



Frodsham Town Council Whistle Blowing Policy & Procedure

1 Introduction

- 1.1 The Public Interest Disclosure Act 1998 (PIDA) protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act covers protected disclosures under six categories: crime, damage to health & safety, damage to the environment, illegality, miscarriage of justice, and 'cover-ups' about these issues.
- 1.2 To obtain protection employees must first disclose the information to the employer or to a body prescribed by the Secretary of State for the purpose of receiving such information (See Annex 1 for List of Prescribed Bodies that are relevant to FTC's work. A full list of Prescribed Bodies is available on <http://www.direct.gov.uk/en/index.htm>)

2 Definition

- 2.1 Whistleblowing occurs when an employee becomes aware of wrong-doing within the employer's organisation and raises a concern relating to illegal activity, financial malpractice or activity that is dangerous to people or the environment. (See Annex 2 for examples of wrong-doing)

The Policy

3 Aims

- 3.1 FTC has an open approach to whistleblowing. This Policy, consistent with PIDA, is intended to provide protection for whistleblowing on wrong-doing in good faith.
- 3.2 The Policy aims to
 - i Encourage employees to feel confident in raising serious concerns and to question & act upon their concerns;
 - ii Reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.
- 3.3 The aims of the Procedure are to:
 - i Provide ways for employees to raise those concerns and get feedback on any action taken as a result;
 - ii Ensure that employees get a response to their concerns and that they are aware of how to pursue them; and they know what to do if they are not satisfied with any actions.

4 Inclusions

- 4.1 The Policy applies to all employees of FTC.
- 4.2 Contractors working for FTC may invoke the Procedure to make the Council aware of any concerns they may have in relation to contractual or other agreed arrangements. Concerns relating to non-FTC business should be raised with the appropriate agency or regulator (eg police).
- 4.3 The Policy covers instances where the interests of others or of the organisation itself are at risk.

5 Exclusions

- 5.1 Personal grievances about an employee's work, working environment or working relationships - excluded from this Policy & Procedure - will be dealt with in accordance with FTC's Grievance Policy & Procedure.

6 Assurance For The Whistleblower

- 6.1 An employee, who raises a concern under this Policy will not:
 - i Be at risk of losing his/her job with FTC;
 - ii Suffer adverse impact as a result, provided that:
 - The disclosure is made in good faith;
 - He/she reasonably believes that the information, and any allegations contained in it, are substantially true; and
 - He/she is not acting for personal gain.
- 6.2 FTC will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect those who raise a genuine concern in good faith

7 Anonymous Whistleblowing

- 7.1 The Council recognises that an employee may wish to raise a concern in confidence under this Policy. In such an event, the Council will not disclose the employee's identity without his/her prior consent. If the Council is unable to resolve the issue without revealing the employee's identity (eg, if his/her evidence is needed in court), it will discuss the situation with the employee to determine how to proceed.
- 7.2 Although FTC will consider anonymous reports, it should be noted that it is much more difficult to investigate such reports. It also prevents the Council from protecting the employee's position & to give him/her any feedback. *This policy is not well suited to concerns raised anonymously.*

The Procedure

8 Raising A Concern

- 8.1 An employee, as soon as he/she becomes reasonably concerned, should raise the issue with the Chair of the Policy & Process Committee (P&PC).
- 8.2 In the event of the Chair of P&PC being the potential transgressor, the issue should be raised with the Chair of the Council.
- 8.3 Concerns may be raised verbally or in writing. Employees who wish to make a written report should use the following format:
- Background & History of the Concern (giving relevant dates);
 - Reason(s) for the concern about the situation.
 - Indication of whether the concern is to be treated in confidence

9 FTC's Initial Action

- 9.1 If the concern is raised verbally, the person receiving the information will:
- i Put it in writing, ensuring that the report properly reflects the whistleblower's concerns; and
 - ii Provide the whistleblower with a copy of the report within five working days.
- 9.2 The recipient of the information will:
- i Assess the limit of confidentiality requested;
 - ii Ensure that that the issue falls within the scope of this Policy;
 - iii Ensure that the employee's concerns are recorded in the Register of Whistleblowing Incidents (see para 14) for monitoring purposes;
 - iv Determine initial action: This may involve an internal inquiry or a more formal investigation.
 - v Inform the whistleblower about who will be handling the matter, how to contact the 'handler' and whether or not the whistleblower's further assistance will be needed.
 - vi Ask the whistleblower how he/she thinks the concern(s) might be best resolved.
 - vii Check whether the whistleblower has any personal interest in the matter.

10 Feedback To The Whistleblower

- 10.1 FTC will provide feedback to the employee on its progress. However, this may be limited if divulging the information infringes the Council's duty of confidence owed to another person.
- 10.2 Normally, within four weeks of a concern being raised, FTC will write to the whistleblower to:
- Formally acknowledge receipt of concern;
 - Indicate how the Council proposes to deal with the matter;
 - Give an estimate of how long it will take to provide a full response;
 - State whether any initial enquiries have been made;
 - Supply information on support available to him/her; and
 - State whether further investigations will take place and if not, why not.
- 10.3 Subject to any legal constraints, the whistleblower will be informed of the final outcome of any investigation.

11 Dealing With The Issue

- 11.1 If urgent action is required, this will be taken before any investigation is conducted.
- 11.2 Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under that relevant procedure.

11.3 Where appropriate, the matters raised may be investigated by a Panel appointed by the Council, or referred to the Internal or External Auditor, the Monitoring Officer of the Borough Council, or the police, or form the subject of an independent inquiry.

12 Safeguards for the Whistleblower

- 12.1 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures concerning the employee already in progress.
- 12.2 No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- 12.3 Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- 12.4 Help will be provided to minimise any difficulties that the whistleblower may experience. This may include:
- Advice on giving evidence if needed;
 - Off-site meetings with the whistleblower and his/her representative.

13 Taking A Concern Further

- 13.1 This Procedure is intended to provide an avenue within the Council to raise concerns. If an employee takes the matter outside the Council, he/she should ensure that confidential information is not disclosed. He/she should note that the PIDA does not provide blanket protection and disclosure of confidential information in circumstances not covered by the Act could leave him/her vulnerable to disciplinary or other action.
- 13.2 A whistleblower wanting independent advice at any stage may contact:
- i His/her Trade Union lawyer (if applicable);
 - ii Bodies prescribed by the Secretary of State (see Annex 1);
 - iii The independent charity Public Concern at Work (<http://www.pcaw.org.uk/contact-us>). Their lawyers can provide free confidential advice about how to raise a concern about serious malpractice at work.
- 13.3 A whistleblower who is not satisfied with the action taken by FTC may, if he/she wishes to take the matter further, consider the following possible contact points:
- Citizens Advice Bureau
 - Health & Safety Executive
 - Information Commissioner
 - Internal Auditor
 - Local Government Ombudsman
 - Monitoring Officer of the Borough Council
 - Police
 - Relevant regulatory organisation.
 - Trade Union or relevant professional bodies

14 Records

- 14.1 The Town Clerk will maintain a Register of Whistleblowing Incidents that are brought to his/her attention. (See Annex 3 for layout)
- 14.2 The Town Clerk will review the Register annually and produce a report for the Council. (See Annex 4 for layout)
- 14.3 For the avoidance of doubt, copies of the Register and Annual Report – edited to preserve confidentiality where requested by whistleblowers - will be made available for inspection by the Internal and External Auditors.

15 Implementation

- 15.1 FTC will ensure that persons responsible for implementing the Policy & Procedure are familiar with the requirements and, where appropriate, have received adequate training.

16 Evaluating Effectiveness Of The Policy/Procedure

- 16.1 FTC will monitor the Register of Whistleblowing Incidents annually to assess the effectiveness of this Policy & Procedure.

Annex 1 – Prescribed Bodies Relevant to the Work of FTC

Body	Scope	Contact
Audit Commission for England and Wales (inc auditors appointed by the Commission)	The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies	1st Floor, Millbank Tower, Millbank, London SW1P 4HQ Tel: 0844 798 3131 Website: www.audit-commission.gov.uk/about-us/contact-us/whistleblowing
Auditor General of the National Audit Office	The proper conduct of public business, value for money, fraud and corruption in providing centrally funded public services	National Audit Office, 157-197 Buckingham Palace Road, Victoria, London SW1W 9SP Tel: 020 7798 7999 Website: www.nao.org.uk/about_us/concerns_about_public_spending.aspx
Certification Officer	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations	22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ Tel: 020 7210 3734/3735 Fax: 020 7210 3612 Email: info@certoffice.org Website: www.certoffice.org
Charity Commissioners for England and Wales	The proper administration of charities & of funds given or held for charitable purposes	Tel: 0845 300 0218 Website: www.charity-commission.gov.uk
Commissioners for Her Majesty's Revenue and Customs	Matters concerning <ul style="list-style-type: none"> • Tax, Excise duties, Import and export of restricted goods, Stamp duties • National Insurance contributions, Statutory maternity pay, Statutory sick pay, Tax credits, Child benefits, Enforcement of National Minimum Wage • Collection of student loans 	Freepost NAT22785 Cardiff CF14 5GX Tel: Freephone 0800 788 887 Fax: Freefax 0800 783 0879 Textphone: 0845 915 3296 Website: www.hmrc.gov.uk Online (Tax Evasion Hotline): https://online.hmrc.gov.uk/shortforms/form/TEH_IRF?dept-name=TEH&sub-dept-name=&location=39&origin=http://www.hmrc.gov.uk
Criminal Cases Review Commission	Actual or potential miscarriages of justice	5 St Philip's Place Birmingham B3 2PW Tel: 0121 233 1473 Email: info@ccrc.gov.uk Website: www.justice.gov.uk
Director of the Serious Fraud Office	Serious or complex fraud	2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 Email: confidential:sfo.gsi.gov.uk Website: www.sfo.gov.uk/fraud/sfo-confidential---giving-us-information-in-confidence.aspx
Environment Agency	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout	Horizon House, Deanery Road, Bristol BS1 5AH Tel: 03708 506 506 Website: www.environment-agency.gov.uk
Financial Services Authority	Financial crime	Director, Authorisation 25 The North Colonnade Canary Wharf London E14 5HS Tel: 020 7676 4646 Fax: 020 7676 9727 Email: whistle@fsa.gov.uk Website: www.fsa.gov.uk
Health & Safety Executive	Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work	Rose Court, 2 Southwark Bridge, London SE1 9HS Online form: www.hse.gov.uk/contact/workplace-complaint.htm Tel: 0300 0031647 Website: www.hse.gov.uk
Independent Police Complaints Commission	Matters relating to the conduct of a person serving with the police (as defined in section 12(7) of the Police reform Act 2002) or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation	90 High Holborn, London WC1V 6BH Tel: 020 7166 3000 Website: http://www.ipcc.gov.uk/
Information Commissioner	Compliance with the requirements of legislation relating to data protection and to freedom of information*	Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF Tel: 01625 545745 Fax: 01625 524510 Email: mail@ico.gsi.gov.uk Website: www.ico.gov.uk

Local Authorities	<ul style="list-style-type: none"> • Matters which may affect the health or safety of any individual at work; • Matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work; • Matters about the enforcement and compliance of food standards & safety; • Matters about enforcement and compliance of consumer protection 	The appropriate Local Authority
Pensions Regulator	Matters relating to occupational pension schemes and other private pension arrangements	<p>Napier House, Trafalgar Place Brighton BN1 4DW Tel: 0870 6063636 Fax: 0870 2411144 Textphone: 0870 2433123 Email: wb@tpr.gov.uk Website: www.thepensionsregulator.gov.uk</p>
Office of Fair Trading	<ul style="list-style-type: none"> • Matters concerning the sale of goods or the supply of services, which adversely affects the interests of consumers • Competition affecting markets in the United Kingdom 	<p>Fleetbank House, 2-6 Salisbury Square London EC4Y 8JX Tel: 020 7211 8000 Fax: 020 7211 8800 Email: enquiries@oft.gsi.gov.uk Website: www.oft.gov.uk</p>
Serious Organised Crime Agency	Money Laundering	<p>PO Box 8000, London SE11 5EN Tel: 0800 234 6657 Website: www.soca.gov.uk</p>

Annex 2 – Examples of Wrong-Doing Suited to Whistleblowing

Note: This list is not exhaustive.

- A criminal offence (eg fraud, corruption or theft) has been or is likely to be committed,
- Health or safety of any individual has been or is likely to be endangered;
- The environment has been or is likely to be damaged;
- Public funds are being used in an unauthorised manner;
- FTC’s rules (including Standing Orders, Financial Regulations etc) are not being observed or are being breached by a Councillor or an Officer;
- Sexual or physical abuse of an employee or service recipient is taking place;
- An employee or service recipient is being discriminated against on grounds of sex, race or disability;
- Information relating to one or more of the above examples is being deliberately concealed or attempts are being made to conceal it

Annex 3 – Register of Whistleblowing Incidents (Layout)

	Concern(s)	Whistleblower	Potential Transgressor	Outcome(s)
1				
2				
3				
4				

Annex 4 – Whistleblowing Incidents – Annual Report to Council (Layout)

	Concerns Raised	Related Post <i>(Cllr/TC/OM/ SM/FM)</i>	Status <i>(Cleared/On-going)</i>	Lessons Learnt/ Remedial Action Taken
1				
2				
3				
4				