



WHISTLEBLOWING; PUBLIC INTEREST DISCLOSURE POLICY

1. INTRODUCTION

Syston Town Council aims to conduct its business with honesty and integrity. In order to maintain high standards, it is essential that everyone working for Syston Town Council shares this aim and feels able to raise any concerns they have about the way business is being conducted. Syston Town Council aims to ensure that the process for raising such concerns is simple, effective and confidential and to create an environment in which employees feel able to follow the process without fear of any reprisals being taken against them. There must be an open and accountable environment in which employees feel able to raise concerns internally without fear of disciplinary or any other action being taken against them, and be assured that an investigation will take place.

This aim is underpinned by the fact that employees have protection in law under the Public Interest Disclosure Act 1998 (further details of this are given in section 6). It is designed to deal with concerns raised in relation to the specific issues which are in the public interest as detailed below, and which fall outside the scope of other policies and procedures.

Certain kinds of disclosure qualify for protection and are disclosures of information which the person reasonably believes tend to show one or more of the following matters is either happening now, took place in the past or is likely to happen in the future:

- A criminal offence;
- The breach of a legal obligation;
- Miscarriage of justice;
- A danger to the health and safety of any individual;
- Damage to the environment;
- Deliberate covering up of information relating to any of the above matters.

In addition to those categories covered by the Act we are extending this to include:

- Serious financial irregularities.

2. MAKING A DISCLOSURE - INTERNALLY

Disclosures should be discussed in the first instance with the line manager or another person whom the employee reasonable believes to be solely or mainly responsible for the relevant failure.

The issues raised may relate to another employee, a group of employees or Syston Town Council. Concerns must be raised in good faith. No other requirement is necessary to qualify for protection.

Syston Town Council will protect any employee who makes a disclosure without malice and in good faith, regardless of whether the concern raised is upheld. The aim is to ensure that concerns are dealt with quickly and by the person who is well placed to resolve the problem.

Any employee who makes a disclosure and feels that as a result s/he has suffered adverse treatment will be able to raise a formal complaint. The complaint should be made to the town manager. If the complaint is upheld, disciplinary action may be taken against the individual(s) responsible.

3. MAKING A DISCLOSURE – EXTERNALLY TO A PRESCRIBED PERSON OR BODY

Employees may make disclosures to a prescribed external person or body. If an employee makes a qualifying disclosure to such a person, it will be protected providing they make the disclosure:

- In good faith;
- Reasonably believe the information and any allegations are substantially true;

4. CONFIDENTIALITY

Syston Town Council will respect confidences as far as practicable, with due regard to an individual's right to privacy under data protection and human rights legislation. However, if an individual is under inquiry, that person is entitled to know the nature of the allegations being made, and any person criticised as a result of an inquiry has the right to be told the nature of the evidence upon which the criticism has been based.

While Syston Town Council will take every step to try and ensure that a whistleblower's identity is not revealed without their consent, in some cases the nature of the allegations or evidence may give an indication as to their source. Also, in limited cases there may be an obligation to reveal information under freedom of information legislation or by order of the court in legal proceedings. Information obtained in the course of an inquiry may, in the public interest be published in an inquiry report.

5. UNTRUE ALLEGATIONS

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious allegations and particularly if he or she persists with them, disciplinary action may be taken against the individual concerned. The decision as to whether the allegation was made maliciously will be taken after a fact finding enquiry in accordance with the disciplinary procedure.

6. THE PUBLIC INTEREST DISCLOSURE ACT 1998

Resources February 2019

Review Whistle Blowing; Public Interest Disclosure Policy – February 2022

The provisions introduced by the Public Interest Disclosure Act 1998 protect employees from being subjected to a detriment by their employer if they disclose information deemed to be in the public interest. “detriment” is defined in a number of ways including denial of promotion, facilities or training opportunities that the employer would otherwise have offered.

Employees who are protected by the provisions may make a claim for unfair dismissal if dismissed for making a protected disclosure.

7. MONITORING

This policy will be regularly monitored to ensure that it is working in practice and is updated when appropriate.

Equality Impact Assessment

We need to understand whether our services are meeting everyone’s needs and that everyone who needs them has access to those services. We have developed an Equality Impact Assessment process for the assessment of any new or significantly changed policies, practices, procedures, functions and services.

Undertaking Equality Impact Assessments enables us to take action to prevent direct and indirect discrimination by ensuring that as far as possible any negative consequences for a particular group or sector of the community are eliminated, minimised or counterbalanced by other measures.

Our ultimate aim is to improve our services. By making sure we have considered the potential impacts of a policy, strategy or plan at an early stage potential barriers or problems can be avoided and actions put in place these it can be fully incorporated into any decisions and not just a ‘bolt-on’ at the end. Working in this way helps us to integrate and mainstream equalities into our work. Likewise, when reviewing the effectiveness and performance of our services, we can use this procedure to identify equality issues and opportunities as an integral part of our review.