

Desborough Town Council

Public interest disclosures policy

Whistle-blowing, sometimes referred to as confidential reporting or public interest disclosure, provides a link between employment concerns, such as bullying, and the more general complaints procedures discussed below.

The principles of whistle-blowing apply to Members, contractors, and partners in any ongoing project, as well as employees. It is to employees, however, that the law in this area is aimed. [The Public Interest Disclosure Act 1998 \(PIDA\)](#) encourages people to raise concerns about malpractice in the workplace and will help ensure that organisations respond by:-

- addressing the message rather than the messenger; and
- resisting the temptation to cover up serious malpractice.

Through protecting whistleblowers from dismissal and victimisation the Act promotes the public interest.

If someone believes a Councillor has breached the Council's Code of Conduct for Members the matter should be referred to the Monitoring Officer for investigation. This procedure is for disclosures about matters other than a breach of an employee's own contract of employment, which should be raised via the Grievance Procedure.

Policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the Council is reported and properly dealt with. The Council therefore requires all individuals to raise any concerns that they may have about the conduct of others in the Council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made 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 creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above.

It is not necessary for an employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the Council's responsibility to ensure that an investigation takes place. If an employee makes a protected disclosure they have the right to not be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. The Council encourages staff to raise their concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the Council should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware.
- Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the Council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence, or a breach of the Council's Code of Conduct for Members.
- If misconduct is discovered as a result of any investigation under this procedure the Council's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence or a breach of the Council's Code of Conduct for Members.
- An instruction to cover up wrongdoing is itself a disciplinary offence or a breach of the Council's Code of Conduct for Members. If told to not raise or pursue any concern, even by a person in authority such as a manager, a Councillor, or the Chair of Council, the complainant should not agree to remain silent and should report the matter to the Town Clerk, or if it relates to the Town Clerk then the complainant should report the matter to the Chair of the Council, or if the matter relates to the Chair of Council or another Councillor then it should be reported to the Monitoring Officer as a breach of the Council's Code of Conduct for Members.

Procedure

Stage 1

In the first instance, any concerns should be raised with the Town Clerk, who will arrange an investigation of the matter. The investigation may involve the person who raised the concern (the complainant) and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The complainant's statement will be taken into account, and they may be asked to comment on any additional evidence obtained.

The Town Clerk (or delegated officer) will take any necessary action, including reporting the matter to the Council, or any appropriate Government department, or regulatory agency. The Town Clerk (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, the complainant will be told the outcome and what the Council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2

If the complainant is concerned that the Town Clerk is involved in the wrongdoing, has failed to make a proper investigation, or has failed to report the outcome of the investigations to the relevant person, the complainant may escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries.

Stage 3

If on conclusion of stages 1 and 2 the complainant reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

The full list is in The Public Interest Disclosure (Prescribed Persons) Order 2014: www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection

When an individual makes a disclosure, the Council will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure. This is a non-contractual procedure which will be reviewed from time to time.