

## Woughton Community Council

# Whistleblowing policy 2021

## Introduction / Overarching aims

The Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

Woughton Community Council is committed to the highest standards of transparency, probity, integrity and accountability.

This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This procedure does not replace other policies and procedures such as the complaints procedure, the Grievance and Harassment and Bullying Policies and other specifically laid down statutory reporting procedures.

This procedure is intended to ensure that the Woughton Community Council complies with its duty under the Public Interest Disclosure Act 1998.

## Policy

This procedure does not replace other Woughton Community Council policies or procedures. For example, if an employee has a grievance about their working conditions they should use our Grievance Policy or, if they felt that their manager or a colleague was treating them unfavourably, they should use our Harassment and Bullying Policy. Similarly if an employee has a concern about the conduct of a fellow employee in the working environment (e.g. that they are not treating colleagues with respect) they should raise these with their line manager, or if that is not possible, with the Operations and/or Council manager.

This whistleblowing procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption □ Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users

- Abuse of authority
- Other unethical conduct

### **a) Reporting**

We recognise that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to protect the public's interest.

We will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

In the first instance you should report your concerns in **writing** to your line manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to any of the following:

- Operations Manager
- Council Manager
- Chair of the Council
- Leader of the Council

### **b) Confidentiality**

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. However, this may not be the case if the matter is subsequently dealt with through other Woughton Community Council procedures such as the Disciplinary Procedure.

Similarly, if the allegation results in court proceedings, then the whistleblower may have to give evidence in open court if the case is to be successful.

Woughton Community Council will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation. Therefore we encourage whistleblowers to put their name to an allegation wherever is reasonably practicable as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously will be considered at the discretion of the point of escalation.

In exercising discretion to accept an anonymous allegation the factors to be taken into account are as follows:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

- c) No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

## **Allegation procedure**

It is preferable for allegations to be made to an employee's immediate manager to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to any of the following:

- Operations manager
- Council manager
- Chair of the Council
- Leader of the Council

If either of the above receive an allegation he/she will consider the allegation and may discuss with relevant officers. After consideration, this will be discussed with the whistleblower and if they wish to proceed with the allegation it will be investigated.

### **a) Raising an allegation**

Where possible a written report should be submitted, it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

### **b) Action taken on receipt of an allegation.**

The line manager will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the Chair of the Council will be informed within 5 working days of receipt of the allegation.

The Chair of the Council will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence, it will immediately be reported to the Operations manager and/or Council manager and a decision will be made as to whether to inform the Police. In the absence of the Operations and/or Council manager being able to be informed, they should be replaced by the Chair of the Council.

If the allegation concerns suspected harm to children, the appropriate authorities will be informed immediately.

If the issue is around suspected harm to Safeguarding Policies should be referred to.

### **c) Process**

1. The relevant officer will provide an acknowledge the allegation in writing within ten (10) working days of receiving a receipt of allegation confirming;
  - An indication of how Woughton Community Council propose to deal with the matter
  - An estimate of how long it will take to provide a final response
  - An indication of whether any initial enquiries have been made
  - Information on whistleblower support mechanisms
  - Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, we will be unable to communicate what action has been taken.

2. Initial enquiries will be made to decide whether an investigation is appropriate. Where an investigation is necessary, it may take the form of one or more of the following:
  - an internal investigation by the manager, which may, for example, take the form of a disciplinary investigation
  - an investigation by HR
  - a referral to an external organisation or regulatory body
  - the setting up of an external independent inquiry
3. You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

If you do not feel your concern has been addressed adequately you may raise it with an independent body including but not limited to:

- your trade union
- the Citizen's Advice Bureau
- a relevant voluntary organisation
- a relevant regulatory body
- the Police
- the Local Government Ombudsman
- Equality and Human Rights Commission

You must make a disclosure “in the public interest”; and in the circumstances it must be reasonable for you to make the disclosure. If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed above. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be considered.

#### **d) Support**

We will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings then Woughton Community Council will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Woughton Community Council accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

### **Linked policies (i.e. to be read in conjunction with).**

<b>Last review date:</b>	<b>May 2021</b>
<b>Next review date:</b>	<b>May 2023</b>
<b>Lead:</b>	<b>Operations manager</b>
<b>Overseeing Committee:</b>	<b>Operations Committee</b>
<b>Approved:</b>	
<b>Review cycle:</b>	<b>Two-yearly</b>