



# Heybridge Parish Council

## WHISTLEBLOWING POLICY

### **1. Introduction**

- 1.1 Employees or councillors are often the first to realise that there may be some form of inappropriate conduct within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of misconduct, but this can have serious consequences if wrongdoing goes undetected.
- 1.2 The Council is committed to the highest possible standards of openness, probity, accountability and honesty. In line with that commitment we expect employees, councillors and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.3 This policy document makes it clear that employees and councillors can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy and Procedure is intended to encourage and enable employees and councillors to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. With the exception of employment related grievances, this policy will apply to any act of Whistleblowing, as defined by the charity Public Concern at Work to mean; "A disclosure of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of its employees."
- 1.4 This policy and procedure applies to all employees, councillors, partners, volunteers and contractors. It also covers suppliers and members of the public.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures. Officers are responsible for making customers aware of the existence of these procedures.

### **2. Scope of the Whistleblowing Policy**

- 2.1 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Policy and Procedure is intended to

cover major concerns that fall outside the scope of other procedures. These include:-

- i. Conduct which is an offence or a breach of law
- ii. Disclosures related to miscarriages of justice
- iii. Health and safety risks, including risks to the public as well as other employees
- iv. Damages to the environment
- v. The unauthorised use of public funds
- vi. Possible fraud and corruption
- vii. Other unethical conduct
- viii. Unacceptable business risks

2.2 This concern may be about something that:-

- i. Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- ii. Is against the Council's Procedure Rules and policies; or
- iii. Falls below established standards of practice; or
- iv. Amounts to improper conduct.

### **3. Safeguards**

#### **3.1 Harassment or Victimisation**

3.1.1 The Council is committed to best practice and high standards and wants to be supportive of employees and councillors.

3.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. In these situations you are a witness and not a complainant.

3.1.3 The Council will not tolerate the harassment or victimisation of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a councillor will be reported under the Members' Code of Conduct.

3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you if you are an employee.

#### **3.2 Confidentiality**

3.2.1 All concerns will be treated in confidence and the Council will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reason for its disclosure at this stage has been fully discussed with you.

### 3.3 Anonymous Allegations

3.3.1 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include the:-

- i. Seriousness of the issues raised;
- ii. Credibility of the concern; and
- iii. Likelihood of confirming the allegation from attributable sources.

### 3.4 Untrue Allegations

3.4.1 If you make an untrue allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you, or if you are a councillor a complaint may be made under the Members' Code of Conduct.

## **4. How to raise a concern**

4.1 You should normally raise concerns with the Clerk who will report the concern to the Monitoring Officer. However, if your concern relates to the Clerk, you should raise your concerns directly to the Monitoring Officer.

4.2 Concerns may be raised verbally or in writing. Employees or councillors who wish to make a written report are invited to use the following format:-

- i. The background and history of the concern (giving relevant dates); and
- ii. The reason why you are particularly concerned about the situation.

4.3 The earlier you express the concern the easier it is to take action.

4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

4.5 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

4.6 If you are an employee, you may invite a friend to be present during any meetings or interviews in connection with the concerns you have raised. If you are a Councillor, you may be accompanied by the Chairman.

4.7 Further guidance on protection for anyone raising a concern can be found in the Public Interests Disclosure Act 1998.

## **5. How the Council will respond**

5.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as rejecting them.

5.2 Where appropriate, the matters raised may be:-

- i. Investigated by management, internal audit, or through the disciplinary process;
- ii. Referred to the police;
- iii. Referred to the Council's external auditor
- iv. The subject of an independent inquiry.

5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest.

5.4 Some concerns may be resolved by agreed action without the need for investigation.

5.5 Within an appropriate time scale, the Clerk or Monitoring Officer will write to you:-

- i. Acknowledging that the concern has been received
- ii. Indicating how it is proposed to deal with the matter.

5.6 The amount of contact between the Clerk or Monitoring Officer considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

5.7 Where any meeting is arranged, if you so wish, you can be accompanied by a representative or friend, or Chairman if you are a Councillor.

5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigation.

## **6. Responsible Officer**

6.1 The Clerk and Monitoring Officer has overall responsibility and maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality.)

## **7. How the Matter can be Taken Further**

7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-

- i. your local Citizens Advice Bureau
- ii. relevant professional bodies or regulatory organisation
- iii. the police
- iv. Local Government Ombudsman
- v. the Council's Governance Committee

## **8. Status**

This policy will be considered for adoption by Council on 20<sup>th</sup> February 2014.  
Adopted on 20<sup>th</sup> March 2014. Reviewed April 2016.

16 January 2014  
Clerk