



STANDARDS COMMITTEE REPORT

Report Title	Review - the Whistleblowing Policy.
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	20 March 2017
Policy Document:	Yes
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 The purpose of the report is to present a draft Whistleblowing Policy to the Standards Committee.

2. Recommendations

It is recommended that the Standards Committee:

- 2.1 recommend to Cabinet that the Council retain an external provider to operate an external whistleblowing hotline for the Council;
- 2.2 recommend the draft Whistleblowing Policy and Procedure attached at Appendix 1 to Cabinet for approval; and
- 2.3 recommend to Cabinet that upon adoption of a new Whistleblowing Policy and Procedure, training on whistleblowing is provided to Councillors and Council staff, alongside a campaign to raise awareness of whistleblowing arrangements.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council currently has a Whistleblowing Policy in place as part of its overall Anti-Fraud and Corruption Policy and Strategy.

- 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 A full review of the Whistleblowing Policy is being undertaken as part of the implementation of the Council's Governance Action Plan (that was considered by Audit Committee on 5th December 2016).
- 3.1.7 At its meeting in December 2016, the Standards Committee considered an update report on the Council's Whistleblowing Policy.
- 3.1.8 At its December 2016 meeting, the Standards Committee established a Working Group to prepare a draft Work Plan for the Committee. In accordance with the draft Work Plan for the Standards Committee, the Committee is to participate in the refresh of the Council's Whistleblowing Policy and Procedure and its implementation.
- 3.1.9 The Working Group (Work Plan) has commenced work in relation to the Whistleblowing Policy. The Working Group (which comprises of Councillors Patel, Oldham, Smith and B. Markham) met on 2nd March 2017 and considered the broad principles of the draft Whistleblowing Policy attached at Appendix 1. The Working Group also considered in detail the principle of the Council having an external whistleblowing hotline.
- 3.1.10 Organisations sometimes provide the option for their staff to blow the whistle to an external provider, in addition to the ordinary routes for whistleblowing disclosures to be made within the organisation. The draft Whistleblowing Policy at Appendix 1 includes the provision of an external whistleblowing

hotline. The Council's current Whistleblowing Policy does not include an external hotline.

3.1.11 The draft Whistleblowing Policy encourages staff to raise any concerns they may have through standard Line Management initially, to allow those in positions of responsibility to address the issue and seek an explanation for the behaviour or activity. The draft Policy states that if the individual with the concern does not feel that Managers within their area have addressed the concern, or they prefer not to raise it with their own managers for any reason, they can also contact either the Monitoring Officer, the Chief Executive or the confidential external whistleblowing hotline.

3.1.12 The detail of how an external provider would work, would need to be worked out as part of a procurement process if Cabinet ultimately decide to agree to the use of an external whistleblowing hotline as part of the Council's whistleblowing arrangements. However, in terms of the broad principles, the draft Policy does not envisage the external whistleblowing hotline provider dealing with or investigating the subject of any disclosures. It is anticipated that an external provider would receive and log any disclosures made and report them back into the relevant part of the Council, taking into account any potential conflicts of interest arising from the subject matter of the disclosure.

3.1.13 There are a number of potential advantages of using an external whistleblowing hotline in addition to the Council's ordinary whistleblowing routes. For example:

- People who work for an external hotline who are trained in talking to individuals who may want to make a disclosure can build rapport with those individuals and successfully gather relevant information.
- Hotline can be covered outside of ordinary office hours.
- The existence of an external hotline can assist in allaying any suspicions that staff may have about how the organisation treats whistleblowing and can demonstrate that the organisation is completely committed to hearing any concerns that its staff may have.
- It can provide an alternative route for staff who do not wish to use internal reporting options, but does not need to replace the existence of those internal reporting options.
- Generally, being able to report to an external whistleblowing hotline may lead to a more positive perception by Council staff of whistleblowing arrangements and lead to a higher number of reports being made. (If an organisation receives a very low number of disclosures or no disclosures, this could indicate a lack of confidence in the organisation's whistleblowing arrangements rather than indicating that there are no matters of concern within the organisation).

3.1.14 The Standards Working Group, at its meeting on 2nd March 2017 considered the broad principles of the draft Policy at Appendix 1 and agreed that:

- officers should further investigate the provision of an external organisation to provide a confidential hotline as part of the Whistleblowing Policy; and
- the draft Policy be presented to this meeting of the Standards Committee for its consideration.

3.1.15 The Standards Working Group discussed the importance of training to ensure that all Councillors and staff are aware of the Council's whistleblowing arrangements. When a revised Whistleblowing Policy is formally adopted by the Council, it will be important to ensure that there is a campaign to raise awareness of the Policy and Procedure and ensure that training takes place.

3.2 Choices

3.2.1 It is therefore recommended that Standards Committee:

- a) recommend to Cabinet that the Council retain an external provider to operate an external whistleblowing hotline for the Council;
- b) recommend the draft Whistleblowing Policy and Procedure attached at Appendix 1 to Cabinet for approval; and
- c) recommend to Cabinet that upon adoption of a new Whistleblowing Policy and Procedure, training on whistleblowing is provided to Councillors and Council staff, alongside a campaign to raise awareness of whistleblowing arrangements.

3.2.2 Standards Committee could choose not to recommend the introduction of an external whistleblowing hotline. However, introducing an external whistleblowing hotline would be a strengthening of the Council's governance processes for the reasons set out in this Report, and would therefore contribute to the overall objective of the Council's Governance Action Plan.

4. Implications (including financial implications)

4.1 Policy

4.1.1 If the recommendations in this Report are accepted, Standards Committee will recommend that Cabinet adopt a revised Whistleblowing Policy and Procedure to replace the current Policy.

4.2 Resources and Risk

4.2.1 This report does not have any direct resource implications. There are indirect resource implications. If recommendations are made by Standards Committee to Cabinet to adopt the draft Whistleblowing Policy at Appendix 1, this will require Cabinet's approval of expenditure on retaining an external company to operate a whistleblowing hotline for the Council.

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 Full regard will to be had to equality and diversity considerations in the implementation of a revised Whistleblowing Policy and any associated awareness raising campaign.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None.

5. Background Papers

Francis Fernandes
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