



# Portishead Town Council

## Whistleblowing – Code of Practice

The use of the word he is also to mean she, and him to her, etc.

### 1. INTRODUCTION

- 1.1 “Whistleblowing” means action by an employee to disclose malpractice in the form of irregularity, wrong doing or serious failures of standards at work. “Whistleblower” is an employee who discloses that practice.
- 1.2 Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of the service.
- 1.3 “Employee” for the purpose of this policy means anyone who works for and receives remuneration from Portishead Town Council or who works for a contractor of the Council.

### 2. SCOPE OF THE CODE

- 2.1 An employee’s concerns about malpractice may include concerns about possible:

- (i) Corruption and fraud
- (ii) dangerous procedures risking health and safety
- (iii) abuse of members of the public
- (iv) evasion of responsibilities
- (v) harassment of other staff
- (vi) damage to the environment
- (vii) unauthorised use of public funds
- (viii) other unethical conduct

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

- 2.2 This Code does not replace any other policy currently in place.

### 3. PROCEDURE

- 3.1 When an employee has concerns about malpractice and it is not appropriate to raise them through other procedures such as grievance procedures, they should be raised with the Clerk. Much, however, depends upon the seriousness and sensitivity of the issues involved and who is suspected of being involved in the malpractice. If, for instance, the employee thinks that the Clerk is involved the approach should be made to the Chairman or the Chairman of the Staffing and Finance Committee.
- 3.2 An employee may put his concerns in writing and place them in an envelope which he should mark “Private and Confidential”. This should then be sent to the Clerk. Complaints in writing, however, should not be anonymous and should be signed.

The Local Government Management Board (LGMB) Code states –

## **“5. Anonymous Allegations**

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

5.3 In exercising this 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 attributable sources.”

3.3 An employee may obtain advice on how to pursue matters of concern by contacting either of the people listed in paragraph 3.1 above.

3.4 The employee could consider discussing his concern with a colleague first and may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

3.5 The whistleblower may invite his trade union (e.g. ALCC), professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

*(Clerk’s note: Late addition suggested in-line with Grievance procedure. A friend should not normally be a member of family except in exceptional circumstances, and agreed in advance.)*

3.6 Within ten working days of a concern being raised the person contacted will write to the whistleblower:

- acknowledging that the concern has been received
- telling you whether any initial enquiries have been made
- telling you whether further investigations will take place and if not, why not
- indicating how the Council propose to deal with the matter if it is to be investigated

3.7 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

3.8 Where appropriate, the matters raised may:

- be investigated by the Clerk along with a member of the Staffing and Finance Committee, internal audit or through the disciplinary process
- be referred to the external auditor
- form the subject of an independent inquiry
- be referred to the police

3.9 The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the whistleblower.

#### **4. CONFIDENTIALITY**

- 4.1 The Council will do as much as is reasonably possible to ensure the confidentiality of the whistleblower.
- 4.2 If the concern leads to criminal proceedings against an employee the Council will do its best so far as reasonably possible, to use only evidence collated by the Clerk and investigating councillors to ensure the confidentiality of the whistleblower.
- 4.3 The Council will take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if the whistleblower is required to give evidence in criminal or disciplinary proceedings the Council will arrange for him to receive advice about the procedure.

#### **5. COMPLETION OF THE INVESTIGATION**

- 5.1 The Council will inform the whistleblower of the outcome of his complaint (subject to any legal constraints).
- 5.2 The Town Clerk is responsible for the working of this Code and records all complaints and their outcomes. He will report annually on the complaints and otherwise as necessary preserving the anonymity of the complainants as far as possible.

#### **6. HOW THE MATTER CAN BE TAKEN FURTHER**

- 6.1 This policy is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes that a whistleblower will be satisfied with the outcome of his complaint. If not, and the employee feels it is right to take the matter outside the Council, the following are possible contact points:
- the external auditor
  - your trade union
  - your local Citizens Advice Bureau
  - relevant professional bodies or regulatory organisations
  - a relevant voluntary organisation
  - the police
- 6.2 If the employee does take the matter outside the Council he should ensure that no confidential information is enclosed. Clarification should be sought from the Town Clerk on what might constitute confidential information.

June 2018  
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and then every 3 years thereafter