

### 1 Policy Statement

Employees are often the first to realise that there may be something wrong within their organisation. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also be apprehensive about the consequences and therefore they may mistakenly feel that it may be easier to ignore the concern rather than report what may be no more than a suspicion of malpractice.

Honiton Town Council is committed to the highest standards of openness, probity, and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the organisation's work, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure, internally or externally, by employees of malpractice, as well as illegal acts or omissions at work.

This policy makes it clear that all employees can report their concerns in a confidential manner without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the organisation, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the organisation who speak out against corruption or malpractice at work have statutory protection against victimisation, dismissal or other disadvantage.

### 2 Scope

This policy applies to employees of Honiton Town Council. Agency workers, casual workers and other individuals performing functions for the organisation, such as contractors, are also encouraged to use the procedure.

### 3 Aims

This policy aims to:

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;
- Provide alternative avenues for raising concerns;

- Ensure that responses to concerns are made; and
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a qualifying disclosure to address their concerns.

## **4 Background**

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following is being, has been, or is likely to be committed:

- A criminal offence;
- A miscarriage of justice;
- An act of Sexual harassment;
- An act creating a risk to health and safety;
- An act causing damage to the physical environment;
- A breach of any other legal obligation; or
- Concealment of any of the above, eg through coercion of employee/s.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment (e.g. disciplinary action), or victimised because they have made a disclosure.

The employee has no responsibility for investigating the matter; it is Honiton Town Council to ensure that an investigation takes place.

The organisation fully understands that employees who are members of a Trade Union may, in the first instance, wish to seek advice and guidance from their Union on the application of this Procedure.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's Grievance Procedure.

## **5 Safeguards**

### **5.1 Harassment or Victimisation**

Honiton Town Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is/are the subject of the complaint. However, if employees state the truth when making a disclosure they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

Honiton Town Council will not tolerate any form of harassment or victimisation by any worker and will take appropriate action to protect individuals when they make a qualifying disclosure.

## **5.2 Confidentiality**

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

## **5.3 Anonymous Allegations**

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the organisation.

In exercising the discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from factual evidence.

## **5.4 Unsubstantiated Allegations**

If an employee makes an allegation which they reasonably believe to be true but it is not confirmed by the investigation, no action will be taken against them. However, if they make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against them.

# **6 Procedure for Making A Disclosure**

## **6.1 Step One – Raising a Concern**

Whenever possible you should raise your concern with your line manager. If this is not appropriate, you should approach the Town Clerk. If the complaint is about the Town Clerk then your concern should be raised with the Chair of the HR Committee.

## **6.2 Step Two – How The Organisation Will Respond**

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and the organisation, initial enquiries may be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures of Honiton Town Council will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the organisation proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

### **6.3 Contact**

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

### **6.4 Attending Meetings**

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

### **6.5 Support**

Honiton Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, Honiton Town Council will advise or arrange for you to have advice about the procedure. Honiton Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

Honiton Town Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

## 7 How The Matter Can Be Taken Further

This procedure is intended to provide individuals with an avenue to raise concerns within Honiton Town Council. If you are not satisfied, and feel it is right to take the matter further, the following are possible contacts:

- Protect
- Audit Commission
- the Police
- Health and Safety Executive
- HM Revenue and Customs

If a matter is taken outside Honiton Town Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the Town Clerk.