



## WHISTLEBLOWING POLICY

### CONTENTS

1. Introduction .....	3
2. Scope .....	3
3. Reporting .....	3
4. Confidentiality .....	4
5. Anonymous allegations .....	4
6. Untrue allegations .....	4
7. Procedure for making an allegation .....	4
8. Allegation .....	5
9. Responsibility for the procedure .....	6
10. Monitoring .....	6



## **1. INTRODUCTION**

1.1 The Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

Lowestoft Town Council is committed to the highest standards of transparency, probity, integrity and accountability.

1.2 This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

1.3 This procedure does not replace other policies and procedures such as those relating to complaints and grievances.

1.4 This procedure is intended to ensure that the Lowestoft Town Council complies with its duty under the Public Interest Disclosure Act 1998.

## **2. SCOPE**

2.1 This procedure applies to all employees, including volunteers and contractors.

2.2 This procedure does not replace other Lowestoft Town Council policies or procedures. For example, if an employee has a grievance about their working conditions they should use the Grievance Procedure. Similarly, if an employee has a concern about the conduct of a fellow employee in the working environment (e.g. that they are not treating colleagues with respect) they should raise these with their line manager, or if that is not possible, with the Mayor.

2.3 This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

### **3. REPORTING**

3.1 Contact Details for Reporting: (in writing) Town Clerk, Lowestoft Town Council, First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk NR32 1DE.

3.2 Lowestoft Town Council recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty to the Council and to those for whom they are providing a service.

3.3 The Council will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

### **4. CONFIDENTIALITY**

4.1 All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. However, if the matter is subsequently dealt with through other procedures such as the Disciplinary Procedure, there might be a need to give evidence in order for a case to be successful.

4.2 Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful.

4.3 The Council will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

### **5. ANONYMOUS ALLEGATIONS**

5.1 This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate or prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of either the Clerk or if the matter is raised with the Chairman, they can decide together and in consultation with a Chair of a Committee.

5.2 In exercising discretion to accept an anonymous allegation, the factors to be taken into account include:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

### **6. UNTRUE ALLEGATIONS**

6.1 No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation

without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

## **7. PROCEDURE FOR MAKING AN ALLEGATION**

7.1 It is preferable for allegations to be made to the Clerk, to whom there is currently direct reporting. However, circumstances vary and this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. It might also be the case, in the future, that there are other line managers within the organisation to whom an employee reports; in such cases, if the whistleblower believes that their manager is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to any of the following:

- The Clerk
- If the matter concerns the Clerk, to the Mayor (or in their absence the Deputy Mayor), who will decide together and in consultation with a Chair of a Committee

7.2 If the allegation relates to fraud, potential fraud or other financial irregularity the Responsible Financial Officer will be informed within 5 working days of receipt of the allegation, unless the alleged matter relates to their malpractice. They will then determine whether the allegation should be investigated and the method of investigation.

7.3 The recipient of an allegation shall ensure that it is referred appropriately for investigation where it is a relevant matter and following discussion with the whistleblower to check that they wish to proceed with the allegation being investigated.

## **8. ALLEGATION**

8.1 Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

8.2 Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

8.3 Action on receipt of an allegation

The Clerk or other relevant recipient of the allegation will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation;
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

The investigator will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation discloses evidence of a criminal offence it will immediately be reported for the purpose of disciplinary or other procedures, as appropriate and a decision will be made as to whether to inform the

Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

If the issue is around suspected harm to vulnerable adults, appropriate advice should be sought and the matter dealt with lawfully, appropriately and sensitively.

#### 8.4 Timetable

- An acknowledgement of the allegation in writing within 10 working days with
  - An indication of how the Council propose to deal with the matter
  - An estimate of how long it will take to provide a final response
  - An indication of whether any initial enquiries have been made
  - Information on whistleblower support mechanisms
  - Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously the Council will be unable to communicate what action has been taken.

#### 8.5 Support

The Council will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

The Council accepts that whistleblowers need to be assured that the matter has been properly addressed. So, subject to legal constraints, the Council will inform those making allegations of the outcome of any investigation.

### **9. RESPONSIBILITY FOR THE PROCEDURE**

9.1 The Council has overall responsibility for the operation of this procedure and for determining the administrative processes to be followed and the format of the records to be kept. Accordingly, this policy will be reviewed annually.

### **10. MONITORING**

10.1 A register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

10.2 The register will be confidential and records shall be maintained appropriately by the Clerk.

10.3 The Clerk will report to the Board on the operation of the procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers. The Mayor (or Deputy Mayor) will report and ensure that an appropriate person maintains records where matters relate to the Clerk.