

Document 6.2

WHISTLEBLOWING POLICY

Adopted 27 March 2017
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WHISTLEBLOWING POLICY

1. INTRODUCTION

- 1.1 Officers are often the first to realise that there may be something seriously wrong within a Council. However, they may be reluctant to speak up fearing harassment or victimisation. In these circumstances, it may be easier to ignore rather than report the concern.
- 1.2 Hertford Town Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Town Council encourages employees and others with serious concerns about any aspect of the Town Council's work to come forward and voice those concerns.
- 1.3 It is recognised that cases will normally proceed on a confidential basis. This policy document makes it clear that staff can raise concerns without fear of reprisals. This Whistleblowing policy is intended to encourage and enable staff to raise serious concerns within the Town Council to allow timely and thorough investigations to take place.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 There are existing procedures in place to enable officers to lodge a grievance relating to their own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

That concern may be about something that:-

- Is unlawful; or
- Is against the Council's Standing Orders or policies;
- Falls below established standards or practice; or
- Amounts to improper conduct by Officers or Councillors.

3. SAFEGUARDS

3.1 Harassment or Victimisation

The Town Council recognises that the decision to report a concern can be a difficult one to make. The Town Council will not tolerate harassment or victimisation and will take action to protect Officers and Councillors when they raise a concern in good faith.

3.2 Confidentiality

The Town Council will do its best to protect the identity of any officer when they raise a concern and do not want their name to be disclosed.

It must be appreciated that the investigation process may reveal the source of the information and a statement by the officer concerned may be required as part of the evidence.

3.3 Anonymous Allegations

This policy encourages officers to put their name to any allegation to allow it to be examined. Concerns expressed anonymously will be considered at the discretion of the Town Council depending on the severity of the issue and in the availability of verifiable evidence that may be available. .

3.4 Untrue Allegations

If an Officer makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an Officer makes malicious or vexatious allegations, disciplinary action may be taken.

4. **HOW TO RAISE A CONCERN**

- 4.1 As a first step, the Officer should normally raise concerns with their immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, there is cause to believe that the line manager concerned is involved, you should approach the Town Clerk, the Civic Administration Manager, Finance Manager or the Marketing and Events Manager, whichever is applicable. Where the matter concerns The Town Clerk the matter can be referred to the Mayor or Leader of the Council.
- 4.2 Concerns are better raised in writing. Officers are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why there is cause for particular concern about the situation. If Officers do not feel able to put their concerns in writing, they can telephone or meet the appropriate manager, Town Clerk, Mayor or Leader of the Council.
- 4.3 The earlier Officers express the concern, the easier it is to take action.
- 4.4 Although Officers are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from your line manager in the first instance, or where appropriate:-

The Town Clerk
The Mayor of Hertford (if complaint relates to the Town Clerk)
The Leader of the Council (if complaint relates to the Town Clerk)

Where necessary, the Town Clerk, Mayor or Leader of the Council may seek assistance from, inter alia:

East Herts Council Monitoring Officer
Human Resources professionals
Solicitors or Barristers
National Association of Local Councils and other similar organisations
Advisory Conciliation and Arbitration Service (ACAS)
Trade Union
Accredited professional bodies

- 4.6 Officers may invite their trade union or professional association to raise a matter on their behalf.
- 4.7 If Officers feel unable to raise the matter within the Town Council, please refer to paragraph 6.

5. HOW THE TOWN COUNCIL WILL RESPOND

- 5.1 The action taken by the Town Council will depend on the nature of the concern. The matters raised may:-
- Be investigated internally;
 - Be referred to the Police;
 - Be referred to the Internal or External Auditor;
 - Form the subject of an independent inquiry.
- 5.2 In order to protect individuals and the Town 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 (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 Within ten working days of a concern being received, the Town Clerk/Mayor will write to complainant:-
- Acknowledging that the concern has been received;

- Indicating how they propose to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response;
 - Telling you whether any initial enquiries have been made; and
 - Telling you whether further investigations will take place, and if not, why not.
- 5.5 The amount of contact between the Officers considering the issues and those raising the issue will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the officers concerned.
- 5.6 When any meeting is arranged, the Officer can, if they so wish, be supported by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.7 The Town Council will take steps to minimise any difficulties that the officer may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Town Council will provide advice about the procedure.
- 5.8 The Town Council accepts that Officers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation.

6. HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide Officers with an avenue to raise concerns within the Town Council and the Town Council hopes any matters raised may be successfully resolved using this procedure.

If Officers are not satisfied with the response they receive, and if they feel it is right to take the matter outside Town Council management, there are a range of organisations to be contacted, but dependant on the nature of the concern. (Trade Union, ACAS, Monitoring Officer at East Herts Council, Police etc)

If Officers do take the matter outside the Town Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged i.e. confidential between the Officer and their advisors. Further advice on what is confidential can be sought from the contact point of the organisation concerned.

7. THE RESPONSIBLE OFFICER

The Town Clerk has overall responsibility for the maintenance and operation of this policy and will maintain a record of concerns raised and

the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Town Council. The Town Clerk will also make sure that appropriate training and advice is available to all Elected Members, to ensure that they fully understand their roles and responsibilities. This policy will be reviewed biennially as part of the overall review of the Hertford Town Council Constitution.