

RAISING CONCERNS AT WORK (WHISTLEBLOWING) POLICY

1. PURPOSE

- 1.1 Thames Valley Berkshire (TVB) LEP Ltd (the LEP) operates according to its Articles of Association (Articles) (revised November 2016), which comply with the Companies Act 2006. As a publicly-funded body it behaves in accordance with an Assurance Framework, which determines the practices and standards necessary to provide assurance to government and local partners that decisions over (all government) funding are proper, transparent and deliver value for money.
- 1.2 It therefore aspires to the highest standards of quality, probity, openness and accountability in all its activities (Nolan Principles). In line with the Public Interest Disclosure Act 1998, the Raising Concerns at Work Policy aims to create an environment in which employees and others working with the LEP, who have concerns about any aspect of the LEP's activities, feel able to come forward and voice those concerns if such concerns are in the public interest. The Policy applies to staff, directors, sector representatives, third parties and the public.
- 1.3 In addition, this Policy also recognises the Enterprise and Regulatory Reform Act 2013, which defines a "qualifying disclosure" and the three-part test that needs to be satisfied. It also requires that all disclosures have a public interest element in order to attract the statutory protections. By imposing this requirement, employees will only be able to claim whistleblowing protections in relation to breaches of their own contracts of employment where it can be shown that such a disclosure is in the public interest and not just their own.
- 1.4 Employees, because of their close proximity to LEP practices, are often the first to identify areas or issues that may be of concern. However, they may be reluctant to express these concerns because they feel that speaking up would be disloyal to their colleagues or to the LEP – and they may also be worried that they will be victimised or harassed because of their actions.

2. AIM

- 2.1 The aim of this Policy is to:
 - provide avenues for you, the Whistleblower, to raise concerns of wrongdoing without fear of reprisal or victimisation;
 - allow you to take the matter further if you are dissatisfied with the LEP's response.

3. SCOPE

- 3.1 Raising Concerns at Work is intended to cover concerns that fall outside the scope of the LEP's other polices such as complaints and grievance. It therefore covers concerns that may be about acts that:
 - a. are unlawful or involve fraud, deceit and/or bribery, or which could otherwise negatively impact the LEP's reputation;
 - b. represent a risk to health and safety;
 - c. cause environmental damage;

- d. infringe equal opportunities related legislation and / or LEP policies, e.g. discriminatory behaviour;
- e. amount to improper or unethical conduct, e.g. breach of a statutory code of conduct, or non-compliance with regulatory requirements, or are an abuse of position;
- f. conceal any of the above.

4. HOW TO RAISE A CONCERN

- 4.1 Concerns can be discussed with a colleague first and it may be easier to raise the matter if more than one of you has had the same experience or concern.
- 4.2 A friend, colleague, or a representative of your Trade Union or professional association may assist in raising a concern and may attend any related meetings:
 - a. Employees should, if possible, raise a concern in the first instance with their line manager.
 - b. Directors or sector representatives should raise any concerns with the Chairman, Deputy Chair or the Chair of the LEP's Nominations & Governance Committee.
 - c. Third parties and the public should raise a concern in the first instance with the LEP's Complaints Officer.
- 4.3 In some cases, the nature or sensitivity of the concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate manager/contact, they are able to go directly to the LEP CEO. Alternatively, they can go directly to the Chair of the LEP. They may also do so if, having raised the concern with the immediate manager/contact, they feel there has not been an appropriate response.
- 4.4 In the event of a concern being of an extreme and potentially serious nature, employees and others may raise it directly with the Chief Executive, the Chair or the Chair of the LEP's Nominations & Governance Committee.
- 4.5 For all concerns in respect of any suspected financial irregularity, the S.151 Officer in the Accountable Body must be notified.
- 4.6 In circumstances where an individual feels that it is necessary to raise a concern with an independent body rather than raise it internally within the LEP, they may obtain guidance on the Audit Commission's dedicated Public Interest Disclosure Act Hotline (0845 052 2646) for employee issues.
- 4.7 A further option exists, which is to raise a concern with the Chief Executive of a neighbouring LEP, in this instance, Buckinghamshire Thames Valley LEP. Its Chief Executive has agreed to document and investigate any reported concerns, meet with the person raising the concern and inform the government's Cities and Local Growth Unit of any issue being raised. This approach was endorsed by Buckinghamshire Thames Valley LEP Board on 17 November 2017.

5. PRACTICE AND PROCEDURE

- 5.1 Concerns are better raised in writing but can be made orally; in either case it is essential to give as much information as possible so that reasonable grounds for the concern can be demonstrated.
- 5.2 The earlier the concern is raised, the greater the opportunity for the LEP to take remedial action.
- 5.3 Advice and guidance on how matters of concern may be raised and pursued can be obtained from the LEP's HR Advisor.

6. HOW THE LEP WILL RESPOND

- 6.1 Once a concern is raised, an appropriate member of staff will make initial enquiries, taking advice from the HR Advisor, to help decide if an investigation is appropriate and if so, what form it should take. As soon as possible and in any case within 10 working days of a concern being raised, the person handling the matter will write to the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal restraints.
- 6.2 An Investigation Officer will be appointed by the CEO.
- 6.3 In relation to allegations of fraud and corruption (including bribery) in respect of directors and sector representatives, the CEO will lead the process. For cases involving the CEO, the Chair will direct the process. Where directors or sector representatives are involved, the outcome of the investigation will be reported and acted upon in accordance within the LEP's Articles.
- 6.4 Any decision to refer a matter to the Police will be taken by the CEO, in consultation with the Chair and Chair of the Nominations & Governance Committee, as appropriate. The LEP will normally wish the Police to be made aware of, and investigate independently, those offenders where financial impropriety is discovered.
- 6.5 The Investigating Officer will:
 - deal promptly with the matter
 - record all evidence received
 - ensure that all evidence is sound and adequately supported
 - ensure security of all evidence collected
 - contact other agencies such as Police
 - notify the LEP's Officer Manager, if applicable, who in turn will notify the LEP insurers.
- 6.6 The processes outlined above will also apply to directors and sector representatives.
- 6.7 The LEP's disciplinary procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees.

7. SAFEGUARDS

Harassment or Victimisation

- 7.1 The LEP recognises that it can be difficult to report a concern, not least because of the fear of reprisal from those responsible for the potential malpractice. The LEP will not tolerate harassment or victimisation of the person who has raised the issue and will take appropriate action against individuals who perpetrate such harassment.

Confidentiality

- 7.2 Wherever practical and possible, the LEP will protect the identity of those raising a concern if they do not wish their name to be disclosed. It must be appreciated, however, that the process of investigation may reveal the source of information and a statement may also be required as part of the evidence.

Anonymous Allegations

- 7.3 Individuals raising concerns are strongly encouraged to put their name to any allegation. Concerns expressed anonymously are very difficult to investigate thoroughly when further information cannot be

sought. The credibility of anonymous reports is extremely difficult to assess, and will only be considered if the Chair of the Nominations & Governance Committee advises that the allegation demonstrates sufficient cause to take the matter further.

Untrue Allegations

- 7.4 If someone makes an allegation in good faith and it is not confirmed by an investigation, no action will be taken against the person who has made the report. If, however, an individual makes an allegation, which is subsequently shown to be malicious or vexatious, disciplinary action is likely to be taken against them.
- 7.5 Individuals must not threaten, retaliate or in any way treat negatively those who have raised a concern under this Policy. Any such behaviour is likely to result in disciplinary action up to and including summary dismissal.

8. HOW THE MATTER CAN BE TAKEN FURTHER

- 8.1 This Policy is intended to provide employees and others with an effective process for raising concerns within the LEP. The LEP hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied and feel it is right to take the matter outside the LEP, then either the HR Advisor or CEO will provide advice as to other options.

9. RESPONSIBILITY

- 9.1 The CEO has overall responsibility for the maintenance and operation of this Policy.
- 9.2 The Cities and Local Growth Unit and the S.151 Officer in the Accountable Body should be notified of all concerns raised through this Policy. All concerns raised and the outcomes (in a form which respects the individual's confidentiality) will be maintained by the Office Manager.

10. CONTACTS

INTERNAL:

HR Advisor: 07952 558471

CEO: 07500 870172

Complaints Officer: 07789 756656

S.151 Officer in the Accountable Body: 01628 796510

Chair of Nominations & Governance Committee: 0118 951 6371

EXTERNAL:

External Audit (Vale & West): 0118 957 3238

Audit Commission (Whistleblowing Line): 020 7798 7999

Public Concern at Work (www.pcaw.co.uk): 020 7404 6609

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