

Fenstanton Parish Council

Disclosure of Malpractice (whistleblower) Policy

Purpose

At Fenstanton Parish Council, it is vital that everyone who works for or represents us maintains the highest standards of conduct, integrity and ethics, and complies with local legislation. If an employee and councillors, volunteer, partner, consultant or contractor has any genuine concerns about malpractice, we wish to encourage them to communicate these without fear of reprisals and in the knowledge that they will be **protected from victimisation and dismissal**.

This policy does not form part of any employee terms and conditions of employment and may be subject to change at the discretion of management.

Malpractice includes (but is not limited to) the issues listed below:

- Financial wrongdoing including theft, bribery, fraud, money laundering and precept/grant diversion
- A failure to comply with any legal obligations
- Sexual misconduct, including sexual abuse, harassment or exploitation (see Fenstanton Parish Council Safeguarding Policy)
- Abuse or exploitation of children, vulnerable adults or beneficiaries (see Fenstanton Parish Council Safeguarding Policy as above)
- Breach of Fenstanton Parish Council policy
- Abuse of position
- Danger to the health and safety of individuals or damage to the environment
- Improper conduct or unethical behaviour
- Activity which would bring the parish council into serious disrepute
- The deliberate concealment of information relating to any of the matters listed above

If you have a genuine concern and have a reasonable belief it is in the public interest, even if it is later discovered that you are mistaken, under this policy you will not be at risk of losing your job or from suffering any form of retribution as a result. This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice. Those found to be making false allegations maliciously will have disciplinary or legal action taken against them.

Malpractice is not a complaint about the performance and behaviour of a councillor, manager or other work colleague towards you. Such complaints will be directed for action to Fenstanton Parish Council's HR policies and procedures.

If you genuinely believe that the actions of someone who works for or represents Fenstanton Parish Council could lead to or has resulted in malpractice, please follow the procedure below.

Please note this procedure is not intended to replace Fenstanton Parish Council's Grievance Procedures, which continues to be the appropriate way to raise personal issues relating to the specific job or employment.

1.Raise the matter with your line manager, who will consult with the appropriate contact point. If you feel that you are unable to raise the matter with your line manager, and you are able to, raise it with a more senior manager or the Parish Council Chairman.

At the point of raising a concern it would be useful for you to share information describing:

- Whether anyone is at immediate risk of harm?
- What happened? If possible make note of dates, times, places, people.
- Who is involved?
- How do you know about it?
- When were you first concerned about it?
- Have you told anybody about it?
- Was any action taken?

All manager should:

- Report incidents of theft, fraud, or corruption immediately to Fenstanton Parish Council's Fraud and Corruption lead (Parish Clerk and RFO/Proper Officer)
- Report Safeguarding concerns relating to sexual abuse or exploitation of children, vulnerable adults, beneficiaries or any Fenstanton Parish Council representative to Fenstanton Parish Council's Safeguarding lead (Parish Clerk and RFO/Proper Officer)
- Report any other incidents of malpractice in the workplace to your line manager, or to the Head of Human Resources (Chair of the Finance and Constitution Committee)

2. A decision will be made on whether it is appropriate to handle such complaints under this policy. Where not appropriate the complainant will be informed and their permission sought to divert the issue to the appropriate HR procedure.

3. When matters are reported to the Fraud and Corruption lead, Fenstanton Parish Council's Fraud and Corruption policy will be followed. If an investigation is conducted, the outcome may involve taking disciplinary action if misconduct has been proved, which may include dismissal.

4. When matters are reported to the Safeguarding lead, Fenstanton Parish Council's Safeguarding Investigation Guidelines will be followed. If an investigation is conducted, the outcome may involve taking disciplinary action if misconduct has been proved, which may include dismissal.

You will be notified once the matter has been resolved, but outcomes are subject to confidentiality and may not be communicated.

Fenstanton Parish Council will take appropriate action, which may end in dismissal, in accordance with the relevant procedure against any employee and councillors, volunteer or consultant who:

- Has been found to be victimising another individual for using this procedure, or deterring them from reporting genuine concerns under it.
- Made a disclosure maliciously that is known to be untrue or without reasonable grounds for believing that the information supplied was accurate.

Frequently asked questions

What if the line manager is involved in the alleged malpractice in some way?

If the line manager is involved in the alleged malpractice in some way, the matter should be raised with the next senior manager in the management line. Concerns regarding financial wrongdoing may be raised directly with the Fraud and Corruption lead and concerns relating to sexual abuse or exploitation of children, vulnerable adults, beneficiaries or any Fenstanton Parish Council representative to the Safeguarding lead.

Can the disclosure be made anonymously?

You are strongly encouraged not to make anonymous disclosures as details and further concerns cannot then be checked with you and this may seriously limit the ability of investigators to pursue your concerns. Nonetheless, all disclosures, made anonymously or otherwise, will be reviewed but lack of information may limit the nature, extent and outcome of the investigation.

Who will conduct the investigation?

Normally an independent person from within Fenstanton Parish Council will be appointed. On rare occasions, or for complex cases such as safeguarding, external investigation support may be sought.

What if the matter involves a criminal offence?

The issue may also be reported to the police if a criminal offence, such as fraud or theft, or sexual assault has been committed.

What if the matter is a complaint about the performance or behaviour of a manager or colleague against me?

Such complaints will be directed for action to the appropriate HR policy under unless the concerns relate to concerns of sexual misconduct or other forms of malpractice listed in this policy.

Document History

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