



## WHISTLEBLOWING POLICY & PROCEDURE

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### **Purpose**

This policy sets out the way in which individuals may raise any concerns that they have about South Woodham Ferrers Town Council's conduct and how those concerns will be dealt with.

### **Scope**

This procedure applies to all permanent and fixed-term employees, whether full-time or part-time.

### **Document Support**

If, after reading this document, you need further help, please contact the Town Clerk.

### **Policy**

It is important to the Town Council that any fraud, misconduct or wrongdoing by staff or others working on behalf of the Town Council is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the Town Council or the way in which the Town Council is run.

### **Background**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters 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 worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is our responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed,

subjected to any other detriment, or victimised, because he/she has made a disclosure.

We encourage workers to raise their concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with the Town Clerk or the Town Mayor. If you wish to raise a qualifying disclosure relating to the acts or omissions of the Town Clerk, you should raise the matter with the Town Mayor.

### **Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the Town Council should be watchful for illegal or unethical conduct 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.
  - No employee or other person working on behalf of the Town 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.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- 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 Town Clerk or Town Mayor.

### **Procedure**

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use our Grievance Procedure.

#### Stage 1

In the first instance, any concerns should be raised with the Town Clerk. If you believe your manager to be involved, or for any reason do not wish to approach your manager, then you should proceed straight to stage 3.

#### Stage 2

The Town Clerk will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to The Town Mayor). The investigation may involve you and other individuals involved giving a written

statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your manager (or the person who carried out the investigation) will then report to the Staffing Committee who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the Town Clerk (or the person who carried out the investigation) will report the matter to the HR Advisers – for advice – and start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the Town Council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 3

If you are concerned that the Town 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 appropriate person as set out in the Escalation Table at the end of this document. This person will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the next person in the Escalation Table. Any approach to the more senior person will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

If you believe the Town Clerk is involved in the wrong doing, you should escalate the matter to the Town Mayor.

### Stage 4

If on conclusion of stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- The Monitoring Officer at Chelmsford City Council
- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office;
- the Charity Commission
- the Care Quality Commission;
- the Children’s Commissioner;
- the National Society for the Prevention of Cruelty to Children;
- the Health and Care Professions Council;
- the Chief Inspector of Education, Children’s Services and Skills;
- the Homes and Communities Agency;
- the Pensions Regulator;
- the Information Commissioner
- Protect, for whistleblowing advice (<https://protect-advice.org.uk/>)

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

## Escalation Table

**Town Clerk > Town Mayor > Staffing Committee > Council**

### **Protecting whistleblowers**

If you raise a genuine concern under this policy, we will support you fully even if we find, through our investigations, that you made a mistake or that there has been no breach of policy, legal obligation or other activity set out in this policy. If you feel you have been treated badly as a result of raising a concern, you must tell us straightaway. ,If the matter remains unresolved, you must follow the formal process in our grievance procedure.

All whistleblowers are given the same protection, so you must not threaten or otherwise badly treat others who have raised concerns under this policy. If you do, you may face disciplinary action which could include dismissal for gross misconduct. The whistleblower may also be able to bring legal action against you.

### **Data protection**

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

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

Reviewed 16 January 2024

Next review January 2025