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Author: Town Clerk

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# **WHISTLE BLOWING POLICY**

## **1.0 Policy Statement**

1.1 Kingswood Town Council is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistle blowing' in this policy refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.

1.2 This policy makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside.

## **2.0 Introduction**

2.1 This policy should be read in conjunction with the Anti Fraud and Corruption Policy

2.2 Employees are often the first to realise that there may be something wrong within Kingswood Town Council. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also be apprehensive about the consequences, and they may mistakenly feel that it may be easier, therefore, to ignore the concern rather than report what may be no more than a suspicion of malpractice. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

## **3.0 Scope of Policy**

3.1 The policy applies to all employees of Kingswood Town Council (herein referred to as "the Council").

## **4.0 Review Statement**

4.1 This policy has been prepared considering prevailing legislation and recognised good practice. New legislation requirements or changes in current legislation may necessitate the review of this policy document. The Council will continue to review and amend all / part of

this policy on a regular basis. It is the employee's responsibility to ensure that the copy of the policy being referred to is the most up-to-date version.

## **5.0 Equality**

5.1 In putting the procedure into practice, no aspect of the procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability, politics, caste and / or union membership or any other grounds likely to place any employee at a disadvantage.

## **6.0 The Aims of this Policy**

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments
- Provide alternative avenues for raising concerns
- Ensure that responses to concerns are made
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in good faith.

6.1 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. Please refer to the Council's Grievance Policy for further details.

6.2 This procedure is intended to cover major concerns that fall outside the scope of other procedures and include:

- Conduct which is an offence or a breach of law
- Disclosures related to processes or procedures
- Health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
- Damage to the environment
- The unauthorised use of public funds including fraud and corruption
- Sexual or physical abuse
- Other unethical or unprofessional conduct
- Notification of any suspicions of price-fixing cartels providing services / goods to the Council

6.3 Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Council or others acting on behalf of the Council, can be reported under this procedure.

## **7.0 Safeguards Harassment or Victimisation**

7.1 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 the person(s) who is/are the subject of the complaint. However, if employees state the truth, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service. The Council will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees when they raise a concern in good faith.

7.2 All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

7.3 In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998 employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations, will therefore be investigated at the discretion of the Council.

7.4 In exercising discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern; and
- the likelihood of confirming the allegation from factual evidence

## **8.0 Unsubstantiated Allegations**

8.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **9.0 How to raise a concern**

9.1 You should make your concerns known to your Town Clerk in the first instance and he / she should reply verbally or in writing as soon as possible and in any case within five working days. If it is not appropriate to inform your Town Clerk, as you believe they may be involved in the improper conduct, you can contact the Chairman of the Council.

9.2 If you are not satisfied you should then contact another Councillor. If you are still not satisfied after that, you or any representative on your behalf, may request in writing a determination of the matter by the Staffing Committee providing this is requested within 10 working days of the date of the last reply already given.

9.3 Employees who wish to make a written statement / report are required to set out:

- The background and history of the concern (giving relevant dates)
- The reason why there is particular concern about the situation.

9.4 Although employees are not expected to prove, beyond doubt, the truth of an allegation they will need to demonstrate that there are reasonable grounds for their concerns.

## **10.0 How the Council will respond**

10.1 The Council will respond to such concerns in the way outlined above and reserves the right:-

- To invoke the Disciplinary Procedure
- Refer any matters to the Council's Internal Auditors
- Refer any matters to the Police

10.2 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide if 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.

10.3 Within 10 working days of a concern being raised, the person undertaking the investigation will write to the employee concerned at their private address: -

- Acknowledging that the concern has been received
- Indicating how he / she proposes to deal with the matter
- Telling the employee if any initial enquiries have been made

- Telling the employee if further investigations will take place and, if not, why not.

10.4 If the matter is subject to further investigation the employee will be informed of progress and will be told the timescale for the investigation. The amount of contact between the officers considering the issues and the employee having a concern 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 the employee raising the concern.

10.5 A representative of a Trade Union or a workplace colleague may accompany an employee during any stage of an investigation conducted under this procedure.

10.6 The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedures involved.

10.7 The Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal or confidential constraints, employees will be informed of the outcome of any investigation.

## **11.0 The Responsible Officer**

11.1 The Town Clerk has overall responsibility for the maintenance and operation of this procedure. The Town Clerk will ensure that a record of concerns raised and the outcome is maintained in a form that does not endanger confidentiality.

## **12.0 How the matter can be taken further**

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

- Health and Safety Executive
- Appointed External Auditor
- A Trade Union
- A relevant Voluntary Organisation
- The Police
- HM Revenue & Customs
- Environment Agency
- Serious Fraud Office
- Financial Services Authority / any successor body
- Any independent legal representative

12.2 If employees do decide to take the matter outside the Council, they must ensure that they do not disclose to a third party any of the Council's confidential information. If employees are in any doubt, they are strongly advised to seek the confidential advice of the Town Clerk before taking any action to ensure that they do not inadvertently put themselves in a position where they may breach procedures themselves.

## **13.0 Further Information**

For further information or clarification on any part of this policy, please contact the Town Clerk