



WHISTLEBLOWING POLICY

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Purpose of this policy and procedure

The Council is committed to conducting our business with honesty and integrity. It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the Council is reported and properly dealt with. The Council therefore require all individuals to raise any concerns that they may have about the conduct of others in the Council as soon as possible. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

If you believe a Councillor has breached the Councillor Code of Conduct, you should raise this with the Chair of the Council. Concerns relating to an alleged breach of the Councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

The scope of this policy

It applies to all staff, whether full time, part time or temporary workers.

This is a non-contractual procedure which will be reviewed from time to time.

Background

What is whistleblowing?

Whistleblowing provides protection for workers who raise legitimate concerns about specified matters in the public interest such as any suspected wrongdoing or dangers in relation to the Council's activities. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- Bribery
- Facilitation of tax evasion;
- Fraud or other criminal activity;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. The Council encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the Council should be watchful for illegal

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or unethical conduct relating to the list above and report anything of that nature that they become aware of.

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue and where necessary to those involved in investigating your concern.
- Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Clerk or the Chair of the Council immediately. If the matter is not remedied you should raise it formally using the Council's Grievance Policy.
- Any detrimental treatment against whistleblowers will be treated as a disciplinary offence and the individual will face disciplinary action. Further, if any misconduct is discovered as a result of any investigation under this procedure, the Council's Disciplinary Policy will be used, in addition to any appropriate external reporting.
- Your employment, opportunities for future promotion and training will not be prejudiced because you have raised a legitimate concern.
- The Council aims to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken. However, maliciously making a false allegation is a disciplinary offence under the Disciplinary Policy.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of the Council.
- The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, you should not find it necessary to alert anyone externally. However, in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. The Council strongly encourages you to seek advice before reporting a concern to anyone external.
- If you wish to obtain advice from an external source, Protect (an independent whistleblowing charity) operate a confidential helpline and their contact details are at the end of this policy.

Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Council's Grievance Procedure.

Stage 1

In the first instance, any concerns should be raised with the Clerk (or if you are concerned that the Clerk is involved in wrongdoing, see Stage 2), who will arrange an investigation of the matter. The investigation may involve you and other individuals giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be considered, and you will be asked to comment on any additional evidence obtained.

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The Clerk (or delegated officer) will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Clerk (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, you will be told the outcome and what the Council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Staffing Committee. The Chair of Staffing Committee will arrange for a review of the investigation to be carried out, make any necessary enquiries.

Stage 3

If on conclusion of Stages 1 and 2, you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Contacts

Protect

(Independent
whistleblowing
charity)

Helpline: 0203 117 2520

Email: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

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