

**Divisions Affected – N/A**

## **AUDIT AND GOVERNANCE COMMITTEE**

**13 March 2024**

### **WHISTLEBLOWING POLICY**

**Report by the Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATIONS**

- 1. To consider the revised Whistleblowing Policy at Annex 1 to this report and provide any comments to the Director of Law & Governance and Monitoring Officer.**
- 2. To recommend to Council that the Terms of Reference of the Committee be amended to include “ To monitor whistleblowing arrangements and to approve the Whistleblowing Policy”**

#### **Background**

1. The existing Whistleblowing Policy was presented to the Audit and Governance Committee on 17 November 2021 and the Council has operated under that policy since that Policy was approved. The existing policy is attached at Annex 2.
2. The committee receives an annual report on the number of whistleblowing incidents each year. Summary details are provided for each incident but without any information that would allow individuals to be identified. The last report was presented to the committee on 29 November 2023.
3. The categories of complaint in the existing policy (paragraph 4 (ii)) are very wide and are outside the legislation and legal definition of a whistleblowing incident. Council employees have tried to use the whistleblowing procedure in place of Human Resources policies such as the grievance procedure. This has in some cases led to delays in dealing with issues and disappointment from employees.

## **New Whistleblowing Policy**

4. The Monitoring Officer has reviewed the existing policy based on their experience of operating the current arrangements. They have consulted with the Council Management Team along with the Chief Internal Auditor, Counter Fraud Manager and the Recognised Trade Union – Unison in developing the new policy. All consultation response that have been received have been considered by the Monitoring Officer and incorporated wherever possible.
5. The new policy provides greater clarity around 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.
6. Whilst the Council is very keen to address all complaints, it needs to follow the correct process, so the new policy has been drafted more tightly to keep to the legal definition of a whistleblowing incident.
7. The new policy recognises the importance of keeping an employee updated and an Investigating Officer reporting back to the Monitoring Officer on progress and if a complaint raised through the whistleblowing route is investigated through another council policy, once that process has been concluded. It sets out how a complaint that does not fall within the strict definition of a whistleblowing incident may be investigated.
8. References to the previous legal test of good faith have been removed as the complainant needs to believe the allegations are true only.
9. Following consultation with relevant officers, a reference has been included to schools being subject to their own whistleblowing policy. The policy for schools will be based on the Council policy and will be updated following its adoption.
10. The Monitoring Officer intends to raise awareness of the new Whistleblowing Policy across the Council and will ensure that training is available for all Council employees.

## **Corporate policies and priorities**

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

## **Financial implications**

12. No direct financial implications

