

# Whistle Blowing Policy

This Whistle Blowing Policy sets out the process for a protected disclosure of information to be made in situations where employees and other workers/suppliers covered by this policy have reasonable belief that there is serious wrongdoing at work by other employees, managers, councillors, suppliers, contractors or others acting on behalf of the council and that this disclosure is in the public interest.

This policy covers all staff and will be subject to a formal review on a two-yearly basis and will be kept under review by the Town Council.

Adopted October 2018

## Definitions

**Whistle-Blowing-** a protected disclosure of information where employees and other workers (i.e. Agency staff, trainers, volunteers, consultants, contractors and councillors) have reasonable belief that there is a serious wrong-doing at work by other employees, managers, councillors, suppliers, contractors or others acting on behalf of the council and that the disclosure is in the public interest.

**Complaint-**A complaint is an expression of dissatisfaction about the council's action or lack of action, the standard of service, or where a concern has been previously raised with the council and was not resolved to the satisfaction of the complainant.

**Safeguarding Adults** – The safeguarding adults procedure aims to provide a system that can be used by a range of organisations or individuals to report and respond to situations where it is suspected, alleged or known that a vulnerable adult has been abused.

Safeguarding Children – Child protection is about the safeguarding children who are being abused or are in danger of being abused. The council has multiple groups and agencies dedicated to the safeguarding of children. Children's services, health services, police and voluntary groups and groups concerning children, parents carers and schools all work together to ensure that children are safe and protected.

The Whistle -Blowing policy should be followed for whistle-blowing disclosures. For complaints, safeguarding adults and safeguarding children issues, separate policies and procedures exist which should be followed in these cases.

Please note: The Complaints Procedure does not cover employee concerns covered by Whistle-Blowing, Bullying, and Harassment or Grievance Procedures. council or the safety of its employees or the general public and that the disclosure is in the public interest.

## Whistle-Blowing Guide

### 1. When whistle-blowing should be used

- 1.1. The Whistle-Blowing policy allows for a protected disclosure of information to be made in situations where employees have a reasonable belief that there is serious wrong-doing in respect of work or practices which affect the integrity of the council or the safety of its employees or the general public and that the disclosure is in the public interest.
- 1.2. The wrong doing could be by other employees, managers, councillors, suppliers, contractors or others acting on behalf of the council.
- 1.3. Concerns could be about acts or omissions, which have led, or could lead to future wrong-doing within the council. Examples are provided within the Whistle -Blowing Policy.

# Whistle-Blowing Procedure

## 1. Raising a concern

- 1.1. The Code of Conduct for employees makes it clear that the council expects employees who have serious concerns about aspects of work, or practices which affect the integrity of the council, or the safety of its employees or the general public, to come forward and voice those concerns.
- 1.2. In most situations, an employee should raise their concerns in the first instance with the Town Council. If an employee feels unable to the Town Council, the employee could raise their concerns with The Chairman of The Council.
- 1.3. When raising an issue, it is important to make it clear that it is as part of the Whistle-Blowing Policy. Concerns such as complaints or safeguarding adults/children issues should be raised under those specific policies.
- 1.4. All cases raised under this policy must be registered immediately with the Town Council. To do this, concerns should be raised in writing to the Town Council. In the case of financial irregularity e.g. fraud, corruption or unauthorised use of public funds, the Town Clerk should also contact the Internal Auditor.
- 1.5. The Town Council will contact The Chairman of the Council and Head of Legal and Democratic Services;
- 1.6. In some situations, an employee may wish to take advice from and/or involve a colleague or Trade Union representative. They may also be present during any subsequent interview or meeting.
- 1.7. Where an issue is raised about another employee's conduct, following an initial investigation under the Whistle-Blowing policy, the matter may then be dealt with by the Council as part of an appropriate HR procedure e.g. Managing Employee Performance or Bullying and Harassment.
- 1.8. Employees raising concerns under this policy and the Town Council to whom allegations are disclosed must maintain confidentiality in all areas, including amongst service users and other employees.
- 1.9. In considering anonymous allegations, the council will take the following factors into account:
  - The seriousness of the matter raised
  - The credibility of the allegation
  - The likelihood of obtaining information which could confirm the allegation.

## 2. Response

- 2.1 Depending on the nature of the alleged wrong-doing, the council will arrange for for the matter to be:
  - Investigated internally by the Town Council Internal Audit or the Personnel Committee and/or
  - Referred to the External Auditor to be investigated: and/or
  - Referred to the appropriate external enforcement agency. e.g. Health and Safety Executive, Environmental Agency, or the appropriate Government Department.
- 2.2 In some situations, the problem may be resolved without the need for an investigation e.g. If urgent action is needed to secure relevant information or to protect the safety of the individuals, action will be taken immediately.
- 2.3. The Town Council will write to the complainant within 10 working days of the concern being raised to acknowledge receipt of the concern and to indicate how the council proposes to deal with the matter.
- 2.4 The Town Council will monitor the situation and ensure the matter is progressed.
- 2.5. The investigating officer will inform the employee raising the concern with initial feedback on the actions being taken and the likely timescales within 20 working days of the complaint being made. Thereafter, feedback will be provided on an agreed regular basis.
- 2.6. Subject to any legal constraints, the council will inform the whistle-blower of the outcome of the investigation.
- 2.7. If the employee, when informed of the response to the complaint is dissatisfied, they should put their concerns in writing to the leader of the council, who will arrange for the concerns to be further considered.

## 3. Support

- 3.1 The council will identify an individual to provide support and advice to the whistle-blower throughout the investigation and during any subsequent developments.
- 3.2. A contact/liaison officer will be provided to an employee under investigation as part of a whistle-blowing complaint.
- 3.3 If the whistle-blower feels victimised or harassed as a result of raising a concern in accordance with this procedure, they should advise the person identified in 3.1
- 3.4 If a whistle -blower is dissatisfied with the application of the policy, they should contact The Chairman of the Town Council.
- 3.5 A free, personal and confidential counselling service is available to all council employees from the Chairman.

- 3.6 Alternatively if you do not feel able to discuss any concerns that you may have with the chairman then you could contact the charity Public Concern at Work on 020 7404 6609 or e-mail :wishle@pcaw.org.uk who will provide advice on how to proceed.

## 4. External disclosures

- 4.1. If the whistle-blower is dissatisfied with the council's response throughout its Internal procedures, they could then consider contacting an external organisation. These could include:
- Environment Agency;
  - External Auditor;
  - Health & Safety Executive
  - Care Quality Commission (CQC):
  - Ofsted.
- 4.2 Advice should be taken before making an external disclosure and the internal procedure should normally have been followed first.
- 4.3 The council would not expect whistle-blowers to make disclosures to the press.
- 4.4. The Public Interest Disclosure Act 1998 provided some employment protection rights to individuals who "blow the whistle" outside their organisation. However, the types of information and the situations in which concerns are disclosed externally are tightly defined in the legislation. The Act only protects those making disclosures which are considered to be in the public interest.
- 4.5. In exceptional circumstances the council reserves the right to take action in accordance with the Managing Employee Performance Procedure against an employee where an external disclosure is made without first using the internal process. This would be, for example, in cases when the council finds that an employee has made allegations maliciously or for personal advantage.

## 5. Other workers and suppliers

- 5.1. This policy applies to council employees and other workers, including freelance staff, temporary and agency staff, trainers, volunteers, consultants, contractors and Members
- 5.2. This policy applies to all employees in organisations who work in partnership with the council who wish to raise a concern.
- 5.3. The policy is also available to suppliers. They should raise any issues with the Town Clerk or if not appropriate the Chairman of the Council.
- 5.4. The policy will be published to all such groups and should a member of these groups wish to raise a concern, the procedures in this document should be followed.

5.5. The policy is not to be used by members of the public to pursue complaints about services. These should be dealt with through the council's Complaints Procedure.

## Responsibilities

### Town Clerk

- Ensure their staff (including agency staff, contractors, volunteers, consultants, etc.) are aware of and follow council financial, health and safety and other procedures;
- Register whistle-blowing cases brought to their attention immediately with the Head of Hr;
- Provide support to any employee making a whistle-blowing complaint.

### Councillors

- Councillors respond to whistle-blowing submissions positively within the timescales set out within this policy.

### Employees

- Raise serious concerns about aspects or work or practices which affect the integrity of the council or the safety of employees or the public.

### Human Resources

- The Town Council has overall responsibility for overseeing the Whistle-Blowing procedure and agreeing actions.
- The Town Council to record and deal with whistle-blowing issues.
- The Town Council will write to the complainant within 10 days of the concern being raised;
- The Chairman will provide support and advice to the Town Council as required; including attendance at meetings as necessary.