

# **FERRYHILL TOWN COUNCIL**



## **POLICY**

### **WHISTLEBLOWING**

## INTRODUCTION

1. Ferryhill Town Council is committed to developing a culture where all staff are encouraged to raise concerns about poor or unacceptable practice and misconduct, and can do so safely.
2. The purpose of this policy is to promote responsible whistleblowing about issues where the interests of others, including the public, or of the Council itself are at risk. Such issues might include:
  - a criminal offence
  - the breach of a legal obligation
  - a miscarriage of justice
  - financial impropriety
  - a danger to the health or safety of any individual
  - damage to the environment
  - deliberate covering up of information tending to show circumstances of this kind
3. The exception is where the issue relates to a member of staff's personal position with the Council, where it would be more appropriate to use the Council's agreed grievance procedure.
4. A member of staff raising a concern will not be expected to produce unquestionable evidence to support the case – this is the responsibility of the Council once it has been alerted to the problem. All that is required is that the member of staff has genuine doubt about a situation and that the concern is raised in good faith.
5. It is in the Council's interests to hear of suspicions at the earliest possible opportunity.

## SAFETY AND CONFIDENTIALITY

6. A whistleblower will not be regarded as a sneak or a trouble-maker. The Council recognises that a whistleblower usually only decides to express a concern after a great deal of thought. Provided the concern is raised in good faith, the member of staff will not be at risk of losing their job or suffering any form of reprisal for coming forward. It does not matter whether the suspicion proves to be unfounded or real. The Council will not tolerate the harassment or victimisation of anyone who raises a genuine concern and will deal with any such occurrence under the disciplinary procedure.
7. However, no such assurance will be offered to any member of staff who maliciously raises a matter which they know to be untrue. This will be regarded as misconduct and will be dealt with through the disciplinary procedure.
8. The Council recognises that the whistleblower may not wish to be identified during the course of an investigation. In such circumstances, the Council will do everything

possible to protect the member of staff's identity and will not disclose it without their consent. If it proves impossible to resolve the matter without revealing the whistleblower's identity, the investigating officer will discuss with them whether and how to proceed. In a very few cases, it may not be possible to ensure complete confidentiality, for example if legal proceedings take place at a later stage, but the Council will do everything possible to support and protect the member of staff.

9. Reports submitted anonymously will be considered, but it will be much more difficult for the investigating officer to look into the matter and resolve the problem. Staff are therefore encouraged to put their name to reports and assist the investigating officer as much as they can. Staff giving information anonymously cannot be protected under the Public Interest Disclosure Act 1998.

## **PROCEDURE FOR REPORTING CONCERNS**

### How To Raise a Concern

10. Normally, any member of staff who wishes to raise concerns under this policy should first report to their immediate manager. If it is not appropriate for you to report to your immediate manager - for any reason, including the seriousness and sensitivity of the issue and/or who is thought to be involved – you may report directly to a senior officer or to the Town Clerk.
11. If the concern relates directly to the Town Clerk you should raise the matter either with the Council's Internal Auditor or with the Chair of the Council (but also see paragraph 22 below).
12. Concerns are best raised in writing. You should set out the background and history of the concern, giving names, dates and places wherever possible, and express the reason(s) why you are particularly concerned about the situation. If you would rather not put this information in writing you can telephone or arrange to meet the appropriate officer. You may wish to involve your Trade Union representative at this stage.
13. If you do not wish to be identified, you should say this at the first possible opportunity so that appropriate arrangements can be made.
14. Your manager, or other appropriate officer, will note the key points of your concern and check that you have a copy of this whistleblowing policy. The manager will also assure you of confidentiality.
15. Your manager, or other appropriate officer, will then refer your concern to a designated senior manager who has responsibility for concerns raised under this policy, and will hand over any written materials.

### How The Council Will Respond

16. The senior manager may ask you how you think the matter might best be resolved. If you have any personal interest in the matter it is essential that this is made known to the senior manager at the outset. If the senior manager thinks the matter should be pursued through the grievance procedure instead of through this policy, he/she will advise you accordingly.

17. The senior manager will decide what action to take, based on the nature of the concern. This may include initiating an internal investigation or a more formal inquiry, referring the matter to the external auditor or referring the matter to the Police.
18. The senior manager will inform you in writing within ten working days of receiving details of the concern about the action to be taken. This will include:
  - An acknowledgement that the concern has been received
  - An indication of how it is proposed to deal with the matter
  - An estimate of how long it will take to provide a final response
  - Information on whether any initial enquiries have been made and
  - Telling you whether any further investigations will take place and, if not, why not.
19. If an investigation is undertaken, the senior manager will keep you informed about what is happening, as far as possible. Again, if requested, these reports will be made in writing.
20. The amount of contact between the officer(s) 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 any meetings are arranged you have the right, if you wish, to be accompanied by a Trade Union or Professional Association representative or a friend who is not involved in the area of work to which the concern relates.
21. The Council will inform you of the final outcome of the investigation, subject to any legal constraints or where to do so may infringe someone else's confidentiality.

## **EXTERNAL CONTACTS**

22. The Council hopes that the procedures detailed in this policy will provide you with the means - and the confidence - to raise any serious matter of concern within the Council. There may be occasions, however, when it is more appropriate for the member of staff to raise the concern with someone outside the organisation, including the following:
  - your local Council member (if you live in the area of Ferryhill Town Council)
  - the external auditor (see below for details)
  - relevant professional bodies or regulatory organisations
  - your solicitor
  - the police

22. If you believe that this is preferable, you should seek advice from a trade union or other representative. Alternatively, free confidential advice can be obtained from an independent charity called Public Concern at Work by:

- ringing 020 3117 2520, or
- visiting their website at [Public Concern at Work](#)

23. The Council's external auditors are:

Mazars,  
Salvus House,  
Aykley Heads,  
Durham  
DH1 5TS

Tel: 0191 383 6300

### **RESPONSIBLE OFFICER**

24. The Town Clerk has overall responsibility for the maintenance and operation of this policy. He will maintain a record of all concerns raised and the outcomes, in a form that does not endanger confidentiality. He will report as necessary to the Council.