



Chilton Town Council

Public Interest Disclosure Policy

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1 Introduction

1.1 What is the Policy about?

Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within Chilton Town Council (the council). However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear the threat of harassment or victimisation and in these circumstances they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

The council is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.

This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem or 'blowing the whistle' outside.

1.2 Who does the policy apply to?

This policy applies to all employees former employees, contractors and suppliers.

2 Aims and scope of the policy

2.1 Aim of the policy

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

2.2 Scope of the Policy

There are existing procedures in place to enable you to lodge a grievance relating to your own employment.

An employee who makes a disclosure under this code must reasonably believe:

- (i) That they are acting in the public interest;
- (ii) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - criminal offences;
 - failure to comply with an obligation set out in law;
 - miscarriages of justice;
 - endangering of someone's health and safety;
 - damage to the environment;
 - covering up wrongdoing in the above categories; Examples of the above could include:
 - conduct which is an offence or a breach of law;
 - health and safety risks, including risks to the public as well as other employees;
 - the unauthorised use of public funds;
 - negligence;
 - unauthorised disclosure of confidential information;
 - possible fraud and corruption;
 - deliberate concealment of the above matters.

The above list is neither exclusive nor exhaustive.

Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of officers or members of the council or others acting on behalf of the council can be reported under this policy.

2.3 Other procedures

This policy covers concerns outside of the following areas and does not replace the following procedures.

2.3.1 The council's complaints procedure

Complaints by an individual customer or group of customers about the standard of service, actions or lack of actions by the council should be managed under the council's complaints procedure.

2.3.2 Financial procedure rules and financial management standards

Under the council's financial procedure rules the Town Clerk is ultimately responsible to the council for ensuring that financial procedures are correctly applied and observed by staff and contractors providing services on the council's behalf. The Town Clerk is also responsible for reporting any known breach or suspected breach of procedures or any failures of financial controls.

The Internal Auditor and External Auditor must be notified immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the council's property or resources.

2.3.3 Arrestable offences

In any case where the Town Clerk has reason to believe that an employee of the council may have committed an arrestable offence, the Mayor must be informed and where it is considered an arrestable offence has occurred, the Town Clerk in consultation with the Mayor will inform the police.

2.3.4 Grievance procedure

The council's Grievance Policy is designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly and in a fair and reasonable manner.

2.3.5 Procurement Procedures

All procurement procedures must:

- realise value for money by achieving the optimum combination of whole life costs and quality of outcome;
- be consistent with the highest standards of integrity;
- operate in a transparent manner;
- ensure fairness in allocation of public contracts;
- comply with all legal requirements;
- support all relevant council priorities and policies;

If you become aware that there has been a breach of the contract procurement rules you can report such a breach using the Confidential Reporting Code.

3. Safeguards

The council is committed to good practice and high standards and wants to be supportive of employees.

The council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

It is understandable that whistleblowers are sometimes worried about possible repercussions. The council aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken.

The council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements. Employees or ex-employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.

Employees must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

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

4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

Although every effort will be made not to reveal your identity you may however be called as a witness if this matter is progressed.

All information will be handled sensitively and used only for its proper purpose. Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

5. **Anonymous allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously can be more difficult to investigate. When considering an investigation into an anonymous complaint, the following will be taken into consideration:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

6. **Untrue allegations**

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you under the council's Disciplinary Policy.

7. **How to raise a concern**

As a first step, you should normally raise concerns with the Town Clerk or their superior (The Town Mayor). This can be done verbally or in writing. Wherever possible concerns should be made in writing direct by the person raising the concerns. Details of the concerns raised should normally be reviewed by the person to whom the concern has been raised and any points of clarity or additional information noted following any discussion with the person raising the concern.

In certain circumstances, you may feel unable, or it may not be appropriate, to raise your concerns with your immediate manager due to the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If this is the case, the concern can be reported direct to one of the following officers in writing:

- Internal Auditor
- External Auditor

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

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.

Alternatively, you may wish to seek advice from a person independent of the council. In this case you could contact the independent whistleblowing charity **Protect** at <https://protect-advice.org.uk/contact-us/>

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.

You may invite your trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

8. How the council will respond

The council will respond to your concerns. Following the recording of the concern, either directly by the whistle-blower or the manager to whom it was reported, the completed form should then be immediately forwarded to the Internal Auditor.

Where appropriate, the matters raised may:

- be investigated by management, internal audit or through the disciplinary process;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

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 principles, which the council will have in mind, are your well-being and the public interest.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person with whom you have raised your concerns will respond to you in writing:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on employee support mechanisms; and
- telling you whether further investigations will take place and if not, why not.

The amount of contact between the officers 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.

However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.

Should a manager believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the relevant person(s) for a decision to be made as to whether such a course of action is both necessary and proportionate.

IMPORTANT

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative or a work colleague.

The council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the council will arrange for you to receive advice about the procedure.

The council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

This code is intended to provide you with an avenue within the council to raise concerns. 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:

- the council's External Auditors, Mazars;
- your local Citizens' Advice Bureau;
- the police;
- the independent whistleblowing charity Protect at <https://protect-advice.org.uk/contact-us/>

9. Review of the Policy

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate.