



Elton Parish Council Whistle Blowing Policy

This policy is supplemental to, and does not in any way override, the Parish Council standing orders and/or Financial Regulations.

This policy was adopted by the full parish council at its meeting on 11 November 2024 (minute 24/98.1).

This policy will be reviewed annually.

1. Introduction

- 1.1 Elton Parish Council (the council) recognises that those that it employs are often in the best position to know when the interests of the public are being put at risk.
- 1.2. The council also recognises that people may not wish to express their concerns for a number of reasons. They may think it is disloyal to do so or they may fear reprisals, or they may not expect any action to be taken, or they may not know the best way to proceed.
- 1.3. The Policy will set out a definition of whistle blowing, outline how a person who makes a disclosure will be protected, how a disclosure can be made and how it will be dealt with and what to do if you are unhappy about the way the disclosure has been handled.

2. Scope

- 2.1 This policy applies to Elton Parish Council's councillors, employees, contractors, and volunteers.

3. Legal Framework

- 3.1 This policy is informed by the **Public Interest Disclosure Act 1998** and the **Employment Rights Act 1996** which provide specific rights for employees who disclose information about alleged wrongdoings in certain specific circumstances.

3. Policy Statement

- 3.1 Elton Parish Council is committed to the highest standards of openness, probity and accountability.
- 3.2 This council will take all steps to ensure that anyone who comes forward to express a serious or sensitive concern will be protected from any reprisals or victimisation as a result of disclosing a concern.
- 3.3 This council will investigate all concerns raised, taking appropriate action and reporting that such concerns have been raised and the results of their investigation.

4. Definitions

- 4.1 The word "whistleblowing" in this policy refers to a disclosure made in good faith and in the public interest by employees, contractors, volunteers or councillors, of malpractice, illegal acts or omissions at work.
- 4.2 A whistle blower is a witness and not a complainant. Whistleblowing is not the same as making a complaint or raising a grievance, where an individual is saying they have been personally poorly treated. A whistle blower is usually not directly or personally affected by the matter concerned.
- 4.3 Whistleblowing refers to concerns that the whistle blower believes are of such importance that the public interest is served by reporting the concern.

4.4 The concern raised may relate to something in the past, happening now or likely to take place in the future.

4.5 By way of example, the following list describes when this policy may be used (please note that this list is not exhaustive):

- any unlawful act, whether criminal or a breach of civil law, has been committed, is being committed or is likely to be committed
- suspected corruption or fraud
- disregard for legislation, particularly that of health and safety at work
- a breach of a code of conduct
- misuse of assets, including stores, equipment, vehicles, buildings, computers
- causing damage to the environment
- breach of financial regulations
- showing undue favour over a contractual matter or to a job applicant
- breach of, or failure to implement or comply with any policy determined by the Council
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the Council or would otherwise seriously prejudice the Council
- abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose
- deliberately concealing information in relation to any of the items on this list.

4.6 This policy does not include any personal grievance regarding treatment of the employee by the employer – this is dealt with through the Grievance Policy.

5. Dissemination and Training

5.1 The council will issue this policy to all Councillors and employees the policy will be available on the Parish Council website.

6. Monitoring and review

6.1 Whenever the policy is used, the council will take the opportunity to examine the policy, procedures and working methods to see if they can be improved.

6.2 A review of the policy shall be undertaken annually; necessary amendments will be advised by the Parish Clerk, reviewed by the Employment Committee and reported to the council for approval.

6.3 Changes in the law will be monitored and, if necessary, amendments/reviews made to the policy.

7. Safeguarding you

7.1 Elton Parish Council has a legal duty to ensure that an employee is protected from reprisal, harassment, discrimination or victimisation following a disclosure.

7.2 The council will not tolerate any harassment or victimisation of a whistle blower (including informal pressures), and will treat this as a serious disciplinary offence. Appropriate disciplinary action may be taken in accordance with the council's Disciplinary Procedure.

7.3 Employees who raise a genuine concern under this policy will not be at risk of losing their job.

7.4 A whistle blower will not be protected under the Public Interest Disclosure Act if they break the law when making a disclosure.

8. Procedure for making a disclosure

8.1 Who to make a disclosure to

a) The Parish Council

The Public Interest Disclosure Act directs employees towards raising matters internally in the first instance, and to use internal whistleblowing policies. For a disclosure to be protected by law, you must make the disclosure in good faith; reasonably believe that the information is substantially true.

b) A Legal Advisor

A disclosure of information for the purpose of obtaining legal advice is protected.

c) Prescribed Persons

Whilst the Parish Council strongly encourages disclosures to be made internally, if you feel unable to use the procedure outlined within this policy you can make a disclosure to other people/organisations as prescribed by government.

The following external bodies are relevant Regulatory Disclosure bodies

- Environment Agency (re environmental issues)
- Inland Revenue/Customs and Excise (re financial irregularities)
- External Auditor (re public sector finance)
- Monitoring Officer (re Councillors' conduct)
- Information Commission (re breaches of the Data Protection Act).

d) Wider Disclosures

You will also be protected under the Act if you make wider disclosures, e.g. to a professional body, the Police or an MP, etc., if you make the disclosure in good faith; reasonably believe that the information is substantially true; do not act for personal gain; act reasonably taking into account the circumstances.

In order to make a protected wider disclosure, you must either reasonably believe that the Council would treat you unfairly if you made a disclosure internally or to a prescribed person; or reasonably believe that an internal disclosure would result in the destruction or cover-up of evidence or have previously disclosed the same or very similar information internally or to a prescribed person.

8.2 Confidentiality on making a disclosure

If you request confidentiality, the Council will not reveal your name or position without your permission. There may be circumstances when the Council is legally obliged to disclose the name of a whistle blower, e.g. when ordered to by court.

8.3 Anonymous Allegations

Concerns that are expressed anonymously are less powerful and are less likely to be effective. They will be considered at the discretion of the Council and in exercising this discretion the following factors will be taken into account: the seriousness of the issues raised; the credibility of the concern; the likelihood of confirming the allegation from attributable sources.

8.4 Before you raise a concern

Think about what is worrying you or making you feel uncomfortable. Act early and do not wait until something becomes a major problem. Talk about your concerns with someone you can trust and who can look at the situation objectively. It is not your responsibility to investigate wrongdoing – but it is your responsibility to raise the concern. Where possible make notes of what you have heard, seen or feel. Date your notes and keep copies of all relevant information. This will help you to report the problem. If you are a member of a professional organisation or union you can ask them for help, advice and support.

8.5 Raising the concern

Whilst you are not expected to prove the truth of an allegation or to investigate the matter yourself, you should have a reasonable belief and some evidence to back it up before raising the concern. If the concern is being raised with the Parish Council then contact is with the Designated Officer who is the Clerk. Where the concern is about the Designated Officer, the concern should be reported to the Chair of the Council to decide how the investigation will proceed. This may include an external investigation.

8.6 Response to a concern

Within **ten working days**, the Designated Officer will arrange an initial interview to ascertain the nature of the concern. The interview will be confidential if requested. You have the right to bring a friend or union representative along with you. The friend must observe confidentiality. At this stage, you will be asked whether you wish your identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. You will be asked if you wish to make a written or verbal statement and if you wish to provide any accompanying evidence such as written or photographic evidence, or other such evidence, such as text messages, social media posts. The Designated Officer will write a brief summary (dated) of the interview, which will be agreed by both parties. The Designated Officer will be responsible for the commission of any further investigation.

8.7 Investigation

The investigation may need to be carried out under strict confidentiality, i.e. the subject of the investigation will not be informed until, or if, it becomes necessary to do so. This may be appropriate in cases of suspected fraud. The Designated Officer will offer to keep you informed about the investigation and its outcome. If the investigation finds that there is a case to be answered by any employee, the Parish Council's Disciplinary Procedure will be used. If the investigation identifies that there is no case to answer, but that a genuine concern was raised and there was no malicious intent, the matter will be closed. The Designated Officer will make every reasonable effort to ensure that the whistle blower suffers no reprisals or victimisation. If the investigation discovers that an employee has made false accusations with malicious intent, appropriate disciplinary action may be taken in accordance with the Council's Disciplinary Procedure. If the concern raised is very serious or complex, it may be necessary for an inquiry to be held. The Designated Officer may refer the issue to the police or other agencies in serious cases.

8.8 After the investigation

The Designated Officer will arrange a meeting with you within **ten working days** of the conclusion of the investigation in order to feed back any action taken. This will not include details of any disciplinary action, as this is confidential.

9. **If you are not satisfied at the end of the investigation**

If you are not satisfied with the outcome of the investigation, then you may make disclosures to prescribed persons, or wider disclosures, under the conditions outlined in section 6.1

Author	Review Date	Date of Adoption	Next review
Lara Jacob		Nov 2024	Nov 2025