

Whistleblowing Policy

1. Introduction

- 1.1. The South East LEP Ltd (SELEP) is committed to achieving high standards of integrity and accountability and expects the same commitment from its Board members and officers and those working for the SELEP.
- 1.2. This policy provides a framework for its Board members, officers, those working for the SELEP, members of the public and third parties to report concerns or perceived wrongdoings within the SELEP which they believe are in the public interest and may relate to illegal, improper or unethical conduct. This includes anything believed to go against the core values of Standards in Public Life (the Nolan Principles) and the Code of Conduct for SELEP Board members and staff. The Standards in Public Life include the principles of; integrity, objectivity, accountability, openness, honesty, leadership and impartiality.
- 1.3. In particular SELEP Board members, as the key decision makers of the SELEP, have a right and a responsibility to speak up and report behaviour that contravenes these values.
- 1.4. The individuals who work for SELEP are employed through Essex County Council, which is the Accountable Body for SELEP, or in some circumstances, by other SELEP partner authorities with line management remaining with the SELEP CEO. As a result, all of the SELEP Secretariat team are expected to adhere to the policies of Essex County Council, as Accountable Body, which include:
 - a) Bullying and harassment
 - b) Disciplinary
 - c) Grievance
 - d) Improving performance
 - e) Whistleblowing

2. Principles and Scope

- 2.1. SELEP aims to provide an open environment so that its Board members, Officers, those working for SELEP, members of the public and third parties can raise issues they believe to be in the public interest, with the confidence that they will be acted upon appropriately.
- 2.2. Disclosers are able to take the matter further if they are dissatisfied with the SELEP's response.
- 2.3. Anyone raising a concern will be protected from detrimental treatment. The SELEP will not tolerate harassment or victimisation and will take action to protect Disclosers when they raise a concern in the public interest.
- 2.4. This procedure complies with the Public Interest Disclosure Act 1998 which gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. It also complies with the Enterprise and Regulatory Reform Act 2013. The SELEP believes that no member of staff should be at a disadvantage because they raise a legitimate concern.

- 2.5. Where the concern is one that might fall under the the Accountable Body's staff or work force policies on equality and diversity or harassment and bullying or other staff policies, they should consider using the reporting mechanisms for those other policies first (see paragraph 1.4 above).
- 2.6. The SELEP has a complaints procedure that in many cases will be more appropriate for third parties or members of the public to follow. Third parties or members of the public should review the separate confidential complaints procedure outlined in the SELEPs complaints policy on the SELEP's website first before going through the whistleblowing process <http://www.southeastlep.com/about-us/our-policies>.
- 2.7. However, if a member of the public or third party believes that their complaint fits the description of a 'relevant concern' outlined below, they may report their concerns through the whistleblowing policy procedure.

3. Definition of whistle-blowing

- 3.1. Whistle-blowing is the formal raising of concerns that are in the public interest (referred to as public interest disclosures).
- 3.2. A Discloser may decide to raise a concern under the whistleblowing policy if they are aware of a situation that they feel:
 - a) is against the SELEP's procedures and protocols as set out in its code of conduct and individual SELEP Assurance Framework;
 - b) falls below established standards of practice the SELEP subscribes to;
 - c) amounts to improper conduct; or
 - d) is an abuse of power for personal gain.
- 3.3. Examples of concerns that may be in the public interest are shown below. This list is not exhaustive.
 - a) fraud or financial irregularity
 - b) corruption, bribery or blackmail
 - c) other criminal offences
 - d) failure to comply with legal or regulatory obligations;
 - e) actions which endanger the health or safety of any individual;
 - f) actions which cause damage to the environment;
 - g) improper use of authority
 - h) actions which are intended to conceal
- 3.4. Disclosers should not raise malicious or vexatious concerns, nor should they raise knowingly untrue concerns. In addition, this procedure should not be used to raise concerns of a HR/personal nature, such as, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, (see paragraph 1.4 above). Equally, this Policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the SELEP but, for example, an employee or SELEP Board member is required to act in a way which conflicts with a deeply held personal belief.

4. Other relevant definitions

- 4.1. *Discloser* – this is the person who is the whistle-blower. They might be an employee, a SELEP Board Member, a contractor, a third party or a member of the public.
- 4.2. *Relevant Concern* – something the Discloser has been asked to do, or is aware of which they consider to be wrong-doing and is in the public interest.

5. Raising a concern

- 5.1. If you have a concern you are encouraged to raise this with the Accountable Body Counter Fraud Team. Proof is not required at this point – it is for the Counter Fraud Team to investigate. The Discloser must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern.
- 5.2. Raising your concern can be done in the following ways:
 - a) online via the reporting page, which can be accessed using the following link:
<https://forms.essex.gov.uk/default.aspx/RenderForm/?F.Name=daP1F2uErg8&HideToolbar=1>
 - b) by completing the Investigation Log attached in Appendix 2, and sending it to the Counter Fraud Team, at Essex County Council, County Hall, Market Street, Chelmsford, Essex, CM1 1QH or emailing it to the Counter Fraud Team at CounterFraud.Team@essex.gov.uk.
- 5.3. In completing the Investigation Log, you are encouraged to provide as much information as possible to enable the Counter Fraud Team to fully understand the nature of your concerns. For example, the Discloser should try to provide the following information:
 - a) the background and reason behind the concern;
 - b) whether they have already raised a concern with anyone and the response; and
 - c) any relevant dates when actions related to the concern took place.
- 5.4. This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by the Discloser themselves.
- 5.5. If applicable, personal interests must be declared from the outset.
- 5.6. SELEP always encourages potential Disclosers to speak up about potential serious wrongdoing in a way that they feel comfortable. The best way to raise a concern is to do so openly, as this makes it easier to investigate and provide feedback.
- 5.7. Where a concern is raised in confidence, the Counter Fraud Team will protect the identity of the Discloser. However, there will be circumstances where this is not possible, for example where the Discloser is an essential witness, and it would not be possible to investigate a situation further without revealing the Discloser's identity. Should such a situation arise, this will be discussed directly with the Discloser.
- 5.8. Any concerns raised anonymously will be considered, but may prove more difficult or impossible to investigate due to the anonymous status.
- 5.9. Upon receipt of the Investigation Log, the Counter Fraud Team will in the first instance consider the information you have provided, and may seek further clarification from you.

- 5.10. If a meeting is arranged, you may wish to be accompanied by a trade union representative, colleague or friend. The person who accompanies the Discloser should not be involved or have a direct interest in the area of work to which the concern relates. The meeting can be conducted over the telephone rather than face to face if this is more convenient.
- 5.11. The Counter Fraud Team will review all the information provided, and if appropriate to do so, they will determine whether a wider investigation of the matter is required.
- 5.12. Within 10 clear working days of a concern being raised, the Counter Fraud Team will write to the Discloser to:
- a) Acknowledge that the concern has been received
 - b) Indicate how they propose to deal with the matter
 - c) Give an estimate of how long it will take to provide a final response
 - d) Tell the Discloser whether any initial investigation or enquiry has been made
 - e) Tell the Discloser whether further investigation will be made, and if not, why not
 - f) Tell the Discloser how frequently the Counter Fraud Team will keep them up to date on progress of the investigation.
- 5.13. The matter may be taken forward by a number of methods, including:
- a) An internal inquiry or other formal investigation
 - b) An internal or external audit
 - c) Referring the matter to the police
 - d) Referring the matter to another relevant authority for investigation.
- 5.14. At the conclusion of the investigation, you will be advised that the matter has been dealt with, and the outcome recorded. The Investigation log will be completed, and shall be recorded by the Counter Fraud Team.
- 5.15. Throughout any investigation, the Discloser will still be expected to continue their duties/role as normal unless deemed inappropriate.
- 5.16. The whistleblowing flow chart is set out in Appendix 1.
- 5.17. The Cities and Local Growth Unit will be informed by Counter Fraud Team of any concerns raised under this whistleblowing Policy by e-mailing LEPPolicy@Communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF.

6. Changes to procedures or policy as a result of whistleblowing

- 6.1. If changes are made to LEP policies and processes as result of whistleblowing investigations, the LEP will publicise the changes as appropriate, taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

7. Untrue allegations

- 7.1. If a Discloser makes an allegation but it is not confirmed by the investigation, no action will be taken against them. However, if a malicious or vexatious allegation is made without good reason to: cause trouble; for personal gain; or to discredit SELEP an investigation may take place. Where the Discloser is an employee or a SELEP Board member or a contractor this may result in disciplinary or other action if they have broken the terms of their employment, acted against the SELEP Code of Conduct or broken a clause in a contract.

8. How this matter can be taken forward if you are not satisfied

- 8.1. This Policy is intended to provide Disclosers with an avenue to raise legitimate concerns. If you are either unable to raise the matter with SELEP or you are dissatisfied with the action taken you can report it directly to the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government and the Department for Business Energy and Industrial Strategy, at the following email address: LEPPolicy@communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as “Official - whistleblowing”.
- 8.2. In addition, if you are either unable to raise the matter with SELEP or you are dissatisfied with the action taken you may consider raising it with:
- a) The police;
 - b) The relevant regulatory body or professional body;
 - c) Your Trade Union;
 - d) Your solicitor;
 - e) Your Citizens Advice Bureau
- 8.3. Further information and signposting for potential Disclosers is available on www.gov.uk.
- 8.4. If a Discloser does take the matter outside SELEP, to an external body, they should ensure they do not disclose information that is confidential, for example, if you are an employee your contract of employment may set out expectations of your regarding what is confidential.

9. Feedback on Whistleblowing Policy

- 9.1. Any feedback or comments on this policy should be directed to SELEP’s Responsible Officer, the CEO at:

Email: hello@southeastlep.com

Write to: South East LEP Secretariat c/o Essex County Council

County Hall Market Road Chelmsford CM1 1QH

Tel: 03330 322946

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