



## **Frampton Cotterell Parish Council Whistle-Blowing Policy**

### **1. Introduction**

1.1 This Whistle-Blowing Policy sets out the process for a protected disclosure of information to be made in situations where employees and other workers/suppliers covered by this policy have reasonable belief that there is serious wrong-doing at work, by other employees, the Clerk, councillors, suppliers, contractors or others acting on behalf of the council and that this disclosure is in the public interest.

1.2 Concerns may include the following:

- Conduct which is against the law, a miscarriage of justice or fails to meet a legal obligation;
- Financial irregularities including fraud, corruption or unauthorised use of public funds;
- Failure to observe health and safety regulations, or actions which involve risks to the public or other employees;
- Action causing major harm to the environment;
- Employees claiming benefits to which they are not entitled;
- Sexual, racial, physical or other abuse of service users;
- Other causes of malpractice, negligent, unprofessional or unethical behaviour;
- The conduct of contractors and/or suppliers to the council.
- Concealment of any of the above.

1.3 The council will support and protect whistle-blowers who raise a concern under this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act.

1.4 All reported wrong-doings will be treated in absolute confidence, with every effort made by the council not to reveal a whistle-blower's identity if they so wish.

1.5 Whistle-blowers are encouraged to put their name to allegations. Anonymous allegations will be investigated but are much less powerful and are more difficult for the council to act upon.

1.6 If the council finds that allegations have been made maliciously or for personal advantage, action will be taken against an employee making the allegation in accordance with the Managing Employee Performance Policy.

1.7 The Clerk will ensure staff (including agency staff, contractors, volunteers, consultants, etc.) are aware of and follow council code of conduct, financial, health and safety and other procedures, including this Whistleblowing policy.

## **2. Scope**

This policy applies to council employees and other workers, including freelance staff, temporary, agency & casual staff, trainers, volunteers, consultants, contractors and Members. It also applies to those employees in organisations who work in partnership with the council and suppliers.

The policy is not to be used by members of the public to pursue complaints about the council's services. These should be dealt with through the council's Complaints Procedure.

## **3. Raising a concern**

- 3.1 The Code of Conduct for employees makes it clear that the council expects employees who have serious concerns about aspects of work, or practices which affect the integrity of the council, or the safety of its employees or the general public, to come forward and voice those concerns.
- 3.2 In most situations, an employee should raise their concerns with the Clerk or the Staffing Working Group/Committee.
- 3.3 In some situations, an employee may wish to take advice from and/or involve a colleague or Trade Union representative. They may also be present during any subsequent interview or meeting.
- 3.4 Where an issue is raised about another employee's conduct, following an initial investigation under the Whistle-Blowing policy, the matter may then be dealt with by management as part of an appropriate HR procedure e.g. Managing Employee Performance or Grievance including Bullying and Harassment Policy.
- 3.5 Employees raising concerns under this policy and the Clerk/Staffing Working Group/Committee to whom allegations are disclosed must maintain confidentiality in all areas.
- 3.6 In considering anonymous allegations, the council will take the following factors into account:
  - The seriousness of the matter raised.
  - The credibility of the allegation.
  - The likelihood of obtaining information which could confirm the allegation.

## **4. Response**

- 4.1 Depending on the nature of the alleged wrong-doing, the council will arrange for the matter to be investigated. If urgent action is needed to secure relevant information or to protect the safety of individuals, action will be taken immediately. In some situations, the problem may be resolved without the need for an investigation.

- 4.2 The Clerk will write to the complainant within 10 working days of the concern being raised to acknowledge receipt of the concern and to indicate how the council proposes to deal with the matter.
- 4.3 The whistleblower raising the concern will be given initial feedback on the actions being taken and the likely timescales, within 20 working days of the complaint being made. Thereafter, feedback will be provided on an agreed, regular basis. Subject to any legal constraints, the council will inform the whistle-blower of the outcome of the investigation.
- 4.4 If a whistle-blower is dissatisfied with the application of this policy, they should contact the Clerk or the Staffing Working Group/Committee as appropriate.
- 4.5 The whistle-blower may contact the charity Public Concern at Work on 020 7404 6609 or email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) who will provide advice on how to proceed.

## **5. Support**

- 5.1 The council will identify an individual to provide support and advice to the whistleblower throughout the investigation and during any subsequent developments.
- 5.2 A contact/liason officer will be provided to an employee under investigation as part of a whistle-blowing complaint.
- 5.3 Any concerns should be raised with the Clerk in the first instance. You could also contact the charity Public Concern at Work on 020 7404 6609 or email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) who will provide advice on how to proceed.

## **6.External Disclosures**

- 6.1 If the whistle-blower is dissatisfied with the council's response, they could consider contacting an external organisation such as the Environment Agency, an External Auditor or the Health and Safety Executive. Advice should be taken first.
- 6.2 The council would not expect employees to make disclosures to the press.
- 6.3 The Public Interest Disclosure Act 1998 provided some employment protection rights to individuals who 'blow the whistle' outside their organisation. However, the types of information and the situations in which concerns are disclosed externally are tightly defined in the legislation. The Act only protects those making disclosures which are considered to be in the public interest.
- 6.4 In exceptional circumstances the council reserves the right to take action in accordance with the Managing Employee Performance Procedure against an employee where an external disclosure is made without first using the internal process. This would be, for example, in cases when the council finds that an employee has made allegations maliciously or for personal advantage.