WHISTLEBLOWING POLICY

1. Policy Statement

Heath Hayes & Wimblebury Parish Council is committed to conducting its business with honesty, integrity, openness and accountability. It is important that any fraud, misconduct, wrongdoing or serious risk involving the Council, its staff, Councillors, contractors or others working on its behalf is identified and properly addressed. The Council encourages individuals to raise genuine concerns at the earliest opportunity and will take such concerns seriously.

This policy explains:

- what whistleblowing is;
- who can raise a concern;
- how concerns should be raised;
- how the Council will respond;
- how whistleblowers will be protected; and
- when concerns may appropriately be raised externally.
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Whistleblowing is the reporting of wrongdoing at work that affects others or is otherwise in the public interest. [acas.org.uk], [acas.org.uk]

2. Legal Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide legal protection to individuals who make certain disclosures in the public interest. The statutory protection is not limited solely to employees. Depending upon their employment status and circumstances, protection can apply to workers, employees, agency workers, apprentices and certain other categories of individuals. [acas.org.uk]

The Council also encourages people working with or on behalf of the Council who may not fall within the statutory definition of a protected worker to raise genuine concerns under this policy. Allowing an individual to use this policy does not, however, automatically give that individual statutory whistleblowing protection.

3. What is a Qualifying Disclosure?

A qualifying disclosure is a disclosure of information where the individual reasonably believes that it is in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;

- danger to the health or safety of any individual;
- damage to the environment;
- sexual harassment; or
- deliberate concealment of information relating to any of the above.

Sexual harassment became an expressly qualifying disclosure under whistleblowing law from 6 April 2026. [acas.org.uk] A concern can relate to wrongdoing that has already occurred, is currently occurring or is likely to occur in the future. [acas.org.uk]

An individual raising a concern does **not** need to investigate the matter or prove that wrongdoing has occurred. The individual must have a reasonable belief that the information tends to show wrongdoing and that the disclosure is in the public interest. [acas.org.uk], [acas.org.uk] It is the Council's responsibility to consider and, where appropriate, investigate concerns raised with it.

4. Whistleblowing and Personal Grievances

Whistleblowing is generally concerned with wrongdoing that affects others or is in the public interest.

A complaint concerning an individual's own employment circumstances, where there is no wider public-interest element, should normally be dealt with under the Council's **Grievance Procedure**. However, a grievance may also contain a qualifying whistleblowing disclosure. Where this occurs, the Council may need to consider the matter under both the Grievance Procedure and this Whistleblowing Policy. [acas.org.uk]

The Council will consider the substance of the concern rather than simply how the individual has labelled it.

5. Principles

The Council will apply the following principles when dealing with whistleblowing concerns:

- Staff and others working on behalf of the Council are encouraged to be alert to serious wrongdoing and to raise genuine concerns.
- Concerns will be taken seriously and handled fairly, objectively and without unnecessary delay.
- Concerns will be treated sensitively and as confidentially as reasonably practicable.
- Information will only be shared with people who need it to investigate or address the concern, where fairness requires disclosure, or where disclosure is required by law.
- No worker should suffer dismissal, victimisation or other detriment because they have made a protected disclosure.
- The Council will not tolerate retaliation, harassment, bullying or victimisation of a person because they have raised a protected concern. Legal protection against detriment applies to protected whistleblowers, while employees additionally have protection against automatically unfair dismissal for whistleblowing. [acas.org.uk]
- Any person involved in considering or investigating a disclosure must declare any actual or potential conflict of interest and take no further part where it would be inappropriate for them to do so.
- If misconduct is identified following an investigation, the Council may take appropriate action, including action under its disciplinary procedures or referral to an appropriate external authority.
- An instruction to conceal wrongdoing or prevent an individual from raising a legitimate concern will itself be treated seriously and may result in disciplinary action where applicable.

6. Concerns Which Are Not Substantiated

No disciplinary action will be taken against an employee simply because a genuine concern raised in reasonable belief is subsequently found to be mistaken or is not substantiated.

However, knowingly making a false allegation, deliberately providing false information or fabricating evidence is a serious matter and may be dealt with under the Council's disciplinary procedure where applicable. The purpose of this provision is not to discourage individuals from raising concerns in good faith or where they reasonably believe wrongdoing has taken place.

7. Procedure for Raising a Concern

Stage 1: Raising a Concern with the Clerk

In the first instance, concerns should normally be raised with the Clerk to the Council.

A concern can be raised verbally or in writing. However, individuals are encouraged, where possible, to raise concerns in writing so that there is a clear record of the disclosure. Acas advises that a whistleblowing disclosure does not legally have to be made in writing, although putting it in writing can provide evidence that the disclosure was made. [acas.org.uk]

The individual should provide as much relevant information as they reasonably can, which may include:

- the nature of the concern;
- relevant dates;
- the people involved;
- whether anyone else may have relevant information;
- whether the concern has previously been raised and, if so, with whom; and
- any information or documents already legitimately available to them.

The person raising the concern is not expected to investigate the matter themselves or obtain evidence to prove the allegation.

8. Investigation

On receiving a disclosure, the Clerk will consider:

- whether the concern falls within this policy;
- whether immediate action is necessary;
- how the matter should appropriately be investigated;
- whether specialist or independent advice or assistance is required;
- whether another Council procedure is also applicable; and
- whether the matter needs to be referred to an external authority.

The investigation may involve taking written statements, interviewing relevant individuals and considering appropriate records or other evidence. The Council will ensure that the investigation is proportionate to the nature and seriousness of the concern. The Clerk may, where appropriate, report the matter to the Council or an appropriate committee, regulatory body, auditor, police or other authority. Where misconduct by an employee is identified, the Council may consider the matter under its disciplinary procedure.

At the conclusion of the investigation, the person who raised the concern will, insofar as confidentiality, data protection and the rights of other individuals allow, be informed of:

- whether the matter has been investigated;
- the general outcome; and
- whether appropriate action has been or will be taken.

It may not be possible to disclose details of disciplinary action or confidential information concerning another individual.

9. Where the Concern Involves the Clerk

If the concern relates to the conduct of the Clerk, or the individual reasonably believes that the Clerk is involved in the wrongdoing, the matter should be raised directly with the Chair of the Council. The Chair will arrange for the concern to be considered and, where appropriate, investigated. Where appropriate, an independent person may be appointed to investigate the disclosure.

10. Where the Concern Involves the Chair

If the concern relates to the Chair of the Council, it should normally be raised with the Clerk, provided that the Clerk is not also implicated. Where the matter concerns both the Clerk and the Chair, or where either has a conflict of interest that prevents them from dealing with the matter impartially, the concern should be raised with the Vice-Chair or another appropriate councillor who is not involved in the matter. Where necessary, the Council may seek external advice or appoint an appropriately independent person to deal with or investigate the concern.

11. Complaints About Councillors

An allegation that a councillor has breached the Council's adopted **Councillor Code of Conduct** is dealt with separately from the whistleblowing procedure. In England, the principal authority has arrangements for considering allegations that elected or co-opted parish councillors have failed to comply with their Code of Conduct. Such complaints are usually handled through the principal authority's Monitoring Officer under its published standards arrangements. [local.gov.uk]

An individual wishing to make a Code of Conduct complaint should therefore follow the relevant principal authority's published Code of Conduct complaint procedure. The Council will provide information about the appropriate procedure or contact details where required. Where the substance of a concern about a Councillor also includes a qualifying whistleblowing disclosure, the matter may need to be considered under this policy in addition to any Code of Conduct process. Nothing in this section prevents suspected criminal conduct or another matter falling within the jurisdiction of an external regulator or authority from being referred to the appropriate body.

12. External Disclosures

The Council encourages workers to raise concerns internally where appropriate so that the Council has an opportunity to address the matter. However, an individual is not required in every circumstance to complete the Council's internal procedure before making an external disclosure. The legal requirements for protection vary according to whom a disclosure is made. Acas confirms that disclosures can potentially be made to an employer or person responsible for the wrongdoing, a legal adviser, certain government ministers, a prescribed person or body and, subject to more stringent conditions, other persons or bodies. [acas.org.uk]

Prescribed persons and bodies

In some circumstances it may be appropriate to disclose a concern to a person or organisation prescribed by the Government for that particular subject matter. Examples can include regulators and other public authorities.

An individual considering making such a disclosure should ensure that the person or body is prescribed for the particular matter being reported. [acas.org.uk], [gov.uk]

The Government's current list is available at:
GOV.UK – Whistleblowing: list of prescribed people and bodies
https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2
The Government list was last updated on 15 September 2026, including changes arising from amendments that took effect on 2 June 2026, so the Council will refer individuals to the current online list rather than reproduce a list of bodies within this policy that may subsequently become outdated. [gov.uk] An individual should consider obtaining independent advice if they are uncertain about whether, or to whom, an external disclosure should be made.

13. Confidentiality and Anonymous Disclosures

The Council recognises that individuals may be concerned about possible consequences if their identity becomes known. The Council will therefore treat the identity of a whistleblower sensitively and as confidentially as reasonably practicable. However, absolute confidentiality cannot be guaranteed. There may be circumstances in which information must be disclosed in order to carry out a fair and effective investigation, protect another person's rights, comply with a legal obligation or refer the matter to an appropriate external authority.

Where the Council considers that disclosure of the whistleblower's identity may be necessary, it will, where legally and reasonably practicable, discuss this with the individual. Anonymous concerns will be considered, although anonymity can sometimes make it more difficult to investigate a concern fully, obtain further information or provide feedback about the outcome.

14. Protection from Detriment and Victimisation

The Council will not tolerate the victimisation or detrimental treatment of a person because they have made a protected whistleblowing disclosure. Examples of detrimental treatment may include bullying, harassment, unjustifiably refusing training or development opportunities, or other treatment that places the whistleblower at a disadvantage because they made the disclosure. [acas.org.uk]

Any employee who believes that they have been subjected to detrimental treatment because they raised a whistleblowing concern should report the matter immediately to the Clerk or, where the concern involves the Clerk, to the Chair. Where neither is appropriate because of the nature of the concern or a conflict of interest, the matter should be raised with the Vice-Chair or another appropriate councillor. Victimising another worker because they made a protected disclosure may result in disciplinary action.

15. Data Protection

When an individual raises a concern, the Council will process any personal data collected in accordance with applicable data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018, together with the Council's Data Protection Policy and relevant privacy information. Personal information associated with a disclosure will be held securely and access restricted, so far as reasonably possible, to persons who require the information for the purposes of considering, investigating or responding to the disclosure, or where disclosure is otherwise required by law.

Records will be retained in accordance with the Council's records retention arrangements and applicable legal requirements.

16. Advice and Support

Individuals considering raising a concern may wish to obtain independent advice. Information and advice about whistleblowing is available from Acas, and Acas also identifies Protect, the UK whistleblowing charity, as a source of free legal advice on whistleblowing. [acas.org.uk] Employees may also seek advice from their trade union or an independent legal adviser. Nothing in this policy prevents an individual from seeking independent legal advice.

17. Responsibility for the Policy

The Council has overall responsibility for this policy.

The Clerk is responsible for ensuring that:

- the policy is made available to staff and other appropriate persons;
- whistleblowing concerns are handled appropriately;
- appropriate records are maintained;
- confidentiality and data protection requirements are observed; and
- the policy is periodically reviewed.
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Where the Clerk is the subject of a disclosure or has a conflict of interest, responsibility will pass to the Chair or other appropriate person in accordance with this policy.

18. Review

This policy will normally be reviewed annually, or earlier where there is:

- a relevant change in legislation;
- updated statutory or national guidance;
- a significant change to the Council's structure or procedures; or
- an incident which indicates that the policy should be amended.

Signed: ***C Harborow***

Dated: 14th October 2026

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