

# EPPING TOWN COUNCIL

## Whistleblowing Policy 2024

Epping Town Council strives to be a good employer which values its employees. Council strives to provide a safe and effective working environment, which enables individuals to raise genuine concerns about malpractice or unlawful conduct in the workplace. This policy is intended to empower employees to disclose serious wrongdoing or unlawful conduct without fear of victimisation.

### Purpose

The policy is intended to:

- (i) Promote a culture of openness
- (ii) Enable staff to raise genuine concern about malpractice in confidence without fear of repercussions
- (iii) Provide a clear and effective means of raising concerns and ensuring individuals receive feedback on concerns raised.

### Principles

Employees are expected to raise concerns through the policy rather than airing those views elsewhere. The policy is concerned with alleged malpractice, impropriety or wrongdoing in the workplace only.

### Scope

The policy applies to Epping Town Council staff but may also be followed by those employed on a contract for a service or through an agency, who become aware of malpractice or unlawful conduct in the workplace.

Any individual staffing issues should be dealt with through the Grievance Procedure.

### Statutory basis

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers for publicly disclosing serious concerns falling into certain specified categories. This policy is designed to be used to raise serious concerns which are in the public interest. Examples of serious misconduct, impropriety or malpractice which may prompt such a disclosure, are: criminal activity, failure to comply with a legal obligation, miscarriage of justice, endangering of health or safety, damage to the environment, financial or non-financial maladministration, malpractice or fraud, professional malpractice, failure of an individual/s to disclose a serious conflict of interest, attempts to suppress or conceal information relating to any of the above.

Protection is provided under the Policy provided that the disclosure is made in good faith and in the reasonable belief of the person making the disclosure that the information made available tends to show malpractice.

## **Disclosure process**

- (i) Employees should only make a disclosure ('Whistle blow') under this policy after carefully considering whether the concern is so serious that it can't be dealt with through their manager. Most concerns should be able to be dealt with by their manager.
- (ii) Any disclosure should initially be made in writing to the Town Clerk (as the "designated person" as described in the Public Interest Disclosure Act 1998). The disclosure should be made to the Proper Officer (Town Clerk). If the disclosure relates to the Town Clerk, then it should be raised to the Chairman of Council (Town Mayor). Concerns should include: reference to the fact that it is a whistleblowing disclosure;- the background and history of the concerns; -names, dates and places (where possible); and-the reasons why the employee is particularly concerned about the situation.
- (iii) Employees who feel unable to put the concern in writing should request a meeting with the Town Clerk.

## **Investigation and evaluation**

The Town Clerk will consider the information made available by the discloser and will decide how the disclosure will be investigated. This will be done at the earliest opportunity and will report their findings to a Committee or Council (as appropriate) and what, if any, action should be taken. Should the Clerk consider that there is no case to take any further action, the discloser will be informed as to the outcome and reasons. The Clerk will liaise with the Chairman of Council as needed and for information.

Alternatively, the Town Clerk may consider that the disclosure requires further action to be taken under an appropriate procedure (eg disciplinary procedure). If no suitable procedure is available, an ad hoc process may be needed using for example an external authority to help resolve the situation.

In any investigation undertaken directly under this policy the discloser and the person against whom the disclosure has been made will be entitled to be accompanied by a relevant representative or a work colleague of their choice.

## **Feedback**

The Proper Officer (Town Clerk) will inform the discloser in writing of what action, if any, is to be taken. If the Town Clerk decides no action should be taken, either because they consider there is no case to be investigated or after an internal investigation the discloser will be informed of the reason and be allowed a second and final opportunity to remake the disclosure to the Town Mayor if they have not been the person considering the original disclosure. If they have, this should be the Key Member for administration. The Town Clerk (after discussion with the Town Mayor/Key Member for administration, will have absolute discretion to decide on an appropriate form of action based on the circumstances of the case.

## **Reporting outcomes**

A record of all disclosures and any subsequent action will be maintained by Epping Town Council for a period of three years. A report of the outcomes of any investigation will be made to the Committee overseeing the governance of Epping Town Council in detail where

the issue falls within its remit and in summary in other cases as a means of allowing the Committee to monitor the effectiveness of the policy.

### **Protection of the discloser**

All disclosures under this Policy will be treated in a confidential and sensitive manner and the identity of the person making the disclosure will be kept confidential provided that this is compatible with an effective investigation. The investigation process may however at some stage have to reveal the source of the information and the individual making the disclosure may need to make a formal statement. Details of external support will be offered if appropriate.

An employee will not lose their employment for making a complaint or disclosing information in good faith under this policy. Retaliation, harassment and bullying against a discloser will not be accepted and may result in disciplinary action or the termination of a contract as appropriate.

### **Confidentiality**

Disclosures should be made through the internal mechanisms in this policy, rather than through external channels, unless the limited circumstances through the Public Interest Disclosure Act 1998 apply.

### **Anonymous disclosures**

Employees are encouraged to put their name to any disclosure they make since part of the purpose of this policy is to promote openness and discourage a fear of victimisation. Disclosures raised anonymously are far less capable of being addressed effectively but may be considered after taking into account the seriousness of the issue, the credibility of the disclosure, the likelihood of being able to investigate the matter and confirm the allegation from alternative sources, and fairness to any individual mentioned in the disclosure.

### **Unfounded disclosures/false allegations**

A disclosure made in good faith which is not confirmed by subsequent investigation will not lead to any action against the person making the disclosure. Individuals making disclosures which are found by subsequent investigation to be malicious and/or vexatious may be subject to disciplinary or other appropriate action.

Date approved: 10<sup>th</sup> January 2024  
Date for review: Jan 2026

Based on the Local Government Association (LGA) policy