

# Whistleblowing Policy and Guidance

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You can report wrongdoing at or by Old Oak and Park Royal Development Corporation (OPDC) using one of the following routes:

Your line manager	In the first instance, please speak to your line manager. They will, if your concern is covered by this policy, report it to the Head of Performance & Governance.
The Head of Performance & Governance (senior officer responsible for governance)	Alternatively, you can raise your concern directly with the Head of Performance & Governance.
The Head of Audit and Assurance	The Head of Audit and Assurance is part of our Internal Audit service provided by the Mayor's Office for Policing and Crime (MOPAC).
EthicsPoint – 0808 249 4584 or <a href="http://www.glagroup.ethicspoint.com">www.glagroup.ethicspoint.com</a>	A confidential reporting line, managed by an independent, external firm on our behalf of certain members of the GLA Group. Note your concern will normally be referred to the Head of Governance & Organisational Performance – unless there's a good reason not to. You can, however, remain anonymous if you wish.

# Contents

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Contents	2
Part A. Policy	3
1. Policy statement	3
2. OPDC's whistleblowing commitments and outcomes	4
3. Scope and definitions	4
4. Approach	6
5. Responsibilities	7
Part B. Whistleblowing guidance for staff	10
6. Introduction	10
7. Reporting routes for staff	10
8. Reporting routes for Members, partners and the public	12

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# Part A. Policy

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## 1. Policy statement

1.1 The Old Oak and Park Royal Development Corporation (OPDC) is committed to the highest standards of conduct. Our governance framework and the tone we set as an organisation are designed to embed processes and foster a corporate culture that promotes and ensures these high standards. Our Board and Committee Members ('Members') and staff are expected to uphold the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership – and we expect the same of those we work closely with.

1.2 Sometimes, however, wrongdoing does happen. And where and when it does, it is important we hear about it, seek to put things right as far as possible, address any weaknesses in systems and processes, and take appropriate action.

1.3 This document is about the first part of that: ensuring there is a simple, effective and confidential process – that everyone has confidence in – for Members and staff to raise concerns about the way OPDC's activities are being conducted. Integral to that confidence is protecting those staff who do blow the whistle – and that is one of the main aims of this policy. We will treat every reported concern with the utmost care and seriousness.

1.4 In short, we want OPDC to be a place where people feel safe to speak up – particularly as it is our staff who will often be the first to spot any wrongdoing. The consequence of that is we expect our Members and staff to raise any concerns they have about wrongdoing. Acting with integrity and honesty is about more than avoiding wrongdoing. It is about playing an active role in ensuring these values are upheld.

1.5 This Whistleblowing Policy is one element of a wider set of arrangements we have in place to uphold high standards and prevent wrongdoing. These arrangements also include our Anti-Fraud & Corruption Policy. But other parts of our governance framework also frame and direct our approach, including the Code of Conduct for Members, Code of Ethics and Standards for Staff, our Standing Orders, Use of Resources Policy, Expenses and

### **What is a whistle-blower?**

You're a whistle-blower if, as someone who works at OPDC (or who is a Member), you report certain types of wrongdoing. This will usually be something you've seen at OPDC – though not always.

Whistleblowing relates to making disclosures about wrongdoing in the public interest. This means things that affects others; for example, the public.

As a whistle-blower, you're protected by this policy and, more importantly, the law. That means you won't suffer a detriment – for example, lose your job or be disadvantaged at work – if you report something.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen soon. However, the sooner you raise your concern, the better the chance of addressing it.

Benefits Framework, Register of Interests, Gifts and Hospitality Policy, Financial Regulations and our commitment to transparency.

1.6 This document is both policy and guidance. It explains the channels available for reporting wrongdoing. Although it is primarily for Members and staff, we also recognise that others may wish to report wider concerns to us about our work or conduct.

1.7 If you think anything here is unclear or you have any feedback, please get in touch with the Senior Officer Responsible for Governance.

## 2. OPDC's whistleblowing commitments and outcomes

2.1 This Whistleblowing Policy explains, formalises and aims to give effect to the following commitments.

2.2 OPDC will:

- ensure there is a simple, straightforward route for staff to raise concerns about wrongdoing at OPDC – and set out this process clearly
- protect staff who blow the whistle and maintain confidentiality – so those that report wrongdoing can do so without fear of reprisals or detriment to themselves
- treat all reports of wrongdoing fairly and with care – and take each one seriously
- promptly review and where appropriate thoroughly investigate reports of wrongdoing – acting and seeking to put things right
- keep its Whistleblowing Policy and associated arrangements under review and update them periodically

2.3 These commitments are underpinned by the protection afforded to whistleblowers under the law (the Public Interest Disclosure Act 1998).

2.4 OPDC expects its Members and staff to act openly and honestly in reporting – proactively – wrongdoing and attempted wrongdoing.

2.5 The outcomes OPDC is seeking from this policy are to:

- instil confidence in OPDC's whistleblowing procedures so everyone feels able – and is encouraged to – blow the whistle
- and ultimately, to promote confidence more widely in OPDC and its work by ensuring its acts and is seen to act with honesty and integrity

## 3. Scope and definitions

3.1 This policy applies to and the guidance is primarily for Members and staff, including anyone working for the OPDC in any capacity (for example, temporary agency staff, consultants, secondees and volunteers), and those providing a shared service to OPDC. These people are often generically referred to as 'staff' within this policy and the accompanying guidance.

3.2 Though not the primary focus of this policy, OPDC also encourages external parties to raise any concerns they have about wrongdoing at OPDC.

3.3 Whistleblowing refers to the reporting of specific issues in the public interest:

- a criminal offence; for example, fraud or bribery
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- where OPDC is breaking the law – i.e. it is not meeting its legal obligations
- where someone is covering up wrongdoing

3.4 Within this policy and guidance, such issues are generically referred to as 'wrongdoing', 'concerns' or 'whistleblowing'.

3.5 Staff blowing the whistle in these areas, in the public interest, are protected by law. OPDC will also protect those who report serious financial regularities and other malpractice.

3.6 This policy specifically covers wrongdoing concerning or related to OPDC. The legal protections do, however, extend to workers more widely and staff are encouraged to report, to the relevant individual, wrongdoing not directly related to OPDC's work.

3.7 Personal grievances – for example, bullying, harassment and discrimination – are not covered by whistleblowing law or this policy, unless the case is in the public interest. Similarly, the procedures set out in this document do not replace the OPDC's grievance procedure and should not be used to deal with complaints that relate to a contract of employment. If a concern is raised through the whistleblowing process that would be more properly dealt with through the grievance procedure, it will be referred to Human Resources.

3.8 There will be cases where staff or others have concerns about OPDC practices or processes but there is no reason to believe there has been a specific case of wrongdoing. Though valuable information, this is not whistleblowing and, in these cases, the normal route would be provide to feedback to the individual's line manager or the manager responsible for the work area in question. Such feedback can be escalated if necessary, to a more senior manager.

3.9 This policy is part of OPDC's arrangements for good governance and intersects with and supports other policies and procedures as explained at section 1. It is also part of OPDC's anti-fraud and corruption framework and so is particularly closely linked to and mutually supportive of OPDC's Anti-Fraud and Corruption Policy and Response Plan

## 4. Approach

*Ensuring there is a simple, straightforward route for staff to raise concerns about wrongdoing at OPDC*

4.1 The options available for reporting wrongdoing are set out in Part B of this document. OPDC will seek to make sure it is easy to find out how to blow the whistle, including making this policy easily available to staff and providing period communications about how to blow the whistle. It will continue to make available a variety of routes for reporting wrongdoing so those with concerns to report can choose the option that best suits them.

4.2 It is not necessary to have proof that an act is being, has been, or is likely to be committed: a reasonable belief is sufficient. However, an employee has no responsibility to investigate the matter. It is the responsibility of OPDC as the employer to do so.

4.3 OPDC is also committed to hearing about other concerns that may not technically be whistleblowing and from people other than OPDC's staff. It will aim to treat all such concerns with the same care afforded to whistle blowers, noting the same legal protections may not be applicable.

4.4 OPDC will seek and listen to feedback about its reporting process to improve it when and where necessary.

*Protecting those who blow the whistle*

4.5 Under whistleblowing law, a worker who has made a protected disclosure has the right not to fear detriment, victimisation or dismissal.

4.6 OPDC will protect any employee who makes a public interest disclosure without malice, regardless of whether the concern raised is upheld. Any victimisation of the whistle-blower by an employee may result in disciplinary action. While OPDC will protect individuals, who raise public interest concerns, disciplinary action may be taken against an employee who makes a malicious or knowingly false claim.

4.7 Wherever possible OPDC will make every effort to keep confidential the identity of the whistle-blower. This may not always be possible: in limited circumstances, there may be a legal obligation to release information about the case. Information obtained during an enquiry may, in the public interest, be published in a final report.

4.8 Concerns can be raised anonymously – and OPDC has an externally run reporting line to facilitate this. It may, however, not be possible to investigate the concern without specific information.

*Treating all reports of wrongdoing fairly and with care – and taking each one seriously*

4.9 Line managers to whom a concern is reported must within two working days review its nature and tell the whistle-blower that their concern is being considered. Unless the concern can be dealt with simply (for example, because it proves to be a

misunderstanding), they must in turn refer it to the Head of Performance & Governance (senior officer responsible for governance) before taking any action. The Head of Performance & Governance, or a nominated officer, will help determine the next steps.

4.10 The Head of Performance & Governance will ensure a log is maintained of reported concerns and the action taken in response to each. Where there are reports that are of a serious nature, the Audit and Risk Committee will be informed at its next meeting and be kept updated. The Annual Governance Statement will reflect on any whistleblowing during the financial year in question.

4.11 At all times, the confidentiality of the persons blowing the whistle will be respected as far as possible and s/he will also be treated with care and professionalism. Each concern will be handled consistently and fairly.

*Promptly reviewing and thoroughly investigating reports of wrongdoing – seeking to put things right*

4.12 OPDC is committed to reviewing all suspected wrongdoing. There may be a simple resolution to the concern, or a formal investigation may be required. Usually, an investigation will follow the process explained in OPDC's Fraud Response Plan or another relevant policy.

4.13 The whistle-blower may be asked for further information and may also be invited to a meeting. Human Resources can advise on the support available, including, for example, involving a trade union representative.

4.14 OPDC will take immediate action to prevent further losses or harm and seek to put things right as far as possible. It will also act against staff who through wrongdoing have breached the Staff Code of Ethics and Standards. OPDC will inform the police expeditiously where there is cause to believe there has been criminal wrongdoing.

4.15 OPDC will keep those raising concerns informed about the action it is taking. But it will also respect the confidence of others where appropriate.

4.16 The relevant Director, where OPDC systems or processes were deemed to be ineffective, is responsible for acting to ensure the risk of similar wrongdoing occurring again is minimised.

## 5. Responsibilities

*The Audit and Risk Committee:*

- providing scrutiny of OPDC's whistleblowing arrangements
- receiving reports on and updates about serious reported concerns

*Senior Management Team:*

- setting and promoting a top-level commitment to treating all reports of wrongdoing with care, taking each one seriously, and protecting those who blow the whistle

- encouraging staff and others to come forward with concerns
- ensuring within their Directorate concerns are acted upon and action is taken to as far as possible put things right

#### *The Head of Performance & Governance*

- acting as the OPDC's champion for whistleblowing
- establishing and overseeing effective whistleblowing arrangements – and ensuring they are periodically reviewed
- receiving reports about and overseeing the response to incidents of wrongdoing<sup>1</sup> and reporting significant incidents to the Mayor and Audit and Risk Committee

#### *Corporate Performance and Governance Team:*

- day-to-day oversight of the OPDC's whistleblowing arrangements
- maintaining robust, up-to-date whistleblowing arrangements that reflect best practice
- maintaining a list of reported concerns

#### *Human Resources:*

- advising and supporting managers in implementing suspensions and disciplinary procedures
- ensuring employment matters are dealt with in a consistent and fair way regarding any case of suspected wrongdoing
- helping to ensure staff do not suffer a detriment because of reporting a concern

#### *Internal Audit:*

- advising on the appropriate response to reported concerns and supporting investigations into wrongdoing
- reviewing periodically OPDC's whistleblowing arrangements

#### *All managers and Directors:*

- ensuring any concerns reported to them are in turn passed on to the Head of Performance & Governance
- respecting a whistle-blower's confidentiality and protecting them from detriment, as per this policy
- taking action to ensure the risk of a similar incident of wrongdoing does not occur again.

#### *All OPDC staff:*

- reporting immediately suspected wrongdoing

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<sup>1</sup> The CEO will act in the place of the Head of Governance & Organisational Performance in respect of specific incidents of wrongdoing if there are concerns about the involvement of that individual.



- cooperating fully with any investigation into wrongdoing
- not victimising anyone who does report a concern.

*Contractors, funding recipients and partners:*

- reporting concerns of wrongdoing at OPDC, and concerns related to their own organisation and that affect OPDC, to the Corporation
- putting in place, maintaining and following their own whistleblowing arrangements
- cooperating with any investigations into wrongdoing and resulting action.

# Part B. Whistleblowing guidance for staff

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## 6. Introduction

6.1 This guidance explains the options available for Members and staff to blow the whistle about concerns of wrongdoing at OPDC. It should be read in conjunction with the above Whistleblowing Policy, which has more information about what constitutes whistleblowing and the protections for staff who do blow the whistle.

6.2 In summary, when we talk about ‘whistleblowing’ and ‘wrongdoing’ we mean issues in the public interest. It does not cover unfair treatment at work, which should be reported and dealt with under OPDC’s grievance procedures.

6.3 Where matters not falling within this guidance are reported through one of the routes explained below, they will be redirected as appropriate.

6.4 The described reporting arrangements are predominantly for OPDC staff to blow the whistle. Members, those we work with and others are, however, also encouraged to report wrongdoing by or impacting on the Corporation.

## 7. Reporting routes for staff

7.1 Work through the options below sequentially to find a way of reporting your concern that you feel comfortable with and that is appropriate to your circumstance.

7.2 Generally, you should only move on to the next option if you don’t feel comfortable using the option in question. If you’re unsatisfied with how your concern has been handled, you can use one of the other routes available or escalate it to the Chief Executive Officer (CEO).

### *Your line manager*

7.3 You should normally raise and discuss your concern directly with your line manager in the first instance. Your manager will, if your concern is covered by OPDC’s Whistleblowing Policy, refer it to the Head of Performance & Governance.

### **Information about your concern**

The sooner you raise your concern and the more information you can give us, the better.

Where possible, staff should retain any evidence of the suspected malpractice already in their possession. They should also make immediate and detailed notes about: what they have witnessed and discovered, the course of events, what happened when and who was involved.

The more direct and tangible the evidence is, the better the chance of a successful investigation. Staff should not, however, actively seek out additional evidence, undertake surveillance or conduct their own investigations.

*The Head of Performance & Governance (senior officer responsible for governance)*

7.4 If you do not feel comfortable reporting your concern to your line manager – for example, because you have concerns about their involvement – then you can report it directly to the Head of Performance & Governance.

*The Head of Audit and Assurance*

7.5 Similarly, you can also get in touch with the Head of Audit and Assurance (OPDC's Internal Audit service provided by the Mayor's Office for Policing and Crime (MOPAC)).

*EthicsPoint*

7.6 EthicsPoint is a reporting line run by an external company under contract, on behalf of OPDC, the GLA, Transport for London and LLDC. You can report a concern either by phone (0808 249 4584) or you can use their online reporting form accessible via: [glagroup.ethicspoint.com](http://glagroup.ethicspoint.com). You can do so anonymously. You are, however, encouraged to give your details so that you can be kept informed of how the report is being progressed. Note, unless implicated in the concern, the report will be passed on to the Head of Performance & Governance.

7.7 More information can be found on the [EthicsPoint website](#).

*External options*

7.8 Staff who want to blow the whistle are strongly encouraged to make the disclosure to OPDC using one of the above options. This will help ensure your concern is dealt with promptly and by the right person. But if you feel unable to, you can report your concern to a specified external person or organisation, provided you reasonably believe:

- the disclosure is in the public interest
- the information disclosed and any allegation contained in it are substantially true
- you are disclosing the issue to the right person or body (for example, breaches of health and safety should be brought to the attention of the GLA's Health & Safety Executive, which OPDC feeds in to).

7.9 A list of the external bodies you can report concerns to can be found [gov.uk](#).

7.10 You can contact [Protect](#), a whistleblowing charity, for external advice and help. If you're unhappy about how you've been treated by OPDC, you can contact [Acas](#).

7.11 Note if you report your concern to the media you will in most circumstances lose your whistleblowing rights.

## 8. Reporting routes for Members, partners and the public

8.1 We want to hear about all concerns about our work, whether held or discovered by one of our staff or someone else. If you're not a member of our staff, you can raise your concern using the routes below. If the concern is about something in the public interest, it will be passed to the Head of Governance & Organisational Performance or the CEO.

### *Members*

8.2 You should raise your concern with a senior manager in the relevant area. You can also speak to the Head of Governance & Organisational Performance.

### *Partners*

8.3 You should normally raise your concern with your OPDC contract or project manager. You can, however, get in touch with the Head of Governance & Organisational Performance or our Head of Audit and Assurance.

### *The public*

8.4 Normally you should use our complaints process, [detailed on our website](#). You can also get in touch by emailing [info@opdc.london.gov.uk](mailto:info@opdc.london.gov.uk), either setting out your concern or asking for the contact details of the Head of Governance & Organisational Performance so you can contact with them directly. If you're not comfortable reporting your concern to us, you can report it to the relevant external body.

8.5 If you've complained to us and you're unhappy with our response, you can escalate your complaint to the [Local Government Ombudsman](#).