

PEMBURY PARISH COUNCIL

Working for Pembury People



Whistleblowing policy

Adopted 27/07/2020

Version:	Date Approved/reviewed:	Review Date:
1.0	03/12/2018	01/07/2020
2.0	27/07/2020	01/07/2023

1. Introduction

- 1.1. Pembury Parish Council recognises that those that it employs and provides services to are often in the best position to know when the interests of the public are being put at risk. They can act as an early warning system on matters of health and safety or help to uncover fraud and mismanagement
- 1.2. The Council also recognises that these people may not wish to express their concerns for a number of reasons. They may think it is disloyal to do so or they may fear reprisals, or they may not expect any action to be taken, or they may not know the best way to proceed. They may therefore find it easier to ignore their own concerns, or to "blow the whistle" to someone outside the Council.
- 1.3. The Policy aims to provide the necessary environment for concerns to be raised internally and promptly and adequately dealt with

2. Policy Statement

- 2.1. The Council is committed to the highest possible standards of openness, probity and accountability and to dealing with all fraud and other forms of malpractice reported.
- 2.2. Any employee, contractor, member of the public or any other organisation with serious or sensitive concerns about any aspect of the Council's work shall be encouraged to come forward and voice those concerns at an early stage without fear of victimisation, subsequent discrimination or disadvantage. These concerns may relate to issues that are occurring now, took place in the past, or are likely to happen in the future.
- 2.3. All concerns received will be treated in confidence, examined and investigated in accordance with this policy.

3. Scope of the policy

- 3.1. The policy is intended to deal with serious or sensitive concerns about wrongdoings in the following areas:
 - Conduct amounting to an offence or breach of the law
 - Fraud and corruption
 - Breaches of Standing Orders and/or Financial Regulations
 - Breaches of Codes of Conduct
 - Damage to the environment
 - Health and Safety Risks
 - Discrimination of any kind
 - The concealment of evidence relating to any of the above.
- 3.2. This list is indicative, not exhaustive.

4. Safeguards

- 4.1. Harassment or Victimisation. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from management or from those responsible for the concern. The Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect employees when they raise a concern in good faith. Any employee found to be victimising another in these circumstances would be guilty of a serious disciplinary offence. Similarly, an employee making a malicious or vexatious allegation will be liable to disciplinary action.
- 4.2. Confidentiality. The Council will do its best to protect employees' identities when they raise a concern. However, should the concern raised need to be witnessed for another procedure (for example the Disciplinary Procedure) employees may be asked to provide a signed statement as part of the evidence, thus revealing their identity. This will always be discussed with employees first although in some circumstances the Council may have to disclose employee identities without their consent.
- 4.3. Anonymous Allegations. Employees are encouraged to raise their concerns in writing and to put their name to them. Concerns that are expressed anonymously are less powerful and are less likely to be effective. They will be considered at the discretion of the Council and in exercising this discretion the following factors will be taken into account:
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources

5. Implementing the Policy

- 5.1. The Council shall take appropriate action to publicise the policy so that all potential whistle-blowers:
- feel confident that they are able to contact the Council and raise their concerns about Council practices
 - realise that concerns should be raised about any employee, councillor, supplier or anyone who provides services to the public on the Council's behalf
 - are aware of the different ways they can inform the Council of their concerns
 - understand that concerns will be received in good faith and taken seriously
 - are aware that anonymous concerns may not be investigated
 - understand that they will receive a response to their concerns and are aware of how to pursue them further if they are not satisfied with the response

- are reassured that they will be protected from victimisation, subsequent discrimination or disadvantage.

6. Concerns not covered by this policy

- 6.1. The Council wants all serious or sensitive concerns to be raised. Any concern that falls under another Council policy or procedure will be investigated in accordance with that policy, for example the grievance or complaints procedure.

7. Whistleblowing Procedure

- 7.1. Decide what is worrying you or making you feel uncomfortable. Act early and do not wait until something becomes a major problem.
- 7.2. Talk about your concerns with someone you can trust and who can look at the situation objectively. It is not your responsibility to investigate wrongdoing – but it is your responsibility to raise the concern.
- 7.3. Where possible make notes of what you have heard, seen or feel. Date your notes and keep copies of all relevant information. This will help you to report the problem.
- 7.4. If you are a member of a professional organisation or union you can ask them for help, advice and support.

8. Reporting your concerns

- 8.1. The Public Interest Disclosure Act 1988 makes it clear that concerns can be raised in the following circumstances:
- Internal Disclosure
 - a disclosure to the Clerk
 - If the Clerk is involved in any way, raise your concerns with the Chairman. A disclosure will be protected if you have an honest and reasonable suspicion that a bad practice has occurred, is occurring or is likely to occur.
- 8.2. Regulatory Disclosure. The Act makes special provision for disclosures to prescribed bodies. The bodies listed that are most likely to be of relevance are:
- The Health and Safety Executive (re Health and Safety risks)
 - Environment Agency (re environmental issues)
 - Inland Revenue/Customs and Excise (re financial irregularities)
 - External Auditor (re public sector finance)
 - Monitoring Officer (re Councillors' conduct)
 - Information Commission (re breaches of the Data Protection Act).

9. Assurances

- 9.1. The Council will assure that:

- Your concerns are treated seriously and sensitively
- If you ask for anonymity every effort will be made to meet that request
- The investigation will be carried out within the usual bounds of confidentiality. This means that others may have to be informed but you will be told who those people are. As the procedure covers such a wide range of matters it is not possible to lay down timescales but you will be told of overall timescales and advised of progress.
- It takes seriously and acts upon the harassment of any member of staff raising concerns.