



## **Whistleblowing Policy**

### **1. Policy statement**

Fleet Town Council is committed to the highest standards of openness and accountability and takes malpractice seriously. All workers have a right and a duty to report concerns of malpractice that are in the public interest. The policy defines the framework for reporting and investigating whistleblowing concerns.

### **2. Scope**

This policy also applies to all workers including agency staff, contractors and suppliers of services.

### **3. Policy outcomes**

The aims of this policy are to:

- provide a mechanism for raising concerns believed to be in the public interest
- ensure that concerns are investigated promptly, thoroughly and effectively
- enable critical information to be shared appropriately
- ensure that a worker who raises a genuine concern is not victimised
- ensure that concerns raised are taken seriously and dealt with proportionally
- ensure compliance with legal obligations
- improve trust and confidence and create a culture of honesty and openness
- maintain the Council's reputation

### **Key definitions**

Whistleblowing is 'making a disclosure in the public interest' and occurs when a worker raises a concern about a danger, illegality or malpractice that affects others, for example members of the public.

For the purposes of this policy a worker is defined as an employee, temporary member of staff, agency staff, contractor and suppliers of services.

### **4. What the law says**

The legislative framework for this policy is the Public Interest Disclosure Act 1998 (PIDA), incorporated into the Employment Rights Act 1996, and amended by the Enterprise and Regulatory Reform Act 2013. The PIDA gives protection from detrimental treatment of workers who disclose reasonable concerns about serious misconduct or malpractice at work. Under the PIDA, workers are protected from detrimental treatment from another employee if their disclosure qualifies as a 'protected disclosure'.

The Data Protection Act 1998 aims to protect the rights of living individuals regarding information about them held by other people. It requires an employer to comply with eight principles governing the use and processing of personal data and retention of records.

## **5. Making a disclosure**

A worker who has a whistleblowing concern should report it to their line manager or senior manager verbally or in writing in the first instance and at the earliest opportunity.

## **6. Whistleblowing Policy**

The following principles apply:

- all employees have a duty of confidentiality to the Council
- the confidentiality of a worker who raises a concern is respected as far as possible
- the worker is encouraged to give their name as anonymous concerns are much less powerful and are more difficult to investigate
- there will be no adverse consequences for a worker who raises a genuinely-held concern
- victimisation and/or deterring a worker from raising legitimate concerns constitutes serious misconduct and will be addressed using the Disciplinary Policy
- concerns raised frivolously, maliciously, for personal gain, or where they are known to be untrue, constitute serious misconduct and will be addressed using the Disciplinary Policy and may result in disciplinary action, or for agency staff, termination of the agency contract.

## **7. Responding to a disclosure**

The Manager must assess the nature and seriousness of the concern and respond appropriately and proportionately. If a concern is raised anonymously, the manager must decide, based on the seriousness of the issue, whether to investigate it further.

## **8. Investigation**

An investigation which is proportionate to the concern that is raised is undertaken and completed. If urgent action is required, such as a referral to the Police, this takes place before an investigation starts. The investigation is completed as promptly as possible, however it is not always possible to provide an exact timescale at the start of an investigation due to the varied nature of whistleblowing concerns. The worker who raised the concern is kept informed during the investigation as appropriate.

## **9. Outcome of the investigation**

The outcome(s) of the investigation is:

- shared with the worker who raised the concern (subject to legal and confidentiality constraints)
- referred to the appropriate manager or department to progress any actions that may be required
- reviewed to ensure that the actions taken have resolved the original concern.

## **10. Making a disclosure externally**

A worker should only raise a concern externally in the following situations:

- the concern has been raised internally but the worker believes the issue remains unresolved
- the worker believes that they have been or will be placed in a vulnerable position by raising the concern internally. In these situations, the worker may wish to raise the concern externally to contacts such as:
  - an elected Member of the Council
  - Public Concern at Work (A whistleblowing Charity)
  - those listed on the Department for Business Innovation & Skills list of prescribed persons and bodies
  - the Police

## **11. Record keeping**

Details of all whistleblowing concerns and investigations are retained for 6 years plus the current year from the close of the case, except where separate retention rules apply, e.g. child protection records.

## **12. Examples of malpractice**

Examples of the types of malpractice that could be disclosed under the policy are:

- fraud or corruption
- financial irregularities
- unauthorised use of public funds
- serious breaches of professional codes of conduct/ practice
- failure to comply with a legal obligation
- risks to health and safety
- environmental damage
- a criminal offence
- failure to follow financial and contractual procedure rules
- showing undue favour to a contractor or a job applicant
- miscarriages of justice
- deliberate concealment of information relating to any of the above
- other dangers or illegalities which may affect clients, members of the public or the Council.