, the City of London will allocate an Investigator/ Case Officer, who will be responsible for managing the whistleblowing disclosure, and maintaining a liaison with the whistleblower where appropriate.

The details of the concern raised will be considered and it will be decided whether there are grounds for proceeding further with an investigation. This may include:

- i. clarification of the facts, by the most suitable means, this may be via correspondence with the employee or via review of manual and/ or electronic information that may be available.
- ii. commencing a formal investigation.
- iii. determining whether the matter will be investigated under an alternative City of London policy e.g. Code of Conduct or Safeguarding Policy .
- iv. advising the employee if the concern is not a whistleblowing matter, and where appropriate the alternative routes that they may wish to consider such as the complaints procedure for service delivery matters or the grievance procedure for matters related to their employment.



Where it is determined that an investigation is warranted this may be:

- i. investigated by management, internal audit or through the disciplinary procedure.
- ii. referred to the police in serious criminal matters.
- iii. referred to the external auditor.
- iv. the subject of an independent inquiry by an outside body.

With the exception of anonymous referrals, the Investigating Officer will write to the employee within a reasonable period of time:

- a. acknowledging that the concern has been received.
- b. indicating how the matter will be dealt with as outlined above.
- c. giving an estimate of how long it will take to provide a final response.
- d. telling them whether any initial enquiries have been made, and whether further investigations will take place and, if not, why not.
- e. telling them if they will need to be contacted for further information/clarification.
- f. telling them how they will be informed of the progress of the investigation: however, there may be certain reasons where this is not possible but if this is the case the employee will be told why.

Where it is determined that there will be an internal investigation, it will be dealt with in a timely fashion. As part of the investigation the City of London will consider:

- a. whether any disciplinary action will be taken against any employee.
- b. whether changes should be recommended to any City of London procedures.
- c. whether any other action should be recommended.

At the conclusion of our investigations, the Investigating Officer will report the findings to the relevant managers, Chief Officer and Human Resources where appropriate. Where disciplinary action is recommended the disciplinary procedure will be used and if appropriate, in consultation with the Comptroller & City Solicitor. Where necessary, the individual who is subject to investigation will be informed of the outcome in writing and will be advised of what action, if any, is to be taken.

Where the matter has been referred to the police, external audit or an independent enquiry the employee will be informed by their Case Officer how they will be kept informed or progress and any indicative timescale.



## 8. Recording and monitoring

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The Chamberlain's Internal Audit section will maintain a confidential and secure register of all concerns raised through this Whistleblowing Policy. Investigations undertaken as a result of concerns being raised through these channels will be reported to the Audit & Risk Management Committee. Furthermore, weaknesses in City of London controls may be identified through our investigations and recommendations to improve these will be raised with relevant managers and Chief Officers.

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Individuals have a right to request and have access to certain personal data; however, some information may be withheld in order to protect a third party.

## 9. Appendices

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### **Appendix A: How to raise a whistleblowing concern**

There are a number of ways in which a concern can be raised. Employees are urged to consider the nature of the concern, whether it involves immediate management and the seriousness and sensitivity of the issues involved.

As soon as an employee becomes reasonably concerned about a matter they are encouraged to raise this in the first instance with their line manager. All managers have a responsibility to act on concerns raised. The line manager should report the concern to the Chamberlain's Internal Audit section and their HR Business Partner as soon as practicably possible.

If, however, employees are not comfortable raising concerns with their line manager there are a number of other reporting channels managed by Internal Audit to safeguard confidentiality as set out below:

- a. by [e-mail to RaiseYourConcern@cityoflondon.gov.uk](mailto:RaiseYourConcern@cityoflondon.gov.uk)
- b. by completing and submitting the [on-line form](#).
- c. by telephone to Internal Audit on 020 7332 1277 or 020 7332 1278.
- d. by leaving a message on the City of London's 24 hour confidential answer phone: 020 7332 3663.
- e. by letter to; The Head of Audit & Risk Management, City of London Corporation, PO Box 270, Guildhall, London, EC2P 2EJ.

To aid in any subsequent investigation following a concern being raised, it would help if you could tell us as much as you know about the issue, particularly if you choose to leave an anonymous message. This could include:



- a. details of what you have seen, witnessed or heard.
- b. details of the department, if applicable, where you have any concern.
- c. names of persons who you suspect to be involved in any wrongdoings.
- d. dates and times of any wrongdoings.
- e. whether your concerns involve a third party, such as a contractor.
- f. whether you have previously raised your concerns with, for example, line management.
- g. anything else that you feel maybe of interest.

## **Appendix B: Frequently Asked Questions**

### **Why does the City of London have a Whistleblowing Policy?**

A Whistleblowing Policy provides employees with a clear procedure on how to raise confidentially, any concerns they may have about the action(s) of persons, such as a colleague or an elected Member, which do not fall under the remit of complaints or grievance policies. It allows an employee to raise concerns that are within the public interest, and reasonably believed to be true, in the knowledge that they will be protected from any reprisals or victimisation

### **What is 'Whistleblowing' and how is it different from reporting a grievance or complaint?**

Whistleblowing is the term used when someone who works in, or for an organisation, wishes to raise concerns about malpractice in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety or the environment), and the covering up of any of these.

On the other hand, if you are making a complaint, you are saying that you, or someone close to you, has personally been poorly treated.

A grievance is when an employee has a dispute about their own employment position and the grievance procedure should be used in this regards.

### **Who can use the hotline?**

The hotline can be used by any employee, whether permanent, temporary or contractor, or member of the public, who has a whistleblowing concern about services provided by the City of London

### **Can I seek external advice before I use the Whistleblowing Hotline?**





Yes. If you are worried at any stage about how to raise your concern, you should always seek independent advice at the earliest opportunity. You can do this through your union or professional body or the independent whistleblowing charity Protect on 020 3117 2520, by email at [info@protect-advice.org.uk](mailto:info@protect-advice.org.uk) or by using their online form at [www.protect-advice.org.uk/](http://www.protect-advice.org.uk/).

### **I think I have cause to report an issue to the Whistleblowing Hotline. What should I do next?**

Normally, you should first raise your concern internally, for example with your line manager. If you prefer not to do this, or you have tried and been dissatisfied with the results you can raise your concern via the City of London's confidential reporting tools, by emailing [raiseyourconcern@cityoflondon.gov.uk](mailto:raiseyourconcern@cityoflondon.gov.uk), by leaving a message on the confidential hotline – 020 7332 3663. You can also email the Town Clerk & Chief Executive on [john.barradell@cityoflondon.gov.uk](mailto:john.barradell@cityoflondon.gov.uk). Alternatively send your concerns by post to:

Head of Audit & Risk Management  
Internal Audit  
Chamberlains Department  
PO Box 270, Guildhall  
London  
EC2P 2EJ

### **I've made a call to the Whistleblowing Hotline. What happens next?**

We will use the information you give us to decide how best to deal with your concerns. If we agree that your concerns count as whistleblowing, the matter will be allocated to an Investigator/ Case Officer who will investigate your concerns.

### **Will I be kept informed?**

We will always aim to give you as much feedback as we properly can on how we are dealing with your concerns. However due to the legal duties we may owe to others (for example duties of confidentiality) what we can tell you may be limited.

### **Will I remain anonymous?**

If you have asked us not to reveal your identity, we will do our best to respect your wishes. However, should a disclosure result in charges of a criminal nature, it may not be possible for us to protect your identity.

### **Appendix C: Guidance for Managers who are Notified of a Concern**

- i. Managers notified of a concern by an employee must treat the matter with strict confidentiality.
- ii. If it is clear to the manager that the concern raised is in relation to a complaint or grievance, they should deal with the matter under the appropriate procedure.



- iii. The manager should confirm with the employee whether they can disclose their identity.
- iv. The manager should notify the employee as to the actions that will be taken with regard to the notification, as set-out within this Policy, and provide a copy of the Whistleblowing Policy to the employee as necessary.
- v. A written account of the concern should be made as soon as possible following receipt of the notification, if such a note is made electronically, this should be password protected.
- vi. The concern must be notified to the Head of Audit & Risk Management in the Chamberlains Internal Audit Section, as soon as operationally possible.
- vii. The manager will be expected to co-operate and assist the Case Officer/ Investigator, as necessary.
- viii. If the manager is in any doubt as to how they should act upon receipt of a concern, they should contact the Head of Audit & Risk Management or their HR Business Partner.

#### **Appendix D: Sources of information guidance and support**

##### **Internal:**

Chamberlain's Internal Audit Section

Head of Audit & Risk Management: [Matt Lock](#) - 020 7332 1276

Corporate Anti-Fraud Manager: [Chris Keesing](#) – 020 332 1278

[Human Resources Business Partner](#) for the relevant department

##### **Trade Union Contacts:**

Unite: Sean Jordan, Branch Secretary: [sean.jordan@cityoflondon.gov.uk](mailto:sean.jordan@cityoflondon.gov.uk)

GMB: Danny Byrne, Branch Secretary: [danny.byrne@cityoflondon.gov.uk](mailto:danny.byrne@cityoflondon.gov.uk)

##### **External:**

Protect (Formally Public Concern at Work)

Telephone: 020 3117 2520

E-mail: [info@protect-advice.org.uk](mailto:info@protect-advice.org.uk)

For further information please see their website at [www.protect-advice.org.uk/](http://www.protect-advice.org.uk/).

Advice from Central Government at Gov.uk



<https://www.gov.uk/whistleblowing>