

Whistleblowing Policy

1. Introduction

- 1.1 Staff or members* are often the first to realise there may be something seriously wrong within a Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Council encourages employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals.

*Any reference to staff in this policy, also refers to elected members.

2. Aims and Scope

2.1 This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken.
- allow staff to take the matter further if they are dissatisfied with the Council's response; and
- reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of other procedures.

That concern may be about something that:

- a) is unlawful; or
- b) is against the Council's Standing Orders or policies.
- c) falls below established standards or practice; or
- d) amounts to improper conduct.

3. Safeguards

3.1 Harassment or Victimisation

The 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 those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith.

3.2 This does not mean that if a staff member is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the whistleblowing.

3.3 Confidentiality

The Council will do its best to protect the identity of any staff member when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the staff member concerned may be required as part of the evidence.

3.4 Anonymous Allegations

This policy encourages staff members to put their name to any allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.5 In exercising the discretion, the factors to be considered would include:

- a) the seriousness of the issues raised.
- b) the credibility of the concern; and
- c) the likelihood of confirming the allegation from attributable sources.

3.6 Untrue Allegations

If a staff member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, a staff member makes malicious or vexatious allegations, disciplinary action may be taken.

4. How to Raise a Concern

4.1 As a first step, the staff member should normally raise concerns with their immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if there is cause to believe that the Line Manager concerned is involved, the employee should approach the Town Clerk or the Responsible Finance Officer (RFO), whichever is applicable. Where the matter concerns the Town Clerk, the matter can be referred to the Mayor or Council Leader.

4.2 Concerns are better raised in writing. Staff members are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why there is cause for concern about the situation. If staff members do not feel able to put their concerns in writing, they can telephone or meet the Town Clerk, RFO, Mayor or Council Leader.

4.3 The earlier staff members express the concern, the easier it is to act.

4.4 Although staff members are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the employee's Line Manager in the first instance, or where appropriate the Town Clerk or the Town Mayor (if the complaint relates to the Town Clerk).

4.6 Where necessary, the Town Clerk, RFO, Town Mayor, Council Leader (or if the complaint relates to any of the above) may seek assistance from:

- a) South Norfolk Council Monitoring Officer
- b) National Association of Local Councils
- c) Society of Local Council Clerks
- d) Norfolk Association of Local Councils

4.7 Staff members may invite their trade union or professional association to raise a matter on their behalf.

4.8 If staff members feel unable to raise the matter within the Council, please refer to clause 6.

5. How the Council Will Respond

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

- a) be investigated internally
- b) be referred to the Police
- c) be referred to the Internal or External Auditor
- d) form the subject of an independent inquiry
- e) result in disciplinary action
- f) result in legal action

5.2 In order to protect individuals and the Council, initial enquiries will 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 (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.3 Some concerns may be resolved by agreed action without the need for investigation.

5.4 Within ten working days of a concern being received, the Town Clerk/Mayor will write to the complainant:

- a) acknowledging that the concern has been received.
- b) indicating how they propose to deal with the matter.
- c) giving an estimate of how long it will take to provide a final response.
- d) advising whether any initial enquiries have been made; and
- e) advising whether further investigations will take place, and if not, why not.

5.5 The amount of contact between the staff members considering the issues and those raising the issue 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 from the staff member(s) concerned.

5.6 When any meeting is arranged, the staff member can, if they so wish, be supported by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

5.7 The Council will take steps to minimise any difficulties that the staff member may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will provide advice about the procedure.

5.8 The Council accepts that staff members need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation.

6. How the Matter Can Be Taken Further

6.1 This policy is intended to provide staff members with an avenue to raise concerns and the Council hopes any matters raised may be successfully resolved using this procedure. If staff members are not satisfied with the response they receive, and if they feel it is right to take the matter outside Council, they can contact South Norfolk Council's Monitoring Officer.

6.2 If staff members do take the matter outside the Town Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged i.e., confidential between the Officer and their advisors. Further advice on what would be considered as confidential can be sought from the contact point.