

COLWICH PARISH COUNCIL



PD113 WHISTLEBLOWER POLICY

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WHISTLEBLOWER POLICY

Whistleblower Policy – PD113

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Name	Position	Date
Michael Lennon	Clerk	March 2017

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Revision History

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WHISTLEBLOWER POLICY

Contents

1	Policy Statement	4
2	What is Whistleblowing?	4
3	Rights of Whistleblowers	5
4	Making a Whistleblower Complaint	5

WHISTLEBLOWER POLICY

1 POLICY STATEMENT

- 1.1** Colwich Parish County Council is committed to operating with honesty and integrity. It expects all members and employees to operate on this basis and to adhere to the council's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.
- 1.2** The aim of this policy is to encourage members and employees to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.
- 1.3** Any employee raising a concern under this policy will not be treated less favourably for doing so as outlined in this procedure. This means that any employee who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.
- 1.4** Any reference to 'the Council' refers to Colwich Parish Council.
- 1.5** This policy applies to members and employees of Colwich Parish Council, including agency workers, trainees or anyone working on a casual basis. The policy and procedure applies to all employees, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

2 WHAT IS WHISTLEBLOWING?

- 2.1** Whistleblowing is when a worker reports suspected wrongdoing at work. For example:
- A criminal offence; and/or
 - A miscarriage of justice; and/or
 - Damage to the environment; and/or
 - Breach of a legal obligation; and/or
 - A danger to health and safety; and/or
 - A deliberate concealment of any of the above
- 2.2** A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:
- Someone's health and safety is in danger;
 - Damage to the environment;
 - A criminal offence;
 - The company isn't obeying the law (like not having the right insurance)
 - Covering up wrongdoing.
- 2.3** A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.
- 2.4** The Council will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Council will also

WHISTLEBLOWER POLICY

treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

3 RIGHTS OF THE WHISTLEBLOWER

- 3.1** All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.
- 3.2** Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the Clerk or Chairman of the Council.
- 3.3** Victimisation of a whistle-blower by any other employee or member for raising a concern under this policy will in itself constitute a disciplinary offence.
- 3.4** Where the Council believes that an employee has knowingly made a false allegation or acted maliciously, the employee will be subject to disciplinary action, which may include dismissal for gross misconduct.
- 3.5** This policy does not deal with any complaints relating to an employee's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate. An exception to this will be when the matter of concern arises from the employee's own treatment at work that is arising from the whistleblowing matter they have raised previously.

4 MAKING A WHISTLEBLOWING COMPLAINT

- 4.1** To make a whistleblowing complaint the whistle-blower has to meet certain conditions.
- 4.2** If the disclosure is made to the Council, it must be in the public interest and the person making the complaint ("the whistle-blower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- 4.3** If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the council, the whistle-blower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true. For example, a colleague will be eligible for protection if:
- They honestly think what they're reporting is true
 - They think they're telling the right person
 - They believe that their disclosure is in the public interest
- 4.4** If the disclosure is made to other external bodies then as well as satisfying the conditions required for to the council, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistle-blower must:
- Reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body; or
 - Reasonably believe that evidence is likely to be concealed or destroyed; or

WHISTLEBLOWER POLICY

- Have already raised the concern with the council and/or relevant regulatory body; and
- Reasonably believe that the information they provide and any allegations contained therein are substantially true.

- 4.5** If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care or corruption then the whistle-blower will not be required to:
- Have raised the matter concerned internally first
 - Believe that they will be subject to a detriment for raising the disclosure internally
 - Believe that the evidence is likely to be concealed or destroyed.
- 4.6** An employee who wants to raise a wrongdoing should in the first instance inform the Clerk or the Chairman of the Council. The initial contact can be by telephone or in writing and, if the latter, should be in a sealed envelope addressed to the Clerk or the Chairman of the Council marked: 'PIDA – Strictly Private and Confidential where PIDA means **PUBLIC INTEREST DISCLOSURE ACT** 1998. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.
- 4.7** The Clerk or the Chairman of the Council who has received a disclosure will:
- Acknowledge its receipt, in writing, within 5 working days;
 - Seek further information if required, which may include a personal interview, at which the colleague (whistle-blower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
 - When the precise nature of the alleged wrongdoing is established, refer the disclosure to the Employment or Policy Committee as appropriate;
 - In liaison with the Chairman of the appropriate Committee, keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.
- 4.8** On receipt of a disclosure from the Clerk or Chairman of the Council, the Committee will establish a sub-group to determine what further action, if any, is needed, which may comprise:
- Internal investigation;
 - Report to the Police;
 - Report to the Monitoring Officer (Head of Law) at Stafford Borough Council;
 - Report to external audit;
 - Independent enquiry;
 - Any combination of the above.
- 4.9** The Chairman of the sub-group will also ensure that the Clerk or Chairman of the Council is advised of progress and outcome.
- 4.10** If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors. The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is.

WHISTLEBLOWER POLICY

- 4.11 The website for Public Concern at Work is <http://www.pcaw.co.uk/>
- 4.12 Independent Internal Auditor:
- Toplis Associates Ltd, 27 Burton Rd, Streethay, Lichfield WS13 8LR 01543 419202
- 4.13 External auditor:
- Mazars, The Corner, Bank Chambers, 26 Mosley Street, Newcastle upon Tyne NE1 1DF 0191 383 6348

SIGNED	
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	