



STANDARDS COMMITTEE REPORT

Report Title	Whistleblowing Policy - Update
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	19 th December 2016
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 The purpose of this report is to provide an update to Members of the Committee about the Council's Whistleblowing Policy Statement and Procedure (the "Whistleblowing Policy").

2. Recommendations

- 2.1 It is recommended that the Committee note the content of this Report and advise the Monitoring Officer if it has any comments that it requests are taken into account by Officers during their forthcoming review of the Council's Whistleblowing Policy.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council has a Whistleblowing Policy in place as part of its overall Anti-Fraud and Corruption Policy and Strategy. The current Whistleblowing Policy is attached as Appendix 1.
- 3.1.2 Whistleblowing refers to the act of reporting or exposing wrongdoing either internally, within the organisation, or externally, for example to a regulator.
- 3.1.3 The purpose of the Council's Whistleblowing Policy is to enable those who work for the Council to disclose allegations of malpractice and be confident that the matter will be effectively investigated and that they will not be left

vulnerable to any form of victimisation, or be subject to reprisal as a result of “blowing the whistle”.

3.1.4 The following lists examples of types of malpractice that might be reported/disclosed under the Council’s Whistleblowing Policy:

- Conduct which is a criminal offence or a breach of law
- Dangerous procedures risking the health, safety or welfare of other employees or members of the public
- Damage to the environment
- Unauthorised use of public funds
- Fraud or corruption
- Sexual or physical abuse of clients
- Disclosures related to miscarriages of justice
- Other unethical conduct

3.1.5 Whistleblowing is an important aspect of good governance within organisations. Maintaining an effective Whistleblowing Policy contributes to an organisational environment where the prevention of fraud and malpractice is encouraged and where its detection is promoted.

3.1.6 As a key governance committee of the Council, it is important that the Standards Committee is involved in the monitoring and review of the Council’s Whistleblowing Policy and Procedure.

3.2 Issues

3.2.1 A full review of the Whistleblowing Policy is due. This review will be undertaken as part of the implementation of the Council’s Governance Action Plan (that was considered by Audit Committee on 5th December 2016).

3.2.2 The purpose of the review of the Whistleblowing Policy will be to:

- Ensure that it is updated to reflect any legislation changes and current best practice and guidance eg. government guidance and guidance provided by the charity Public Concern at Work.
- Give consideration to how the Policy and Procedure could be applied to disclosures from people other than employees. (In practice, disclosures of malpractice that have been made to the Council by people other than employees have been dealt with using the Whistleblowing Procedure when appropriate).
- Give consideration to the provision of external whistleblowing reporting. (For example, staff who wish to make a whistleblowing disclosure could be given the option of making a confidential disclosure to an external organisation who specialise in dealing with whistleblowing disclosures. This may have the effect of encouraging people, who may not otherwise feel that they can “blow the whistle” internally, to make a disclosure. This would be in addition to the current options of making the disclosure

internally within the Council eg. to Senior Management or making the disclosure externally to the relevant regulatory body).

- 3.2.3 In addition to reviewing the Whistleblowing Policy itself, the review will also give consideration to how to increase the profile of whistleblowing. It is not sufficient to simply have a Whistleblowing Policy. Efforts must be made to ensure that staff are aware of, understand and trust the whistleblowing avenues. In order for the Whistleblowing Policy to be effective, it must be underpinned by an organisational culture that is open, transparent and supportive of staff who bring unlawful or unethical behaviour or malpractice to the attention of management. Having a campaign to raise awareness of whistleblowing will assist in assuring people of this.

3.3 Choices (Options)

- 3.3.1 It is recommended that the Committee note the content of this Report and advise the Monitoring Officer if it has any comments that it requests are taken into account by Officers during their forthcoming review of the Council's Whistleblowing Policy Statement and Procedure.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The Report refers to a forthcoming Policy review but does not seek to change Policy.

4.2 Resources and Risk

- 4.2.1 There are no financial implications arising from this report. There will be a resource required in terms of Officer time in conducting the review of the Whistleblowing Policy and Procedure.

4.3 Legal

- 4.3.1 The law on whistleblowing is contained in the Employment Rights Act 1996 ('ERA') as amended by the Public Interest Disclosure Act 1998 ('PIDA'). The ERA was amended by PIDA to introduce protection for workers (including employees) who "blow the whistle" on wrongdoing at work. Workers have a right not to be dismissed or suffer detriment at work as a consequence of making a "protected disclosure".

4.4 Equality

- 4.4.1 There are no equality and diversity issues arising directly from this Report. However, full consideration will need to be given to equality and diversity issues in the review and implementation of a revised Whistleblowing Policy and any subsequent awareness raising campaign.

4.5 Consultees (Internal and External)

4.5.1 Relevant consultees will be engaged as part of the review of the Whistleblowing Policy Statement and Procedure.

4.6 Other Implications

4.6.1 None

5. Background Papers

5.1 None

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