

# WHISTLEBLOWING POLICY

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## Document Review History

Version	Reviewed	Reviewer	Approver	Date Approved
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# TONBRIDGE & MALLING BOROUGH COUNCIL WHISTLEBLOWING POLICY

## A confidential reporting policy for all Members, employees and contractors

### 1. Introduction

- 1.1 Tonbridge & Malling Borough Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. The Council recognises that employees are often the first to realise that there may be something seriously wrong within the Council. The Council is aware that staff may be fearful of harassment or victimisation in voicing these concerns, however the purpose of this policy is to mitigate against this. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:
- a) *is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice*
  - b) *although not requiring the Council to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping the Council comply with the law.*
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect and support employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This policy is intended to encourage and enable individuals to raise concerns within the Council, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with the Council’s response.

### 2. Definition of Whistleblowing

- 2.1 *‘Whistleblowing’ means the disclosure of malpractice or wrongdoing within an organisation.*

### 3. Aims and Scope of this Policy

- 3.1 The Whistleblowing Policy aims to:

- Encourage you to feel confident about raising concerns and to question and act on those concerns

- Provide a way for you to raise concerns and receive appropriate feedback on any action taken
- Confirm that all concerns raised will be examined and the Council will assess what action should be taken
- Reassure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in good faith
- Provide ways for you to take the matter further if you are dissatisfied with the Council's response

3.2 The *Whistleblowing Policy* is intended to cover concerns that fall outside the scope of the Council's Grievance Procedure which enables employees to lodge a grievance relating to their employment.

This Policy is also intended to cover concerns that fall outside the scope of the Council's corporate complaints procedures and other statutory reporting procedures. These may include:

- Any unlawful act, whether criminal (e.g., theft) or a breach of the civil law (e.g., slander or libel)
- Health and safety risks, including risks to the public as well as to other employees (e.g., faulty electrical equipment)
- Damage to the environment (e.g., pollution)
- The unauthorised use of public funds (e.g., expenditure for improper use)
- Possible fraud and corruption
- Inappropriate or improper conduct (e.g., abuse of power, bullying/harassment)
- Serious failure to comply with appropriate professional standards (e.g., National Code of Local Government Conduct)
- Breach of Council or statutory codes of practice or the Council's standing orders (e.g., Officers' Code of Conduct) Discrimination on the grounds of Age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- Abuse of children and vulnerable adults (e.g., through physical, sexual, psychological or financial abuse, exploitation or neglect)
- Other unethical conduct

## 4. Who does this Policy Cover?

4.1 This policy applies to disclosures made in relation to or by:

- Any employee of the Council, either under contract of employment or apprenticeship
- Any Councillor of the Council
- Any contractors, their agent, subcontractors and suppliers working with or on behalf of the Council
- Consultants and agency staff working with or for the Council
- Any organisation working in partnership with the Council

## 5. Supporting the Individual Raising a Concern

5.1 **Harassment or Victimisation:** The Council is committed to good practice and high standards. The Council also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistle-blowers and will take action to protect individuals who raise concerns in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.2 **Confidentiality:** Individuals are encouraged to put their name to any allegation; however, you are not required to do so and can make a report anonymously. Anonymity can hamper any investigation should further information be required however anonymous reports will be considered, taking into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

All concerns will be treated in confidence and the Council will do its best to protect the individual's identity when they 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 individual raising the concern may be required as part of the evidence. If the situation arises where the Council is not able to resolve the concern without revealing the individual's identity, this will be discussed with the individual to identify how the matter can be progressed.

- 5.3 **Untrue Allegations:** Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them. If however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.

#### **Review and Approval of this Policy**

- 5.1 This Policy is owned by the Director of Central Services and Deputy Chief Executive and reviewed by the Audit Assurance Manager on his behalf.
- 5.2 The Whistleblowing Policy will be reviewed at least every two years by the Audit Committee for recommendation to the General Purposes Committee for approval. The most recent review was undertaken in January 2023 with the next review due January 2025.