

# West Butterwick Parish Council

## WHISTLEBLOWING POLICY

### 1.0 Policy

- 1.1 Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Council, or its members, or its employees; or its agents are responsible for or taken part in some wrongdoing.
- 1.2 This Council is committed to the highest standards of transparency, probity, integrity and accountability. This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.
- 1.3 This procedure does not replace other policies and procedures such as those relating to complaints, grievances or the Member Code of Conduct. 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. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### 2.0 Background

- 2.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters that are in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence
- 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 the person raising the allegation to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. For example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The person making the allegation has no responsibility for investigating the matter. It is the council's responsibility to ensure that an investigation takes place.

- 2.2 If an employee, or any other person under the Council's control as a worker or contractor makes a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. The Council encourages concerns to be raised under this procedure in the first instance.
- 2.3 Should the concern not meet the requirement to be a qualifying disclosure, it should be raised this under the Council's grievance policy. Where a concern is raised under the Whistleblowing Policy where it is not appropriate to do so, e.g. it relates to a personal

grievance, the Chairman of the Personnel Committee will confirm that the matter will be addressed under the Grievance Policy.

### **3.0 Principles**

- 3.1 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 or unethical conduct and report anything of that nature that they become aware of.
- 3.2 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.
- 3.3 No employee or other person working on behalf of the Council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- 3.4 Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- 3.5 If misconduct is discovered as a result of any investigation under this procedure, the Council's Disciplinary Procedure will be used, in addition to any appropriate external measures.
- 3.5 Maliciously making a false allegation is a disciplinary offence.
- 3.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If an employee is told not to raise or pursue any concern, even by the Council, the employee should not agree to remain silent and report the matter as soon as possible.

### **4.0 Procedure**

- 4.1 If you believe a Councillor has breached the councillor Code of Conduct, this should be referred to the Monitoring Officer for investigation.
- 4.2 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.
- 4.3 Stage 1

In the first instance, any concerns should be raised with the Chairman of the Personnel Committee who will arrange an investigation of the matter. The investigation may involve the person making the disclosure, and other individuals involved, giving a written statement. Any investigation will be carried out in accordance with the principles set out above. All statements will be taken into account, and additional evidence may be sought from all involved.

The Chairman of the Personnel Committee (or other person appointed to investigate) will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Chairman of the Personnel Committee (or other person appointed to investigate) will also recommend any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, the person making the disclosure 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.

#### 4.4 Stage 2

If the person making the disclosure is concerned that the Chairman of the Personnel Committee 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 refer the matter to a senior member of the Council who will seek advice as to the undertaking of a review of the original investigation. This may involve a third party being appointed to conduct the investigation.

#### 4.5 Stage 3

If on conclusion of stages 1 and 2 the person making the disclosure reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant body. This includes, but is not limited to:

- 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

A full list can be found in The Public Interest Disclosure (Prescribed Persons) Order 2014:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

### **5.0 Data protection**

- 5.1 When an individual makes a disclosure, the Council will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure