

Confidential Reporting (Whistleblowing) Policy

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1. Introduction

- 1.1 Lancing Parish Council is committed to the highest standards of openness, integrity, and accountability, and expects employees to raise concerns about wrongdoings where appropriate. This policy provides a framework for the reporting and investigation of serious concerns relating to the conduct of the council's activities, employees or senior officers where those concerns are in the public interest and fall outside the scope of normal management or complaints procedures.
- 1.2 It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the council is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 1.3 It is important that this policy is not used by staff members to raise concerns about their employment conditions, as the Grievance Policy and Complaints Procedure is intended to address these issues. This policy should not normally be used by staff members as a mechanism for challenging decisions, practices, or policies with which they disagree, unless the concern is in the public interest and falls within the scope of whistleblowing.
- 1.4 This policy applies to employees, contractors, volunteers, and any other individuals working on or behalf of the Council. The Council also welcomes disclosures from members of the public where relevant to its activities.

2. Background

- 2.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has reasonable belief that:
 - A criminal offence;
 - A miscarriage of justice;
 - An act creating risk to health and safety;
 - An act causing damage to the environment;
 - A breach of any other legal obligation; or
 - Concealment of any of the above;is being, has been, or is likely to be committed. It is not necessary for you to have proof that such an act is being, has been, or likely to be committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is the council's responsibility to ensure investigation takes place.
- 2.2 If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

3. Principles

- 3.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 3.2 Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- 3.3 Disclosures may be made anonymously. However, the Council encourages individuals to provide their names wherever possible, as this will assist in conducting a thorough investigation and providing feedback. Anonymous disclosures may still be considered, although the Council's ability to investigate and respond may be limited.
- 3.4 The Council will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegations will be kept confidential as far as reasonably practicable. However, there may be circumstances where the Council is required to disclose this information, for example where required by law or where it is necessary to ensure a fair investigation.
- 3.5 No employee or other person working on behalf of the council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- 3.6 Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- 3.7 If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- 3.8 Maliciously making a false allegation is a disciplinary offence.
- 3.9 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of the Council.

4. Procedure

- 4.1 This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Policy.
- 4.2 Stage 1
In the first instance, any concerns should be raised with the Clerk, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The Clerk will take any necessary action, including reporting the matter to the Council, or appropriate government department or regulatory agency. The Clerk will also invoke any

disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, you will be told the outcome and what the Council has done or proposes to do about it. If no action is to be taken, the reason for this will be explained.

The Council will acknowledge receipt of the concern within 5 working days where possible and aim to provide an update on progress within 20 working days, although this may vary depending on the complexity of the matter.

4.3 Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out and make any necessary enquiries.

4.4 Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue and Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

A full list can be found on the UK government website.

5 Data Protection

- 5.1 When an individual makes a disclosure, we will process any personal data collected in accordance with the Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.