

Rodborough Parish Council

Whistle Blowing Policy & Procedure

1 Introduction

- 1.1 The Public Interest Disclosure Act 1998 (PIDA) protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act covers protected disclosures under six categories: crime, damage to health & safety, damage to the environment, illegality, miscarriage of justice, and 'cover-ups' about these issues.
- 1.2 To obtain protection employees must first disclose the information to the employer or to a body prescribed by the Secretary of State for the purpose of receiving such information (See Annex 1 for List of Prescribed Bodies that are relevant to Rodborough Parish Council (RPC)'s work. A full list of Prescribed Bodies is available on <http://www.direct.gov.uk/en/index.htm>)

2 Definition

- 2.1 Whistle blowing occurs when an employee becomes aware of wrong-doing within the employer's organisation and raises a concern relating to illegal activity, financial malpractice or activity that is dangerous to people or the environment. (See Annex 2 for examples of wrong-doing)

The Policy

3 Aims

- 3.1 RPC has an open approach to whistle blowing. This Policy, consistent with PIDA, is intended to provide protection for whistle blowing on wrong-doing in good faith.
- 3.2 The Policy aims to
 - i Encourage employees to feel confident in raising serious concerns and to question & act upon their concerns;
 - ii Reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.
- 3.3 The aims of the Procedure are to:
 - i Provide ways for employees to raise those concerns and get feedback on any action taken as a result;
 - ii Ensure that employees get a response to their concerns and that they are aware of how to pursue them if they know what to do if they are not satisfied with any actions.

4 Inclusions

- 4.1 The Policy applies to all employees of RPC.
- 4.2 Contractors working for RPC may invoke the Procedure to make the Council aware of any concerns they may have in relation to contractual or other agreed arrangements. Concerns relating to non-RPC business should be raised with the appropriate agency or regulator (e.g. police).
- 4.3 The Policy covers instances where the interests of others or of the organisation itself are at risk.

5 Exclusions

- 5.1 Personal grievances about an employee's work, working environment or working relationships - excluded from this Policy & Procedure - will be dealt with in accordance with RPC's Grievance Policy & Procedure.

6 Assurance For The Whistleblower

- 6.1 An employee, who raises a concern under this Policy will not:
 - i Be at risk of losing his/her job with RPC;
 - ii Suffer retribution as a result, provided that:
 - The disclosure is made in good faith;
 - He/she reasonably believes that the information, and any allegations contained in it, are substantially true; and
 - He/she is not acting for personal gain.
- 6.2 RPC will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect those who raise a genuine concern in good faith

7 Anonymous Whistle blowing

- 7.1 The Council recognises that an employee may wish to raise a concern in confidence under this Policy. In such an event, the Council will not disclose the employee's identity without his/her prior consent. If the Council is unable to resolve the issue without revealing the employee's identity (e.g., if his/her evidence is needed in court), it will discuss the situation with the employee to determine how to proceed.
- 7.2 Although RPC will consider anonymous reports, it should be noted that it is much more difficult to investigate such reports. It also prevents the Council from protecting the employee's position & to give him/her feedback. *This policy is not well suited to concerns raised anonymously.*

The Procedure

8 Raising A Concern

- 8.1 An employee, as soon as he/she becomes reasonably concerned, should raise the issue with the Chair of Council.
- 8.2 In the event of the Chair of Council being the potential transgressor, the issue should be raised with the Chair of the Finance Committee.
- 8.3 Concerns may be raised verbally or in writing. Employees who wish to make a written report should use the following format:
- Background & History of the Concern (giving relevant dates);
 - Reason(s) for the concern about the situation.
 - Indication of whether the concern is to be treated in confidence

9 RPC's Initial Action

- 9.1 If the concern is raised verbally, the person receiving the information will:
- i Put it in writing, ensuring that the report properly reflects the whistle blower's concerns; and
 - ii Provide the whistle blower with a copy of the report within five working days.
- 9.2 The recipient of the information will:
- i Assess the limit of confidentiality requested;
 - ii Ensure that that the issue falls within the scope of this Policy;
 - iii Ensure that the employee's concerns are recorded in the Register of Whistle blowing Incidents (see para. 14) for monitoring purposes;
 - iv Determine initial action: This may involve an internal inquiry or a more formal investigation.
 - v Inform the whistle blower about who will be handling the matter, how to contact the 'handler' and whether or not the whistle blower's further assistance will be needed.
 - vi Ask the whistle blower how he/she thinks the concern(s) might be best resolved.
 - vii Check whether the whistle blower has any personal interest in the matter.

10 Feedback To The Whistle blower

- 10.1 RPC will provide feedback to the employee on its progress. However, this may be limited if divulging the information infringes the Council's duty of confidence owed to another person.
- 10.2 Normally, within four weeks of a concern being raised, RPC will write to the whistle blower to:
- Formally acknowledge receipt of concern;
 - Indicate how the Council propose to deal with the matter;
 - Give an estimate of how long it will take to provide a full response;
 - State whether any initial enquiries have been made;
 - Supply information on support available to him/her; and
 - State whether further investigations will take place and if not, why not.
- 10.3 Subject to any legal constraints, the whistle blower will be informed of the final outcome of any investigation.

11 Dealing With The Issue

- 11.1 Some concerns may be resolved by agreed action without the need for investigation.
- 11.2 If urgent action is required, this will be taken before any investigation is conducted.
- 11.3 Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under that relevant procedure.
- 11.4 Where appropriate, the matters raised may be investigated by a Panel appointed by the Council, or referred to the Internal or External Auditor, the Monitoring Officer of the Dostrict Council, or the police, or form the subject of an independent inquiry.

12 Safeguards for the Whistle blower

- 12.1 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures concerning the employee already in progress.
- 12.2 No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- 12.3 Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- 12.4 Help will be provided to minimise any difficulties that the whistle blower may experience. This may include:
 - Advice on giving evidence if needed;
 - Off-site meetings with the whistle blower and his/her representative.

13 Taking A Concern Further

- 13.1 This Procedure is intended to provide an avenue within the Council to raise concerns. If an employee takes the matter outside the Council, he/she should ensure that confidential information is not disclosed. He/she should note that the PIDA does not provide blanket protection and disclosure of confidential information in circumstances not covered by the Act could leave him/her vulnerable to disciplinary or other action.
- 13.2 A whistle blower wanting independent advice at any stage may contact:
 - i His/her Trade Union lawyer (if applicable);
 - ii Bodies prescribed by the Secretary of State (see Annex 1);
 - iii The independent charity Public Concern at Work on 020 7404 6609 (their lawyers can provide free confidential advice about how to raise a concern about serious malpractice at work).
- 13.3 A whistle blower who is not satisfied with the action taken by RPC may, if he/she wishes to take the matter further, consider the following possible contact points:
 - Citizens Advice Bureau
 - Health & Safety Executive
 - Information Commissioner
 - Internal Auditor
 - Local Government Ombudsman
 - Monitoring Officer of the Borough Council
 - Police
 - Relevant regulatory organisation.
 - Trade Union or relevant professional bodies

14 Records

- 14.1 The Clerk will maintain a Register of Whistle blowing Incidents that are brought to his/her attention. (See Annex 3 for layout)
- 14.2 The Clerk will review the Register annually and produce a report for the Council. (See Annex 4 for layout)
- 14.3 For the avoidance of doubt, copies of the Register and Annual Report – edited to preserve confidentiality where requested by whistle blowers - will be made available for inspection by the Internal and External Auditors.

15 Implementation

- 15.1 RPC will ensure that persons responsible for implementing the Policy & Procedure are familiar with the requirements and, where appropriate, have received adequate training.

16 Evaluating Effectiveness Of The Policy/Procedure

- 16.1 RPC will monitor the Register of Whistle blowing Incidents annually to assess the effectiveness of this Policy & Procedure.

Annex 1 – Prescribed Bodies Relevant to the Work of RPC

Body	Scope	Contact
Audit Commission for England and Wales (incl. auditors appointed by the Commission)	The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies	1 Vincent Square London SW1P 2PN Tel: 020 7630 1019
Certification Officer	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations	Brandon House, 180 Borough High St London SE1 1LW Tel: 020 7210 3734/3735 Fax: 020 7210 3612
Charity Commissioners for England and Wales	The proper administration of charities and of funds given or held for charitable purposes	Liverpool Head of Operations 2nd Floor, 20 Kings Parade, Queens Dock Liverpool L3 4DQ Tel: 0870 3330123 Fax: 0151 703 1556
Criminal Cases Review Commission	Actual or potential miscarriages of justice	Alpha Tower, Suffolk Street, Queensway Birmingham B1 1TT Tel: 0121 633 1800 Fax: 0121 633 1804 Email: info@ccrc.gov.uk
Independent Police Complaints Commission	Matters relating to the conduct of a person serving with the police (as defined in section 12(7) of the Police reform Act 2002) or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation	90 High Holborn, London WC1V 6BH Tel: 020 7166 3000
Commissioners for Her Majesty's Revenue and Customs	<ul style="list-style-type: none"> ◦ Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods ◦ Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage 	Cross Cutting Policy Room 1E/04, 1 Parliament St London SW1A 2BQ Tel: freephone 0900 595000 Fax: free fax 0800 523 0506 Email: customs.confidential@hmrc.gov.uk
Director of the Serious Fraud Office	Serious or complex fraud	Elm House, 10-16 Elm St, London WC1X 0BJ Tel: 020 7239 7272 Fax: 020 7837 1689
Environment Agency	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout	Rio House, Waterside Drive, Aztec West Almondsbury, Bristol, BS12 4UD Tel: 0800 807060 (24 hour line) 01454 624400 (Enquiries) Fax: 01454 624409
Health & Safety Executive	Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work	Information Services Caerphilly Business Park, Caerphilly South Wales CF83 3GG Tel: 0845 345 0055
Local Authorities	Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work	The appropriate Local Authority
Information Commissioner	Compliance with the requirements of legislation relating to data protection and to freedom of information*	Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF Tel: 01625 545700 Fax: 01625 524510 Email: mail@ico.gsi.gov.uk
Pensions Regulator	Matters relating to occupational pension schemes and other private pension arrangements	Napier House, Trafalgar Place Brighton BN1 4DW Tel: 0870 6063636 Fax: 0870 2411144 Textphone: 0870 2433123 E-mail: customersupport@thepensionsregulator.gsi.gov.uk Website: www.thepensionsregulator.gov.uk
Office of Fair Trading	<ul style="list-style-type: none"> ◦ Matters concerning the sale of goods or the supply of services, which adversely affects the interests of consumers ◦ Competition affecting markets in the United Kingdom 	Fleetbank House, 2-6 Salisbury Square London EC4Y 8JX Tel: 020 7211 8000 Fax: 020 7211 8800
Standards Board for England	Breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000) of that authority's code of conduct	1st Floor, Cottons Centre, Cottons Lane London SE1 2QL Tel: 0845 078 8181

Annex 2 – Examples of Wrong-Doing Suited to Whistle blowing

Note: This list is not exhaustive.

- A criminal offence (eg fraud, corruption or theft) has been or is likely to be committed,
- Health or safety of any individual has been or is likely to be endangered;
- The environment has been or is likely to be damaged;
- Public funds are being used in an unauthorised manner;
- RPC's rules (including Standing Orders, Financial Regulations etc) are not being observed or are being breached by a Councillor or an Officer;
- Sexual or physical abuse of an employee or service recipient is taking place;
- An employee or service recipient is being discriminated against on grounds of sex, race or disability;
- Information relating to one or more of the above examples is being deliberately concealed or attempts are being made to conceal it.

Annex 3 – Register of Whistle blowing Incidents

	Concerns Raised	Related Post	Status <i>(Cleared/On-going)</i>	Lessons Learnt/ Remedial Action Taken
1				
2				
3				
4				

Annex 4 – Whistle blowing Incidents – Annual Report to Council (Layout)

	Concerns Raised	Related Post	Status <i>(Cleared/On-going)</i>	Lessons Learnt/ Remedial Action Taken
1				
2				
3				
4				