



Confidential Reporting Policy

Responsibility: Personnel Sub-Committee

Review Cycle: Every four years

<u>Date of Adoption / Renewal</u>	<u>Resolution Number</u>	<u>Date of Next Review</u>
21st October 2019	FCL19-10_105	May 2023

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

1. Introduction

1.1 Herstmonceux Parish Council is committed to the highest standards of openness and expects officers and employees to come forward and voice concerns where applicable.

1.2 This policy covers major concerns that fall outside the scope of other policies and procedures. It applies to concerns relating to officers and/or councillors.

1.3 Concerns relating to councillors may be better dealt with under the provisions of the Member Code of Conduct.

1.4 All concerns raised will be treated in the strictest confidence and the identity of the officer will not be revealed without prior agreement. Officers will not be penalised, disciplined or shown other unfavourable treatment for raising a legitimate non-malicious concern under this policy. Refer to 4 (how to raise a concern).

1.5 This policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for employees who disclose information about alleged wrongdoings in certain specific circumstances.

2. Purpose of policy

2.1 This policy aims to:

- encourage officers to feel confident to make a disclosure of concerns
- provide appropriate avenues for these concerns to be raised by officers
- reassure officers that they will be protected from being penalised or suffering detriment for making a disclosure

3. Concerns covered by this policy

3.1 This policy covers any serious concerns about any aspect of service provision or the conduct of officers or members of the council or others acting on behalf of the council.

3.2 Concerns that fall within this policy include, but are not limited to;

- where a criminal offence has been committed, is being committed or is likely to be committed
- where a person has failed, is failing or is likely to fail to comply with any legal obligations
- health and safety risks, including risks to the public
- where misleading or incorrect information is knowingly provided to the council as part of its decision-making process

3.3 The Confidential Reporting Policy is not used by officers to raise concerns over their employment conditions, as the grievance policy is intended to address these issues or for challenging decisions, practices and policies with which officers disagree.

4. How to raise a concern

4.1 The council has a number of policies which may be a better mechanism for raising concerns, dependant on the nature of the concern. Before raising a concern under this policy, officers should refer to:

- Grievance Policy
- Member Code of Conduct
- Complaints Procedure

4.2 If this is the most suitable mechanism for reporting, concerns should be raised either orally or in writing, to the Clerk, or the Chair or the Personnel-Sub Committee if the concern comes from the Clerk, or the Vice-Chairman if the concern relates to the Chairman.

4.3 The concern should detail as much background information and history as possible, including dates, times and the nature of the concern. While the officer is not expected to prove beyond doubt the allegation, they are expected to be able to demonstrate that the disclosure is being made in good faith and with no malicious intent.

5. How the council will respond

5.1 The council will investigate any concern raised under this policy. The nature of any investigation will be determined at the discretion of the individual to whom the concern was reported and may include referral to an alternate source such as an auditor. A decision may be made to use one of the alternate council policies to follow through the investigation.

5.2 The individual will be informed of how the council intends to pursue the concern, or if the council has decided the concern is unfounded.

5.3 The council will take steps to minimise any difficulties which an officer may experience as a result of raising, or being suspected of raising a concern, and if an officer is required to give evidence at any criminal or disciplinary hearing the council will offer support.

6. Malicious allegations

6.1 The council is committed to the highest standards of openness and expects employees to come forward and voice concerns where applicable.

6.2 However, the council will not tolerate deliberately misleading, malicious or substantially untrue allegations made by any staff member under the guidance of this policy.

6.3 Any staff member found to have made a deliberately misleading, malicious or substantially untrue allegation will be subject to the council's disciplinary policy.