

GOVERNANCE COMMITTEE

11 FEBRUARY 2015

REPORT OF MONITORING OFFICER

WHISTLE BLOWING POLICY

1.0 PURPOSE OF REPORT

1.1 For Members to consider the updated Whistleblowing Policy.

2.0 RECOMMENDATIONS

2.1 **To consider and approve the revised Whistleblowing Policy attached at Appendix A .**

3.0 KEY ISSUES

3.1 The Whistleblowing Policy was last revised in February 2012.

3.2 Since the last review of the policy the provisions of the Enterprise and Regulatory Reform Act 2013 have come into effect. The new provisions came into force in June 2013, making several key amendments to the legal position, including:

- Disclosures are no longer protected unless the worker has a “reasonable belief” that the disclosure is in the public interest, the worker is not required to know for certain it is in the public interest.
- The requirement that disclosures must be made in “good faith” is removed, although disclosures made in bad faith may result in any compensation awarded by an Employment Tribunal being reduced by up to 25%.
- The Council as an employer will now be vicariously liable for the actions of workers where they subject a colleague to a detriment as a result of whistleblowing, unless they can demonstrate that they took all reasonable steps to prevent this happening. It also opens up liability to workers where they subject a colleague to a detriment.

3.3 The updated policy attached at Appendix A addresses the changes made by the Act in relation to whistleblowing. The public interest is not defined in the Act and will be subject to interpretation and case law. The policy does not seek to define this, which is appropriate in the circumstances, as it is a judgement call for individual workers.

3.4 The amended Policy appended to this report has been produced by the Monitoring Officer and the Monitoring Officer at Harborough Council, who is also Solicitor to the Council and Deputy Monitoring Officer at Melton.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 This policy applies to all staff.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no direct financial implications.

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 The legal implications are as set out in the body of the report.

7.0 **COMMUNITY SAFETY**

7.1 There are no direct Community Safety implications.

8.0 **EQUALITIES**

8.1 This policy supports the Council's Equality and Diversity policies and provides a forum whereby any genuine concern can be raised.

9.0 **RISKS**

There are no risks to adopting this policy.

10.0 **CLIMATE CHANGE**

10.1 There are no direct implications for climate change.

11.0 **CONSULTATION**

11.1 The recognised trade unions have been consulted through JSWG.

11.2 Management Team have agreed the policy.

12.0 **WARDS AFFECTED**

12.1 All

Contact Officer Angela Tebbutt
Date: 16 January 2015

Appendices : Appendix A

Background Papers: the Enterprise and Regulatory Reform Act 2013 PIDA 1998

Reference : X :