

# NETTLEHAM PARISH COUNCIL



## WHISTLEBLOWING POLICY

### 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 the following have occurred:

- Criminal offences
- Miscarriages of justice.
- Dangers to health and safety
- Damage to the environment.
- Breaches of any legal and / or statutory obligations
- Deliberately concealing any of the above.

### Policy

All Councils face the risk of things going wrong or unknowingly harbouring malpractice. The Council believes it has a duty to identify such situations and take the appropriate measures to remedy the situation. By encouraging a culture of openness within the Council, it is hoped that such problems can be prevented.

This policy applies to all Employees of the Council and other workers including temporary, subcontracted and agency workers. It also sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

By encouraging a culture of openness, the Council wants to encourage Employees and workers to raise issues which concern them at work. They may be concerned that by reporting such issues they may be exposing themselves to detrimental treatment or risking their job security. This is not the case. All staff have statutory protection if they raise appropriate concerns in the right way.

This policy is designed to give staff that opportunity and protection. Providing they are acting in good faith it does not matter if they are mistaken. There is no question of Employees having to prove anything about the allegation they are making, but they must reasonably believe that the information they have implies acts which fall under this policy.

If there is anything which Employees think the Council should know about, they should use the procedure outlined in this policy. By knowing about appropriate issues at an early stage, the Council has a good chance of taking the necessary steps to safeguard the interests of all who are involved with and have a legitimate interest in its activities.

### The Council's Guarantee

The Council is committed to this policy. If an Employee uses this policy to raise a concern in good faith, the Council gives them its assurance that they will not suffer any form of retribution or detrimental treatment.

The Council will treat their concern seriously and act according to this policy. They will not be asked to provide anything about the allegation they raise, but they must reasonably believe that the information they have tends to show some malpractice. If an Employee asks for a matter to be treated in confidence, the Council will respect their request.

### Procedure

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

Employees should raise their issues with their immediate Manager – generally the Parish Clerk. There are no specific requirements to do this – it can be verbally or in writing if individuals prefer.

If an individual feels that they cannot deal with the Parish Clerk, for whatever reason, they should address their concerns to the Chair of the Council.

### **How the Council will respond**

Once a concern has been raised the Council will decide how to respond in a responsible and appropriate manner under this policy. Usually this will begin with internal enquiries, but may progress to either a formal or informal investigation, depending upon the nature of the concern. The Council will endeavour to complete the investigation within a reasonable time scale.

The investigation may be conducted by the Parish Clerk alone, or a team of three Councillors, selected by the Full Council, depending upon the nature of the concern.

The Council will keep the Employee informed of the progress of the investigation. However, the Council will not be obliged to reveal information which would infringe the confidentiality of others, the Data Protection Act or any other Statutory obligation.

### **Raising concerns externally**

The purpose of this policy and procedure is to give Employees the opportunity and protection they need to raise concerns internally. The Council would expect that in almost all cases, raising concerns internally would be the most appropriate action to take.

However, if for whatever reason Employees feel that they cannot raise their concerns internally and reasonably believe that the information and allegations are substantially true, they can consider raising the matter with the appropriate regulator or body.

Public Concern at Work is an independent charity whose main objective is to promote compliance with the law and good practice in the public, private and voluntary sectors. They can be contacted at [www.pcaw.co.uk](http://www.pcaw.co.uk)

**Reviewed and Approved by Nettleham Parish Council at the meeting 27 May 2021**

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