

## Creech St Michael Parish Council

<b>Policy Title</b>	Whistleblowing Policy
<b>Policy Reference</b>	B22
<b>Applies to</b>	All Parish Council employees and members
<b>Date Created</b>	26.06.2024
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<b>Author</b>	Clerk and RFO
<b>Review Cycle</b>	Annual
<b>Review Dates</b>	



## **1.0 Introduction**

This policy is based on the National Association of Local Councils (NALC) template of the same name.

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the Parish Council is reported and properly dealt with. The Parish Council therefore requires all individuals to raise any concerns that they may have about the conduct of others in the Parish Council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **2.0 Background**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for an individual to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. An individual has no responsibility for investigating the matter - it is the Parish Council's responsibility to ensure that an investigation takes place.

If an individual makes a protected disclosure they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. The Parish Council encourages individuals to raise concerns under this procedure in the first instance.

## **3.0 Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff members and others working on behalf of the Parish Council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised the issue.

- No employee or other person working on behalf of the Parish Council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, the Parish Council's Disciplinary Policy and Procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a line manager, you should not agree to remain silent. You should report the matter to the Clerk and RFO or the Chair of the Parish Council.

#### **4.0 Procedure**

If you believe a Councillor has breached the Councillor Code of Conduct, then raise it with the Chair of the Parish Council. Concerns relating to an alleged breach of the Councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment, which should be raised via the Parish Council's Grievance Policy and Procedure.

#### **4.1 Stage 1**

In the first instance, any concerns should be raised with the Clerk and RFO, who will arrange an investigation of the matter. The investigation may require individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Any statement will be taken into account, and individuals will be asked to comment on any additional evidence obtained.

The Clerk and RFO (or delegated officer) will take any necessary action, including reporting the matter to the Parish Council, or any appropriate government department or regulatory agency. The Clerk and RFO (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, individuals involved will be told the outcome and what the Parish Council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

#### **4.2 Stage 2**

If an individual is concerned that the Clerk and RFO is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, the individual should escalate the matter to the Chair of the Parish

Council. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries.

### **4.3 Stage 3**

If on conclusion of stages 1 and 2 an individual reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

### **5.0 Data protection**

When an individual makes a disclosure, the Parish Council will process any personal data collected in accordance with the Parish Council's General Privacy Notice. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.