

## **WHISTLEBLOWING AT WORK POLICY**

### **1. Introduction**

The terms whistleblowing and whistleblower in this Policy refer to the disclosure internally or externally by workers, of malpractice as well as illegal acts or omissions at work.

### **2. Policy Statement**

Malvern Town Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

### **3. Other Policies and Procedures**

Malvern Town Council has a range of policies and procedures, which deal with standards of behaviour at work; they cover Discipline, Grievance, Harassment and Recruitment and Selection. Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about your personal employment position and needs to be handled in a different way. Examples may be:

- Malpractice or ill treatment of a stakeholder by a senior member of staff.
- Repeated ill treatment of a stakeholder, despite a complaint being made.
- A criminal offence has been committed, is being committed or is likely to be committed.
- Suspected fraud.
- Disregard for legislation, particularly in relation to health and safety at work.
- The environment has been, or is likely to be, damaged.
- Breach of standing financial instructions.
- Showing undue favour over a contractual matter or to a job applicant.
- A breach of a code of conduct.
- Information on any of the above that has been, is being, or is likely to be concealed.

This list is not exhaustive.

Malvern Town Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedure.

### **4. Role of Trade Unions**

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Malvern Town Council recognises employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions of this policy, and acknowledges and endorses the role trade union officers play in this area.

## **5. Designated Officers**

The following people have been nominated and agreed by Malvern Town Council as designated officers for concerns under this procedure. They will have direct access to the most senior person in the organisation.

*Lyndsey Davies, 28 – 30 Belle Vue Terrace, Malvern. Tel: 01684 580604*

*Grahame Gibbins, 28 – 30 Belle Vue Terrace, Malvern. Tel: 07739 542241*

## **6. Role of Designated officers**

Where concerns are not raised with the line manager, the designated officer will be the point of contact for employees who wish to raise concerns under the provision of this policy. Where concerns are raised with him/her, he/she will arrange an initial interview, which will, if requested, be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

## **7. Role of the Most Senior Person in the Organisation**

The designated officer will report to the most senior person in the organisation (the Town Clerk), who will be responsible for the commission of any further investigation.

## **8. Complaints about the Most Senior Person in the Organisation**

If exceptionally the concern is about the most senior person in Malvern Town Council, this should be made to the Chair of the Town Council, who will decide on how the investigation will proceed. This may include an external investigation.

## **9. The Investigation**

The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of a stakeholder, suspension from work may have to be considered immediately. Protection of stakeholders is paramount in all cases.

The designated officer will offer to keep the whistleblower informed about the investigation and its outcome.

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If the result of the investigation is that there is a case to be answered by an Individual, the Disciplinary Rules and Procedure will be used.

Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee suffers no reprisals.

Only where false allegations are made maliciously will it be considered appropriate to act against the whistleblower under the terms of the Disciplinary Rules and Procedure.

## **10. Inquiries**

If the concern raised is very serious or complex, an inquiry may be held.

Malvern Town Council recognises the contribution the trade union(s) can make to an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry (if this is the wish of the employee), including the implementation of the recommendations of the inquiry. Malvern Town Council recognises that in many cases it will be desirable that a trade union(s) representative will be appointed to the panel of the inquiry.

## **11. Following the Investigation**

The most senior person in the organisation will brief the designated officer as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The feedback will be provided within one month.

If the whistleblower is not satisfied with the outcome of the investigation, Malvern Town Council recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, The Audit Commission, or the utility regulators, or where justified, elsewhere).

## **12. The Law**

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.