



Whistleblowing Policy 2019

ANDOVER TOWN COUNCIL WHISTLEBLOWING POLICY – 2019 (March 2019)

Contents	Subject	Page No
	GDPR Privacy Statement	1
1	Introduction – The Policy	3
2	Other Complaints Procedures	3
3	What is Whistleblowing & what is covered?	4
4	Protection for Whistleblowers	4
5	Confidentiality	5
6	Anonymous allegations	6
7	Untrue allegations	6
8	Should I get advice	6
9	How to raise a concern	6
10	How the Town Council will respond	7
11	Contact	8
12	Attending Meetings	8
13	Support	8
14	Document Information	8
15	Document Control	9
	APPENDIX 1 – List of Town Council Whistleblowing contacts	9

The General Data Protection Regulation (GDPR) standardizes data protection law across all 28 EU countries and imposes strict new rules on controlling and processing personally identifiable information (PII). It also extends the protection of personal data and data protection rights by giving control back to EU residents. GDPR replaces the 1995 EU Data Protection Directive and goes into force on May 25, 2018. It also supersedes the 1998 UK Data Protection Act.

GDPR PRIVACY STATEMENT

(General Data Protection Regulations)

This is a privacy statement of Andover Town Council. Our registered office address is 68b High Street, Andover, Hampshire, SP10 1NG.

INTRODUCTION

- This is a statement to inform you of our policy about all the information we record about you. It sets out the conditions under which we may process any information that we collect from you or that you provide to us. Any information that identifies you (“Personal Information”) is used to provide you with the services you require.
- We regret that if there are one or more points below that you are not happy with us holding, we have to hold this under General Data Protection Regulations (GDPR) law.



Whistleblowing Policy 2019

- We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our websites, customers and clients are entitled to know that their personal data will not be used for any purpose other than the lawful basis upon which it was provided for.
- We undertake to preserve the confidentiality of all information that you provide to Andover Town Council.
- Our policy complies with UK law accordingly implemented including that required by the GDPR.
- The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now by requesting that you read the information provided at www.knowyourprivacyrights.org.
- Except as set out in our GDPR policies (which can be found at www.andover-tc.gov.uk) we do not share, sell or disclose any personal data to any other organisation or third party.

THE BASIS ON WHICH WE PROCESS INFORMATION ABOUT YOU

The law requires us to determine under which of the six defined bases, we process different categories of your personal information. If a basis on which we process your personal information is no longer relevant, your personal information will be destroyed.

If the basis changes then as required by law, we will notify you of the change and of any new basis under which your personal data is being held.

ALLOTMENTS

Data is held on an internal Town Council database/software system and is used to send you Newsletters, Yearly Invoices, Receipts, Follow-Up letters and Terminations if necessary.

Tenancy Agreements are held for 1 year after the expiry of the agreement under the GDPR guidelines (subject to change).

EMAILS & WEBSITES

If you contact the Town Council via email or our website, your personal data i.e. email address, will be kept for the time it takes to answer your enquiry, unless another lawful reason becomes apparent, which we will notify you of, after which time it will be destroyed.

For details of our full Privacy Policy, please refer to www.andover-tc.gov.uk. Alternatively, you may write to us at Andover Town Council, 68b High Street, Andover, Hampshire, SP10 1NG and we will send you a hard copy.

Information Source: South East Employers: Model policy, Kent County Council.

This policy incorporates the provisions which are required from the Public Interest Disclosure Act 1998.



Whistleblowing Policy 2019

1. Introduction – The Policy

Andover Town Council is committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This policy encourages employees to raise serious concerns, without fear of reprisal or victimization, internally within Andover Town Council rather than overlooking a problem or raising the matter outside the organisation.

It applies to all employees, agency workers and those contractors working on Town Council premises, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with Andover Town Council in their own premises.

We will actively promote this policy to officers and staff to welcome disclosures, provide training and will act against those who may seek to obstruct or ignore this policy or who harass or victimize anyone raising genuine concerns.

2. Other Complaints Procedures

This Policy is separate from Andover Town Council's Complaints Procedures and other statutory reporting procedures applying to some directorates. The Town Clerk is responsible for making service users aware of these procedures.

Any investigation into allegations of potential malpractice under this policy will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

3. What is Whistleblowing and what is covered?

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or dangers identified at work.

At the Town Council, we believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect and should not suffer as a result. Certain types of wrongdoing or dangers that are reported are regarded as being in the public interest. These are specified with The Public Interest Disclosure Act 1998 and Employment Rights Act 1996 and concern the following matters:

- Any criminal offence (such as fraud or theft)
- Any breach of a legal obligation or duty



Whistleblowing Policy 2019

- A miscarriage of justice
- A danger to the health and safety of any individual
- Danger to the environment
- Deliberate concealment of information tending to show any of the above five matters

A worker who reasonably believes that one of the above concern is either happening now, took place in the past, or likely to happen in the future is making a 'qualifying disclosure' (and discloses information regarding the matter to the appropriate person or body), will be 'protected' from detrimental treatment or victimization from their employer. These are called 'protected disclosures', further information on the protection for workers can be found in this policy.

As a whistleblower you are protected by law – you should not be treated unfairly or lose your job because you 'blow the whistle'.

In some cases, a protected disclosure may be investigated under a separate policy of the Town Council where appropriate, for example, an allegation of sexual harassment is likely to qualify for protection as it will be with reference to an unlawful or potentially criminal act. In these cases, the Town Councils Bullying and Harassment and Grievance Policy & Procedure will be used as the internal mechanism for dealing with the concern in the first instance.

Other concerns, that may not be qualifying, which however may meet the public interest criteria, could relate to value for money concerns, poor contract management, employment issues or poor standards of behavior of staff. While these may not have the same legal protection, the Town Council takes these seriously and will investigate with a view to resolving those concerns.

Personal grievances and complaints are not usually covered by whistleblowing law. If in doubt, please raise your concern. Further information on who to report concerns to under this policy can be found at **Appendix 1.**

4. Protection for Whistleblowers

(The Public Interest Disclosure Act 1998 (PIDA) governs whistleblowing. PIDA came into force on 2 July 1999. It amends the Employment Rights Act 1996 and protects workers against dismissal or other penalties as a result of making a 'protected disclosure'.)

If a concern (by a worker) is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the discloser raising the concern will be protected by the terms of this policy and where applicable, by whistleblowing legislation. Where a discloser has been victimized for raising a concern, the Town Council will take appropriate action against those responsible, in line with the Town Councils disciplinary policy and procedures.

Any disclosure of information received from a worker in relation to a 'Protected Disclosure' means that the workers who disclose information to the Town Council or a prescribed person in relation to the types of



Whistleblowing Policy 2019

wrongdoing in section 3 are protected by law and will not be at risk of losing their job or suffering any form of reprisal as a result, so long as:

- The worker making the disclosure has reason to believe the information provided is true
- The worker does not do so for personal gain

It does not matter if you are mistaken or if there is an innocent explanation for your concerns.

The Town Council does not require workers to obtain proof of wrongdoing or investigate the matter themselves prior to reporting a concern. We want workers to raise concerns they have at the earliest opportunity so that they can be considered, and hopefully resolved quickly. The Town Council is committed to dealing with any disclosure appropriately, consistently, fairly and professionally and no-one should feel that any issue or concern is not important enough to be raised.

The Town Council does not tolerate bullying, harassment or victimisation in any form, including to those who raise a concern in connection with the provisions of this policy. Furthermore, we will not tolerate any attempt to bully a worker into not raising any such concern. The Town Council has specific policies in place to deal with this type of behaviour. We consider behaviour of this nature to be a breach of our values and will take the appropriate action against those who fail to meet our behavioral requirements.

Whistleblowing laws provide the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

If you believe you have suffered a detriment for raising a concern under this policy, you should report this to any of the persons listed in Appendix 1.

5. Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, we may have to disclose your identity is required to do so by law.

In some cases, it may not be possible to maintain confidentiality as a consequence of an investigation into the concerns raised. If this occurs, we will discuss this as soon as possible with you and aim to devise strategies for supporting you to ensure that you suffer no detriment or harassment as a result.

6. Anonymous allegations

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual.



Whistleblowing Policy 2019

However, anonymous allegations will be considered and investigated at Andover Town Council's discretion. In exercising the discretion, the factors to be taken into account would include:

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

Anonymous whistleblowers may seek feedback through a telephone appointment or by using an anonymised email address.

7. Untrue allegations

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

8. Should I get advice?

Before making a disclosure, you may first wish to discuss the concern on a confidential basis with a trade union representative, solicitor, Protect (Formally Public Concern at Work) or professional body and seek advice on how to proceed. These discussions may help assess how justified your concern is and if you then wish to proceed, the most appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the law.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect (formally Public Concern at Work), operates a confidential helpline. Their contact details can be found at Appendix 1.

9. How to raise a concern

In the first instance we would encourage you to raise any concern you may have either formally or informally with the Deputy Town Clerk. Where you do not believe this to be appropriate, you can use any of the options set out below in Appendix 1. Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

The law recognizes that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. The government has produced a list of external bodies designated to receive external whistleblowing concerns. These are called prescribed persons and the list can be found at **Appendix 1**. In any case, those who wish to make a disclosure should do so using the Town Council's internal procedures in the first instance.

It will very rarely (if ever) be appropriate to alert the media. Whistleblowing to the media is only protected under exceptional circumstances and there is a risk that such disclosure could mean that the rights and protections in law, of the person making the disclosure, are lost.



Whistleblowing Policy 2019

General

Concerns can be raised verbally, or in writing. A concern raised in writing should:

- Set out the background and history of the concern, giving names, dates and places where possible
- Give the reason why you are particularly concerned about the situation

The earlier the concern is raised the easier it will be to take action. Although you are not expected to prove beyond doubt the truth of the allegation, you need to demonstrate to the person contacted that there are sufficient reasons for your concern.

A trade union or professional association representative may raise a concern on behalf of an employee.

10. How the Town Council will respond

The action that Andover Town Council takes will depend on the nature of the concern (deemed to be within the Public Interest – see below). The matters raised may:

- Be investigated internally by the Town Clerk, Chairman of the Staffing Sub-Committee, Internal Audit or through the disciplinary or other internal process
- Be referred to the Police
- Be referred to the External Auditor
- Form the subject of an independent inquiry

For the avoidance of doubt, concerns deemed to be within the public interest are:

- Any criminal offence (such as fraud or theft)
- Any breach of a legal obligation or duty
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate concealment of information tending to show any of the above five matters

In order to protect individuals and Andover Town Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- Acknowledging that the concern has been received
- Indicating how Andover Town Council proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Informing you if any initial enquiries have been made



Whistleblowing Policy 2019

- Whether further investigations will take place and, if not, why not

11. Contact

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

12. Attending meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

13. Support

Andover Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, Andover Town Council will advise or arrange for you to have advice about the procedure. Andover Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

Andover Town Council accepts that you need to be assured that concerns will be properly addressed and subject to legal constraints, will provide information about the outcomes of any investigations.

14. Document Information

Title:	Whistleblowing Policy
Status:	2 nd Draft
Version:	14 March 2019
Contact Amendment:	25.11.2021
Consultation:	Policy & Resources Committee
Approved by:	Council
Approval Date:	14 March 2019
Review Frequency:	Every three years or if change occurs
Next Review:	March 2022

15. Document Control

Date	Version	Description	Sections Affected	Approved by
May 2013	1	1 st Draft	All	Council



Whistleblowing Policy 2019

Mar 2019	2	2 nd Draft	All	Council

Disclaimer:

A printed version may not be the current version.

A current version may be obtained in the required format from the Town Clerk's Office at Andover Town Council.

APPENDIX 1 – List of the Town Council's Whistleblowing contacts

The Town Clerk	Wendy Coulter townclerk@andovertc.co.uk
The Deputy Town Clerk	Victoria Warburton deputyclerk@andovertc.co.uk
The Chairman of the Policy & Resources Committee	Councillor Robin Hughes clrrhughes@andovertc.co.uk
Internal Auditor	Mulberry & Co 9 Pound Lane, Godalming. Surrey. GU7 1BX Website: https://www.mulberryandco.co.uk/ Tel: 01483 423054
External Auditors	PKF Littlejohn LLP 1 Westferry Circus, London. E14 4HD Website: www.pkf-littlejohn.com Tel: 020 7516 2200
Protect (formally Public Concern at Work) Independent whistleblowing charity	Helpline: 020 3117 2520 Email: whistle@protect-advice.org.uk Website: www.pcaw.co.uk
List of Prescribed Persons for external disclosures	https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2
In respect of criminal offences, it may be necessary to contact the Police.	Hampshire Constabulary Emergency: 999 Non-emergency: 101 Website: https://www.hampshire.police.uk/