

AUDIT AND GOVERNANCE COMMITTEE

29 November 2023

WHISTLEBLOWING POLICY

Report by the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **To note the number of incidents of Whistleblowing during the 2022-23 financial year.**
2. **To note the work being undertaken on the development of a revised Whistleblowing Policy in light of the lessons learned from operation of the current Policy since November 2021.**

Background

3. A revised Whistleblowing Policy was presented to the Audit and Governance Committee on 17 November 2021 and the Council has operated under that Policy since November 2021. It focuses primarily on employees, councillors and contractors. A copy of the policy is attached to the report.
4. The main thrust of national whistleblowing guidance and policies is on encouraging internal persons to blow the whistle on a situation in the public interest, that the public might otherwise lack the internal knowledge to raise. The policy, however, recognises that the public may sometimes also wish to raise a whistleblowing concern. The emphasis is on encouraging legitimate concerns rather than being unduly prescriptive on who can raise concerns.
5. There is sometimes confusion on whether an individual raising a concern is whistleblowing or making a complaint. If the concern refers to others, for example the organisation, other staff, clients or the wider public, this is categorised as whistleblowing. If the concern refers to the individual, for example a personal grievance about terms of employment, pay or unfair treatment, this would be categorised as a complaint or grievance.

6. A single point of confidential contact is available at whistleblowing@oxfordshire.gov.uk and overseen by the Monitoring Officer and Chief Internal Auditor. The policy gives the contact details of senior managers and external organisations in case a person wishes to raise matters that way in the first instance.

Incidents of whistleblowing during 2022-23

7. Ten whistleblowing allegations were received. Three were assessed by the Monitoring Officer as requiring action under a different council policy (e.g. Grievance Procedure) and seven were accepted as requiring investigation under the council's whistleblowing policy. Summary details are provided below:
 - a) Allegation of poor standard of care provided by a Council Service. Investigation completed.
 - b) Allegations of bullying behaviour by Council employee. Investigation completed.
 - c) Allegations of bullying in an educational setting and the organisational response. Investigation completed.
 - d) Allegations regarding the treatment of a looked-after child. Investigation completed.
 - e) Failure of a directorate to perform a statutory function. Investigation completed.
 - f) Allegations regarding the failure to follow an internal human resources process. Investigation completed.
 - g) Allegations of false representations being made by a supplier to the Council. Investigation completed.
8. One of the allegations was reported by another public sector organisation, one was anonymous, three were from council contractors and two were reported by Council employees.
9. For the first six months of 2023-24, 1 April to 30 September 2023, nine whistleblowing allegations were received. Of these, five were assessed by the Monitoring Officer as requiring action under a different Council policy. Three have been accepted as requiring investigation under the Council's Whistleblowing Policy and one is currently being assessed by the Monitoring Officer. These incidents will be reported to the Audit and Governance Committee in due course.
10. The Whistleblowing Policy is currently under review having been in operation for two years to provide greater clarity in the explanation of the six categories

set out in the Employment Rights Act 1996 that make a complaint a qualifying disclosure under the Public Interest Disclosure Act 1998. It will also set out how a complaint that does not fall within the strict definition of a whistleblow may be investigated. An updated policy will be presented to the committee in due course and once a revised Policy has been approved training will be rolled out on that Policy.

11. On 23 June 2023 – World Whistleblowers’ Day an article featured on the front page of the Council’s intranet to raise awareness amongst employees as to how they could raise a concern under the Whistleblowing Policy. The receipt of whistleblowing complaints is considered as a healthy indicator that within an organisation people are prepared to speak out if they do not consider something is right or safe.

Corporate policies and priorities

12. The Whistleblowing Policy supports the Council’s organisational values, most notably ‘equality and integrity in all that we do’ and ‘taking responsibility’.

Financial implications

13. No direct financial implications

Risk management implications

14. Without clear arrangements for employees to raise whistleblowing concerns safely, it is difficult for an organisation effectively to manage the risks it faces.

Legal implications

15. Under the scheme of delegation in the Constitution, the Monitoring Officer has authority to agree and adopt the governance policies for the Council, including the Whistleblowing Policy, following consultation with the Leader, Deputy Leader and Director of Finance.
16. The Public Interest Disclosure Act 1998 sets out a framework for a worker to make disclosure (whistleblowing) about categories of wrong-doing, if there is a public interest in doing so. A person raising such a concern has a right not to suffer any detriment. The Council’s Whistleblowing Policy is consistent with the expected framework, and other best practice guidance, and sets out the expected protections.

Equality and inclusion implications

17. The Whistleblowing Policy is intended to give confidence to all who wish to raise an allegation of wrongdoing and not to disadvantage any individual that has one or more protected characteristic.

Anita Bradley
Director of Law & Governance and Monitoring Officer

Annex: Whistleblowing Policy

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