

**Policy Review – Whistleblowing Policy And Procedure
Resources Committee 11 February 2020**

RECOMMENDED

- (i) that the Whistleblowing Policy and Procedure attached as appendix 1 is the subject of consultation with all staff

and that the Consultation results are reported to Council with the Committee's recommendations that

RECOMMENDED TO COUNCIL

- (ii) that the Whistleblowing Policy and Procedure as attached as appendix 1 is adopted
- (iii) that the Whistleblowing Policy and Procedure is reviewed in 3 years unless legislation or best practice requires an earlier review

Contextual Information

1. The Whistleblowing Policy and Procedure (attached as Appendix 1) sets out the Town Council's approach to dealing with whistleblowing
2. The scheme was first approved in February 2013 and was reviewed in June 2016
3. The Policy is presented to Councillors for its periodic review.

Report prepared: 21 January 2020

Contact for further information: The town Clerk Tel 01460 52149 or email town.council@ilminster.gov.uk

**Iminster Town Council
Whistleblowing Policy and Procedure
Approved by Council on 19 February 2013
Reviewed by Council 21 June 2016**



Policy

1. Employees of the Town Council may be the first to see or suspect that another employee or Town Councillor may be involved in some irregularity. Any malpractice, however small, is taken very seriously by the Town Council particularly given the nature of its role and public profile.
2. The Public Interest Disclosure Act 1998 (often known as the Whistleblowers Act) is intended to encourage employees to raise their concerns in a responsible way where there is a practice within or associated with an organisation that threatens the public interest. Under the Act, employees are statutorily protected from subsequent victimisation if the matter that is raised falls within detailed criteria specified within the Act. These are summarised in paragraph 7 (a) – (f) below.
3. The Town Council supports the principle of encouraging employees to report any wrongdoing or malpractice within or associated with the work of the Town Council, which it genuinely believed has occurred or is likely to occur, and to protect employees who, in the public interest, raise genuine matters of concern. Such reports need not be confined to matters covered by The Public Interest Disclosure Act e.g. they may refer relate to the matters listed in paragraphs 7(g)-(i) below.
4. Any matter reported within the context of this policy, whether statutorily “protected” or not, will be taken seriously and treated as confidential as far as practicable.

Procedure

5. The following procedure is based in the first instance on raising matters of concern internally.
6. Employees have a responsibility to take appropriate, reasonable and timely action whenever they become aware of any situation or matter that could expose the Town Council to loss, liability or reduction in public confidence.
7. Employees should report any situation or matter which they reasonably believe might show that one or more of the following matters has occurred, is occurring or is likely to occur in the future:
 - (a) A criminal offence
 - (b) A failure to comply with a legal obligation
 - (c) A miscarriage of justice
 - (d) A danger to the health and safety of any individual
 - (e) Damage to the environment
 - (f) A deliberate “cover-up” of any of the above matters
 - (g) An act of misconduct
 - (h) Dishonesty

Agenda 13 (b)

- (i) A breach of the Town Council's Standing Orders, Financial Regulations or any of the legislation that regulates the Town Council.
8. As soon as an employee becomes aware of any of the above matters, he or she should refer it to the Town Clerk. If the complaint is against action taken or believed to be or proposed to be taken by the Town Clerk it should be referred to the Chair of the Resources Committee.
9. It is important that any concerns are reported promptly in order to assist the Town Council to uphold its standards and public confidence in those standards and to help prevent the concealment or destruction of any documents or other evidence which might be relevant to the matter of concern.
10. Once a matter covered by this policy and procedure has been reported, the Town Clerk or the Resources Committee, will instigate preliminary enquiries to decide whether or not a full investigation is needed. If such an investigation is necessary, the matter will either be investigated in more detail internally or referred to an appropriate external body e.g. Auditors, Police
11. Subject to any legal constraint, the Town Council will keep complainants informed of the progress of the investigation and its outcome.
12. It must be recognised that, depending on the nature of the complaint and the finding of any investigation, it may be in the public interest for the matter complained about to be made public. In this event the Town Council will make every reasonable effort to respect and maintain any request from complainants concerning personal anonymity and / or confidentiality.
13. If, on conclusion of the Town Council's investigations, the complainant reasonably believes that the appropriate action has not been taken in respect of a matter which falls specifically within the purview of the Act, he or she should report the matter to the proper authority. The Public Interest Disclosure (Prescribed Persons) Order 1999 sets out a number of bodies to which disclosures, the subject of which may qualify the complainant for statutory protection under the Act, may be made. Depending on the specific subject of the disclosure, these bodies include:
 - The Inland Revenue
 - The Information Commissioner
 - The Chief Executive of the Criminal Cases Review Commission
 - The Health and Safety Executive and local authorities responsible for the enforcement of health and safety legislation
 - The Serious Fraud Office

Agenda 13 (b)

Safeguarding Employees

14. No one who reports any concerns under this policy and procedure in good faith will be subjected to any detriment for coming forward, regardless of whether the concern is ultimately substantiated.
15. An employee who has raised a concern under this policy and procedure but who considers that, as a consequence, they have been victimised should raise the matter as a formal grievance.
16. While encouraging all disclosures made in good faith, the Town Council will treat as unacceptable any deliberately false or malicious allegations, whether or not they relate to a criterion listed in the Act. Any employee making such allegations will face disciplinary proceedings, the outcome of which could include dismissal.
17. Investigation and possible disciplinary proceedings may be taken if an unjustified external disclosure (other than to a Prescribed person) is made.

Policy & Procedure Reviews and Updates

Date	Change
11.09.13	All references to Staffing Committee replaced by Resources Committee in accordance with Council Resolution made on 10.09.13