WHISTLEBLOWING POLICY

YEOVIL TOWN COUNCIL

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1. Introduction

1.1. Yeovil Town Council is committed to the highest standards of openness, probity and accountability.

1.2. 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. Yeovil Town Council therefore require all individuals to raise any concerns that they may have about the conduct of others in the council.

1.3. Whistleblowing is the term used when a worker passes on information concerning wrongdoing. In this guidance, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

1.4. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

1.5. The policy clarifies that all employees can report, in confidence, their concerns without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the Council.

2. Scope of Policy

2.1. The policy applies to employees of Yeovil Town Council. Agency workers, casual works and other individuals performing functions for the Council (such as contractors), are also encouraged to use this procedure.

3. Background

3.1. 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.

3.2. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

3.3. The employee has no responsibility for investigating the matter. It is Yeovil Town Council's responsibility to ensure that an investigation takes place.

3.4. An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

4. Principles

4.1. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should report anything of an illegal or unethical nature that they become aware of.

4.2. 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.

4.3. 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.

4.4. Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.

4.5. If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.

4.6. Maliciously making a false allegation is a disciplinary offence.

4.7. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, the employee should not agree to remain silent; and should report the matter to the Chief Executive / Town Clerk or the Chair of the Staffing Committee.

5. Procedure

5.1. If the employee believes a Councillor has breached the councillor Code of Conduct, then the matter should be raised with the Chief Executive / Town

Clerk. Concerns relating to an alleged breach of the councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

5.2. This procedure is for disclosures about matters other than a breach of the employee's own contract of employment, which should be raised via the Grievance Procedure.

5.3. Raising a concern

Any concerns should be raised with the Chief Executive/Town Clerk, in the first instance. Concerns may be raised verbally or in writing. The Chief Executive/Town Clerk will arrange an investigation of the matter. The investigation may involve the employee and other individuals concerned giving a written statement. Any investigation will be conducted in accordance with the principles set out above. The employee's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

The Chief Executive/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 Chief Executive/Town Clerk (or delegated officer) will also invoke any disciplinary action, if required. On conclusion of any investigation, insofar as confidentiality allows, the employee 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.

If the employee is concerned that the Chief Executive/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 employee should escalate the matter to the Chair of the Staffing Committee. The Chair of the Staffing Committee will arrange for a review of the investigation to be conducted, make any necessary enquiries.

5.4. How the Council will respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process;
- be referred to the Police;
- be referred to the External Auditor; or
- form the subject of an independent inquiry.

To protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures of Yeovil Town Council will normally be referred for consideration under those

procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

The employee will be written to within ten working days:

- acknowledging that the concern has been received;
- indicating how the Council proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response
- informing the employee if any initial enquiries have been made; and
- whether further investigations will take place and, if not, why not.

5.5. How the matter can be taken further

The procedure is intended to provide individual with an avenue to raise concerns with Yeovil Town Council.

If the employee is not satisfied with the action that has been taken, the matter should be reported 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; or
- The Financial Conduct Authority.

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

If the matter is taken outside Yeovil Town Council, the employee must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, the employee should check with the Chief Executive/Town Clerk.

6. Safeguards

6.1. Harassment or Victimisation

Yeovil Town Council will not tolerate any form of harassment or victimisation by any worker and will take appropriate action to protect individuals when they make a qualifying disclosure.

6.2. Confidentiality

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

6.3. Anonymous Allegations

To ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Council.

In exercising the discretion, the factors to be considered would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from factual evidence.
- Unsubstantiated Allegations

If an employee makes an allegation which they reasonably believe to be true but it is not confirmed by the investigation, no action will be taken against them. However, if they make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against them.

7. Data protection

7.1. When an individual makes a disclosure, any personal data collected will be processed 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.

7.2. This is a non-contractual procedure which will be reviewed from time to time.

Yeovil Town Council
25th March 2025

To be reviewed: March 2030