

# Whistleblowing Policy and Procedure

*January 2023*

## **1. Introduction**

In 2020 and 2021, several external reviews identified serious concerns about the council's governance and financial position. The failings uncovered as a result of these reviews have shown how important it is that concerns about any form of malpractice can be raised, and appropriate action taken, as part of an open, transparent and accountable council.

Croydon Council is committed to promoting the highest standards of openness, probity and accountability for all of its employees, contractors and members and takes very seriously any form of malpractice that is identified or discovered. These standards are reflected in the Council's values which, with the Seven Principles of Public Life (the Nolan Principles), inform the staff code of conduct and HR policies, which all staff are required to follow.

'Whistleblowing' is when someone raises a concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, members of the public, members of the Council or the Council's reputation. This means that it is in the public interest that such concerns are disclosed.

Employees and others who have these concerns should be able to raise them without fear of victimisation, discrimination or disadvantage, and the law provides protection for employees who raise legitimate concerns about specific matters (see section 11).

It is in the best interests of the Council, its employees, residents and customers that wrongdoing is exposed and dealt with effectively. The earlier the concern is raised, the easier it is to take action.

Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances it will be appropriate for staff to raise their concerns with their line manager: the whistleblowing procedure is not intended to discourage this.

If staff are cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer, this may lead to concerns being ignored. Alternatively, there may also be circumstances where a member of staff has reported their concern to their line manager and received an unsatisfactory response.

The Council expects its employees and others that it works with who have serious concerns about any aspect of the Council's work which they believe shows serious malpractice or wrongdoing within the Council to report those concerns. Senior managers have a particular responsibility to report wrongdoing.

This policy and procedure puts a mechanism in place to enable such concerns to be reported without fear of reprisals and gives information about how the Council will respond.

## **2. The Council's commitments**

The Council will take very seriously any concern or disclosure about malpractice which is raised under this procedure and will treat all disclosures consistently and fairly.

The Council will ensure that its staff at all levels receive training in relation to whistleblowing law and this policy.

Employees, agency staff, contractors and members who raise a concern about malpractice will not suffer any form of retribution, victimisation or detriment as a result of making a general disclosure about something they consider to be of real concern in the public interest.

### **3. Aims of the Policy**

- i) To support and encourage members of staff, agency staff, contractors and members ('Disclosers') to raise concerns or allegations in the public interest about suspected serious wrongdoing in the Council and its services without fear of reprisals or victimisation;
- ii) To give a clear message that allegations of serious wrongdoing or impropriety are taken seriously by the Council;
- iii) To ensure thorough, prompt and confidential investigation of concerns raised about malpractice/ wrongdoing and action where appropriate;
- iv) To deter malpractice;
- v) To set out what employees can expect by way of confidentiality, protection and feedback when making a whistleblowing disclosure;
- vi) To identify independent support for employees who wish to make a whistleblowing disclosure;
- vii) To provide advice on how to pursue those concerns further if the individual is not satisfied with the outcome;
- viii) To ensure compliance with Government guidance and good practice.

### **4. Scope of the policy**

This policy is intended to tackle any concerns of malpractice which are made in the public interest by:

- A member of staff of the Council (both permanent and temporary staff);
- Agency staff, secondees and self-employed staff carrying out Council work;
- The staff of contractors, sub-contractors and suppliers carrying out work for the Council;
- Councillors and co-opted members of the Council.

'Discloser' for the purpose of this policy means an individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the Council.

'Public interest' means the public good, not what is of interest to the public, nor the private interests of the Discloser. When considering whether a disclosure would be in the public interest, the potential harm which may arise if the disclosure is not made should be considered.

The Policy is intended to cover concerns where the Discloser reasonably believes that the disclosure tends to show past, present or likely future wrongdoing by another Council member of staff or any other person or persons acting on its behalf which falls into one or more of the following categories (or 'qualifying disclosures'):

- a) criminal offences, including incitement to commit a criminal act (this may include, for example, fraud, corruption, theft or Modern Slavery);
- b) unauthorised use or misuse of public funds;
- c) failure to comply with an obligation set out in law, the constitution or regulations (including unlawful discrimination to any member of staff or service user in relation to the legally protected characteristics of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation);
- d) abuse of authority, position or powers, whether or not for personal gain;
- e) abuse of clients (this may include discrimination or an improper relations with a client);
- f) miscarriages of justice;
- g) endangering someone's health and safety;
- h) permanent damage to the environment;
- i) conduct which may damage the Council's reputation;
- j) other unethical or improper conduct, including serious financial maladministration arising from the deliberate commission of improper conduct;
- k) non-compliance with professional standards, Council policies and the Council's constitution (including financial and contract regulations) and
- l) covering up wrongdoing in the above categories.

It is not necessary for the Discloser:

- to be directly or personally affected by the serious wrongdoing, but the disclosure must be made in the public interest;
- to have proof or evidence that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient;
- to make the disclosure in relation to information gained in the course of their employment (for example, a disclosure made by an employee acting as a service user would still be protected under this policy).

No provision in any settlement agreement will prevent employees from making disclosures in the public interest.

Members of the public wishing to raise concerns should use the [Contact Us page on the website](#) or [make a complaint](#). See section 11 for more information on the way the Council will treat disclosures by members of the public.

The Discloser has no responsibility for investigating the matter - it is the Monitoring Officer's responsibility, acting on behalf of the Council, to ensure that an investigation takes place.

## 5. Out of scope of the policy

This policy should not be used to deal with serious and/ or sensitive matters that are covered by other Council policies and procedures, for example:

- a) the relationship between members of staff, their managers and the Council, for which the employee complaints procedure or collective dispute procedures are more appropriate;
- b) breach of the employee's own contract of employment (more appropriately addressed via the Council's disciplinary or grievance procedures);
- c) concerns and complaints by members of the public to which the corporate complaints procedure will apply;
- d) agency, self-employed or contract staff as an alternative to such dispute resolution procedures as are set out within their contract with the Council or their employer;
- e) issues which have already been settled by means of other Council procedures;
- f) concerns or complaints about the behaviour of members of the Council to which the Members' Code of Conduct will apply\*.

\*If a disclosure is made about action by a member of the Council in relation to one of the categories listed at section 4 above, it may also be considered under the whistleblowing policy.

## 6. Raising a concern or disclosure

An individual who has grounds to believe that wrongdoing has occurred, is occurring, or is likely to occur in connection with the Council and believes that the disclosure is in the public interest, should report their concerns as soon as practicable.

They may do this:

- a) to [MonitoringOfficer@croydon.gov.uk](mailto:MonitoringOfficer@croydon.gov.uk) which is only accessed by the Monitoring Officer, Deputy Monitoring Officer and their Executive Support Officer.  
  
Monitoring Officer  
Bernard Weatherill House  
8 Mint Walk  
Croydon, CR0 1EA
- b) via an online form on the [Online Form](#) which will only be accessed by the Monitoring Officer, Deputy Monitoring Officer and their Executive Support Officer.
- c) to [CHIEF.EXECUTIVE@croydon.gov.uk](mailto:CHIEF.EXECUTIVE@croydon.gov.uk) in the case of any allegations in relation to the Monitoring Officer (only accessed by the Chief Executive and their Executive Support Officer).
- d) via **Protect**, the confidential reporting facility (formerly Public Concern at Work) Tel: 0203 117 2520 or <https://protect-advice.org.uk/contact-protect-advice-line/>.

Protect will provide advice. If the discloser wishes them to do so, they will also pass details of the allegations to the Monitoring Officer (or their Deputy), or to the Chief Executive in the case of allegations in relation to the Monitoring Officer.

Wherever possible, the initial disclosure should be made in writing, with as much supporting evidence as possible, including:

- the reason why they are concerned;
- the background and history of the concern, including relevant dates;
- the extent to which they have personally witnessed or experienced the problem;
- the basis for their belief that wrongdoing has occurred, is occurring or is likely to occur;
- why they have not felt able to raise their concerns through normal management channels.

If it is not possible to provide the disclosure in writing, it should be made orally, i.e. by telephone or at interview with a Designated Assessor (see section 8 below).

The Council will acknowledge receipt of the concern/ disclosure where practically possible within five working days of the written or verbal communication.

e) to the Council's external auditor, Grant Thornton:paul.dossett@uk.gt.com

f) via an external route – see section 14 below.

## **7. Anonymous disclosures**

Disclosers are encouraged to give details of their identity. If the Discloser provides details of their identity when making a disclosure to Protect (the confidential reporting facility), these will not be passed to the Monitoring Officer or any other Council employee without the Discloser's express consent (see also Section 11 below). Any Officer revealing the name of the Discloser without their express permission may be subject to the Council's Disciplinary Procedures.

Disclosers wishing to remain anonymous may ask a third party, such as a trade union or a Guardian (see also section 15 below), to make a disclosure on their behalf.

Anonymous disclosures which do not have a point of contact to which correspondence can be sent (e.g. an email address) will be considered by the Monitoring Officer in consultation with a Designated Assessor but, depending on the information given and the credibility of the evidence, there may not be enough information for a thorough investigation without the investigator being able to contact the discloser for further information. Nor will it normally be possible to provide feedback on the outcome unless the Discloser provides an anonymised email address or seeks a telephone appointment. In these circumstances there may not be sufficient evidence to pursue an investigation.

It may be more difficult for anonymous disclosures to benefit from legal protections for whistleblowers as there would be no documentary evidence linking the employee to the disclosure for an Employment Tribunal to consider.

When considering whether to investigate an anonymous disclosure, the Designated Assessor will consider the following factors:

- the seriousness of the issues raised.
- the credibility of the concern.
- the likelihood of confirming the allegation through other suitable sources.

Anonymous allegations are preferred to concerns about serious wrongdoing not being reported.

## 8. Designated Assessors

The Council's Monitoring Officer will designate at least three senior members of staff of appropriate experience and standing within the Council as 'Designated Assessors'. The Monitoring Officer may revoke any such designation as necessary and appoint a new Designated Assessor.

On instruction by the Council's Monitoring Officer (or their Deputy), Designated Assessors are responsible for the preliminary investigation of disclosures and for making recommendations to the Council's Monitoring Officer as to what further steps, if any, should be taken. The Monitoring Officer will co-ordinate the training of the Designated Assessors in the use of this procedure.

The Designated Assessors are:

<b>Officer</b>	<b>Post</b>	<b>Email</b>
Malcolm Davies	Head of Insurance, Anti-Fraud and Risk	Malcolm.Davies@croydon.gov.uk
Catherine Black	Head of Payments, Revenues Benefits and Debt	Catherine.Black@croydon.gov.uk
Dave Phillips	Interim Head of Internal Audit	Dave. Phillips@croydon.gov.uk
Grace Addy	Head of Learning & Organisational Development	Grace.Addy@croydon.gov.uk
Simon Bashford	Community & Voluntary Sector Manager	Simon.Bashord@croydon.gov.uk
Caroline Baxter	Head of Business & Service Compliance	Caroline.Baxter@croydon.gov.uk
Debbie Broughton	Operations Manager	Debbie.Broughton@croydon.gov.uk
Steve Dennington	Head of Spatial Planning	Steve.Dennington@croydon.gov.uk
James Moore	Public Health Consultant	James.Moore@croydon.gov.uk
Valentine Nweze	Principal Social Worker & Head of Adult Mental Health & Substance Misuse	Valentine.Nweze@croydon.gov.uk
Shelley Prince	Head of Commissioning & Procurement	Shelley.Prince@croydon.gov.uk
Daniel Shepherd	Head of Independent Travel	Daniel.Shepherd@croydon.gov.uk
Graeme Smith	Head of Music and Arts	Graeme.Smith@croydon.gov.uk

or such other specialist independent assessor as the Monitoring Officer may designate.

A Designated Assessor may decline to investigate a disclosure on reasonable grounds such as to request another officer with specialist knowledge undertake the investigation.

The Monitoring Officer will endeavour to appoint a Designated Officer from a different service area to the one under investigation.

## 9. Review of the disclosure

The Monitoring Officer (or their Deputy) will, on receipt of a disclosure, consider whether it falls under the criteria for a Whistleblowing disclosure as set out in this policy. Where the Monitoring Officer (or their Deputy) believes that the disclosure is not covered by this policy they will consult with the Head of Internal Audit (or their Deputy). If they agree that the disclosure is out of the scope of this policy, they will (unless the disclosure is anonymous) advise the Discloser accordingly, directing them to an appropriate procedure where possible.

The Monitoring Officer (or their Deputy) may liaise with Human Resources on a confidential basis in relation to any disclosures which are more appropriately dealt with under HR procedures or vice versa.

Where they believe the disclosure to be consistent with this policy, the Monitoring Officer (or their Deputy) will pass it to a Designated Assessor within five working days of receipt.

On receipt of the disclosure, and where the identity of the Discloser is known, the Designated Assessor will contact the Discloser to offer a confidential interview and advise on the likely timescale for conduct of the investigation.

The interview should take place as soon as practicable after the initial disclosure but usually no later than 10 working days of the matter being referred to the Designated Assessor by the Monitoring Officer.

The Discloser may be accompanied by a local trade union representative or work colleague. The Designated Assessor may be accompanied by another officer to take notes. These notes will not identify the Discloser. For safeguards in relation to confidentiality, see Section 11 below.

The purpose of the interview will be for the Designated Assessor to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice including why the disclosure is considered to be in the public interest;
- consult with the Discloser about further steps which could be taken;
- provide further feedback on the likely timescale for completion of the review.

The Designated Assessor (or their supporting officer) will produce a summary of the meeting for record keeping purposes and provide a copy to the Discloser.

As soon as practicable after the interview (or after the initial disclosure if no interview takes place) and where possible within three weeks of the interview or initial disclosure if no interview takes place the Designated Assessor will:

- a) consult with the Monitoring Officer (or their Deputy);
- b) determine their recommendations as to the further steps that should be taken such as:
  - A report to the police or other appropriate public authority;
  - Investigation by the Council's Internal Auditor or Anti-Fraud team (this will be the usual course where there are allegations of financial irregularities);
  - An investigation into the Council's procedures and processes either internally by the Head of Internal Audit or externally e.g. by the Council's external auditors or by investigators appointed by the Council;



- Action under the Council's Employee Complaints Procedure;
- Referral for consideration under other specific procedures (e.g. child protection); and
- No further action (the basis for which see below).

The grounds on which the Designated Assessor may recommend no further action are as follows:

- if they are satisfied that there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- if they are satisfied that the Discloser has raised concerns which are known to be untrue, or where the Discloser knows that there are no reasonable grounds for the allegation, in which case the matter may be referred for disciplinary action;
- if the matter concerned is already the subject of legal proceedings, or has already been referred to the Police or other public authority; and
- If the matter is already, has already been, or should be, the subject of proceedings under one of the Council's other procedures relating to staff.

The Monitoring Officer, Chief Executive and Corporate Director of Resources will review the Designated Assessor's anonymised recommendations to decide whether or not they agree with the recommendations in whole or part as soon as is reasonably practicable.

The recommendation(s) will be made without revealing the identity of the Discloser except in the circumstances set in Section 12 below.

If at any stage the Discloser decides not to proceed further with the disclosure, the Monitoring Officer may pursue investigation of the concern without the Discloser's further involvement.

Where a disclosure about the Monitoring Officer is made to the Chief Executive, the Chief Executive will take all actions related to the commissioning of an investigation and review of its findings and may nominate an independent person to support them to do so.

## **10. Outcome of the review**

Once it has been decided what further steps (if any) should be taken, the Designated Assessor or the Council's Monitoring Officer (or designated nominee) will inform the Discloser of the decision (where their identity is known). If no further action is proposed, the Designated Assessor will give the Discloser the reasons for this in writing.

Weaknesses in the Council's controls may be identified through investigations and recommendations to improve these will be raised with relevant managers, the Chief Executive, Corporate Director of Resources and Head of Internal Audit (without revealing the identity of the Discloser or that these may have originated through whistleblowing). Some concerns may be resolved by agreed action without the need for further investigation.

In all cases the Council will seek the most appropriate sanction against employees that it considers guilty of malpractice. This includes instigating action under the Council's disciplinary procedures, which may include dismissal, and, in conjunction with Counter Fraud and law enforcement agencies, instituting criminal proceedings.

The Council, wherever possible, will seek to advise the Discloser of the progress and outcome of the review. However:

- the Council is bound by the Data Protection Act 2018 and the Human Rights Act 1998 in respect of allegations relating to individuals and may not be able to disclose information where legal proceedings are pending;
- there are situations where the Council is legally required to conduct an investigation under separate procedures such as investigating allegations of ill-treatment or abuse of children or vulnerable adults. In these circumstances, the Council will, wherever possible, advise the Discloser that the disclosure will be investigated under another process, but there may be situations where it is not appropriate to disclose the existence of these investigations.

If the Council's Monitoring Officer and the Corporate Director of Resources decide not to implement fully any or all of the Designated Assessor's recommendations, that decision, anonymised with reasons, will be reported in the next six-monthly report to the Audit and Governance Committee. The Discloser shall also be advised of this outcome.

The Discloser will not be required by the Council, without their consent, to participate in any enquiry or investigation into the matter established by the Council unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice.

Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Designated Assessor in relation to confidentiality (section 11) will remain in relation to the identity of the individual as the original Discloser of information.

## **11. Protection for Disclosers**

The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act (PIDA) 1998 provides the right for employees to take a case to an employment tribunal if they have been victimised at work or have lost their job because they have 'blown the whistle'. This is on the basis that the employee has a reasonable belief that what they have reported is true and the report is in good faith.

Unlike disclosures by employees, PIDA does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they make a disclosure and will handle any disclosure made by members of the public in respect of serious misconduct in the same way as disclosures made by employees.

Protection provided by the law and this policy does not extend to those who:

- knowingly make a false, vexatious and/or malicious disclosure against another employee;
- make an allegation for personal gain.

Employees who make such disclosures and/or victimise others for making a disclosure under this policy may be disciplined under the Council's disciplinary policy.

## **12. Confidentiality**

The Council hopes that a person will raise their concern of malpractice openly.

However, it is recognised that there may be circumstances when a person would prefer to speak to someone confidentially first regarding their concerns. If this is the case, the Discloser should inform, at the outset, the person they discuss their concerns with.

If the Discloser asks for their identity not to be disclosed, the Designated Assessor, will document this request and will not disclose their identity without the Discloser's consent (in writing) unless required by law (for example where the information relates to a child or vulnerable adult or where the police require your personal evidence to investigate a possible criminal offence). The Council will alert the Discloser where appropriate to do so if it is necessary to tell the police or another official body.

The investigation process could reveal the source of the information and the Discloser may be asked by the Designated Assessor to provide a statement as part of the evidence required. In such cases, the Discloser will always be asked for their consent to disclose their identity.

There is however a risk that some colleagues may speculate about who has raised a concern through this Policy.

The Council, as a public authority, is subject to the Freedom of Information Act. This means that there is a presumption that the Council releases any information it holds, unless that information falls under one or more exemptions and, in most cases, that the application of that exemption is in the public interest.

The Council is mindful, in reconciling the legal obligation to release information it holds under the Freedom of Information Act 2000 (FOIA) and /or Environmental Information Regulations (EIR), of its legal obligations under:

- a) The Public Interest Disclosure Act 1998 to avoid the discrimination or victimisation of employees; and
- b) The Health and Safety at Work etc. Act 1974, to protect the health and safety (including mental health) of employees.

Requests for information under the FOIA and EIR must be supplied where the public interest supports the release of the requested information. When considering how to respond to such requests, the Council will consider whether answering a request might impact on an individual's privacy or a duty of confidentiality that may be owed to someone who has made a disclosure or whether, by answering the request for information, it would prejudice the ability to conduct an investigation.

If the Council receives a request for information which would lead to the identification of a Discloser, it will contact the Discloser to seek their views in respect of the release or withholding of the information requested and, wherever possible, it will seek to comply with those views.

The Designated Assessor will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Designated Assessor shall have access to it.

Disclosers are under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

The Monitoring Officer will maintain a confidential and secure register of all concerns raised through this Whistleblowing Policy, actions taken in response and feedback given to Disclosers. This information is used for monitoring purposes and to detect if there are areas where there is a high incidence of alleged serious wrongdoing.

For the purposes of investigating whether or not there are any systemic issues that need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious wrongdoing made by employees will be sent on a quarterly basis to the Director for the area to which the complaint relates, where applicable and where it is possible to do so without risking breaching confidentiality. The Council will, where appropriate, share this information with other appropriate regulatory bodies.

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulations. Individuals have a right to request and have access to certain personal data: however, some information may be withheld to protect a third party.

Reports will be presented to Audit and Governance Committee on a six-monthly basis detailing the number of incidents which have been reported including a brief summary of the nature of the issues raised in the allegation and action being taken (but without compromising anonymity in any way). Personal information regarding a Discloser will not be available save with the express consent of the Discloser.

Therefore, any document, report or recommendation prepared by the Designated Assessors in relation to the matter will not identify the Discloser, unless:

- the Discloser has consented to this in writing; or
- there are grounds to believe the Discloser has acted maliciously; or
- the Designated Assessor is under a legal obligation to do so; or
- the information is already in the public domain; or
- on a strictly confidential basis to the Designated Assessor's administrative assistant/administrative support; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

### **13. Continuing concerns**

If, on conclusion of the review conducted by the Designated Assessor, the Discloser reasonably believes that the appropriate action has not been taken, they should raise their concerns, in the first instance, with the Monitoring Officer.

The Discloser may also seek advice from Protect or contact external audit or one of the prescribed bodies described in section 14 below.

### **14. External Disclosure**

While it is the Council's aim that this policy will give Disclosers the reassurance they need to raise such matters internally, the Council would rather that matters were raised with the appropriate external body than not at all.

Individuals are advised to get independent advice if they are not sure if they would be protected under law when making an external disclosure (eg with Citizens Advice). They may make an external disclosure:

- on a confidential basis, directly with appropriate external bodies (see below). Before taking any such action, the Discloser is encouraged to inform the Monitoring Officer or Designated Assessor where one is already undertaking an investigation;
- if they believe that the information being passed on is substantially true i.e. more than just suspicion and have reasonable grounds for believing that disclosure within the organisation would lead to evidence being concealed or destroyed or that the Discloser will be subjected to a detriment as a result of making the disclosure;
- on a confidential basis for the purpose of making legal advice.

Disclosers should not disclose information that is confidential to the Council or to anyone else, such as a client or contractor of the Council, except on the above basis or to one of the prescribed persons or bodies as set out below.

There are a number of public authorities to whom Disclosers may make such a disclosure and enjoy the protection of the Public Interest Disclosure Act 1988. These are referred to as prescribed people and bodies. A complete list of prescribed people and bodies, their contact details and guidance can be found on the Department for Business, Energy & Industrial Strategy website: [www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2).

The list is not exhaustive; it identifies organisations that are most relevant to the local authority environment and which have usually been designated as prescribed persons because they have an authoritative or oversight relationship with the sector, often as a regulatory body.

Disclosures which are made to the media will not, in most cases, be protected under the Public Interest Disclosure Act.

## **15. Support for Disclosers**

If Disclosers raise a genuine concern under this Policy, they should have nothing to fear and they will not be at risk of losing their job or suffering any form of retribution as a result. Provided they are acting in good faith, it does not matter if they are mistaken, no action will be taken against them.

The Employment Rights Act 1996 (as amended by PIDA) provides legal protection for staff who raise concerns about matters which are 'qualifying disclosures' (as set out in section 4 above).

The Council will not tolerate the harassment or victimisation (including informal pressures) of anyone raising a genuine concern in the public interest and it would be considered a disciplinary matter to victimise anyone who has raised a genuine concern.

Any investigation undertaken in response to a concern or a disclosure will not influence, or be influenced by any disciplinary, capability or redundancy procedures that already affect an employee.

Any Discloser who considers that they have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, should report their concerns to the Monitoring Officer. The matter will then be dealt with as a new referral under this procedure.

Where appropriate, the Council will provide support after a disclosure has been made, such as mediation and dispute resolution, to help rebuild trust and relationships.

Anyone unsure about raising a concern can contact Protect for independent advice on 020 3117 2520 or at <https://protect-advice.org.uk/advice-line/>

Every effort will be made to minimize any difficulties that the Discloser may experience as a result of raising a concern. For instance, if the investigation finds that malpractice/wrongdoing has occurred, the Discloser may be required to give evidence at a disciplinary hearing or at court. In such circumstances the Council will arrange for the Discloser to receive advice and support throughout the process.

See also section 16, Guardians, below.

Advice and support are also available from:

- HR – [Humanresources@croydon.gov.uk](mailto:Humanresources@croydon.gov.uk)
- Internal Audit – [internal.audit@croydon.gov.uk](mailto:internal.audit@croydon.gov.uk)
- Anti-Fraud team - [caft@croydon.gov.uk](mailto:caft@croydon.gov.uk)
- ACAS - [www.acas.org.uk/contact](http://www.acas.org.uk/contact)
- [a local trade union](#).

## 16. Guardians

Guardians are specially trained members of staff who can offer support to colleagues who are experiencing an issue in the workplace. They provide a safe space to confidentially share concerns about behaviour or the culture at Croydon, to take through issues and be signposted to relevant support and guidance. More information can be found on the intranet.

At Croydon Council we have a set of values we ask everyone to follow and work by. These values sit underneath and inform our staff code of conduct and HR policies – policies that all staff are asked to follow.

However, we know from staff feedback that in practice these values are not always followed and that there are instances of staff behaviour that have caused concern and distress to others. Our Guardians programme provides support to staff to resolve any issues that they face and ensures that we stick to our commitment to creating a safe and inclusive working environment for all.

Guardians will make themselves available to staff who have something that they might want to share and talk through but are unsure about the best way of doing so. Guardians respect and maintain absolute confidentiality over issues raised with them expect in cases where the issues might amount to a criminal offence.

They are trained in the roles and processes that exist within Croydon Council and are available to advise other staff about the options available if they have an issue to raise.

The [Contact a Guardian intranet page](#) lists the profiles and contact details of the Council's Guardians.

## 17. Who is responsible?

The Chief Executive has overall responsibility for the Whistleblowing Policy.

The Corporate Director of Resources is responsible for undertaking formal assessment of the effectiveness of the policy, identifying any patterns and reporting this to the Chief Executive and Audit and Governance Committee.

The Monitoring Officer will maintain a central register of all matters raised under the Whistleblowing Policy in order to assess the effectiveness of this policy and any emerging pattern. The Monitoring Officer will bring points of learning for the Council (anonymised) to the Statutory Officers Board and, where appropriate, Corporate Management Team.

It is not the responsibility of members of the Council to monitor this Policy or the disclosures made.

## **18. Review**

The Monitoring Officer will conduct regular surveys to ascertain the satisfaction of whistleblowers.

This policy and procedure will be reviewed annually and may be amended from time to time by the Council following review by the Audit and Governance Committee. Any comments or suggestions about the policy and procedure should be referred to the Monitoring Officer.

### **For general advice on the procedure contact:**

Monitoring Officer  
Bernard Weatherill House  
8 Mint Walk  
Croydon, CR0 1EA  
MonitoringOfficer@Croydon.gov.uk  
Tel: 020 8726 6000 ext. 27024

Stephen Lawrence-Orumwense, Director of Legal Services and Monitoring Officer  
Bernard Weatherill House  
8 Mint Walk  
Croydon, CR0 1EA  
stephen.lawrence-orumwense@croydon.gov.uk  
Tel: 07716092579

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