

**Divisions Affected – N/A**

## **AUDIT AND GOVERNANCE COMMITTEE**

**23 November 2022**

### **WHISTLEBLOWING POLICY**

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

#### **RECOMMENDATION**

1. **To note the number of incidents of Whistleblowing during the 2021-22 financial year.**

#### **Background**

2. A revised Whistleblowing Policy was presented to the Audit and Governance Committee on 17 November 2021. The revised policy draws from best practice elsewhere and benefited from prior consideration by the Audit Working Group. It focuses primarily on employees, councillors and contractors. A copy of the policy is attached to the report.
3. 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.
4. 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.

5. A single point of confidential contact is available at [whistleblowing@oxfordshire.gov.uk](mailto: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 2021-22**

6. Nine whistleblowing incidents were recorded from 1 April 2021 to 31 March 2022. They are summarised below:
  - a) Allegation regarding a transport provider and Covid grants – reported April 2021, investigation ongoing.
  - b) Allegations against a School Business Manager – reported June 2021, investigation completed July 2021.
  - c) Allegation regarding a Head Teacher and a School Governing Body – reported July 2021, investigation ongoing.
  - d) Allegation regarding the appointment of a member of staff – reported August 2021, investigation completed April 2022.
  - e) Allegation regarding a transport provider and Covid grants – reported August 2021, investigation completed September 2021.
  - f) Allegation relating to accounting issues within an Early Years setting – reported October 2021, investigation completed October 2021.
  - g) Allegation of conflict of interest relating to a contractor – reported December 2021, investigation completed February 2022.
  - h) Allegation against a school transport provider – reported December 2021, investigation completed May 2022.
  - i) Allegations against a Senior Council Officer – reported January 2022, investigation completed July 2022.
7. Two of the incidents were reported by Council employees, three were from Council contractors, three were anonymous and one was categorised as vexatious.
8. For the first six months of 2022-23, 1 April to 30 September 2022, six whistleblowing incidents have been recorded. These incidents will be reported to the Audit and Governance Committee in due course.

## **Corporate Policies and Priorities**

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

## **Financial Implications**

10. No direct financial implications

## **Risk Management Implications**

11. 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**

12. 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.
13. The Public Interest Disclosure Act 1998 sets out a framework for a worker to make disclosure (whistleblowing) about categories of wrongdoing, 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**

14. 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.

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Annex: Whistleblowing Policy

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November 2022