

## Whistleblowing Policy and Update

<b>Corporate Priority:</b>	Ensuring the right conditions to support delivery
<b>Relevant Ward Member(s):</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	

### 1 Summary

- 1.1 This report seeks approval of a revised Whistleblowing Policy which is required to comply with legislation and forms part of the Council internal governance controls.

### 2 Recommendations

**That Committee:**

- 2.1 Note and endorse the revisions to the Whistleblowing policy; and

**Recommend to Council:**

- 2.2 To approve the revised Whistleblowing Policy to be effective immediately

### 3 Reason for Recommendations

- 3.1 The policy was last approved in 2019 and is due for review
- 3.2 It is good governance to ensure the Whistleblowing policy is reviewed regularly, up to date and fit for purpose.

## **4 Background**

- 4.1 'Whistleblowing' means the reporting by employees, workers, contractors or elected Members of suspected misconduct, illegal acts or failure to act within the Council. The aim of the Policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice them.
- 4.2 The revised Policy is intended to enable those who become aware of suspected wrongdoing at the Council affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

## **5 Main Considerations**

- 5.1 The Policy ensures that the Council has processes for dealing with Whistleblowing and that a consistent approach is taken across the Council to deal with concerns raised. It also ensures that the Council has adequate internal controls to promote good governance within the organisation.
- 5.2 Whistleblowing' is viewed by the Council as a positive act that can make a valuable contribution to the Council's efficiency and long-term success. The Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices and the Whistleblowing Policy helps to achieve this.
- 5.3 Whistleblowing differs from a complaint or a grievance in that the 'whistle-blower' will not usually be directly or adversely affected by the conduct complained and is normally acting as a witness to misconduct or malpractice that he or she has observed. The Whistle Blowing Policy is not intended to replace existing procedures.
- 5.4 The policy was written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest. The Public Interest Disclosure Act 1998 makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
- 5.5 The policy has been reviewed and the following revisions have been made to provide further clarity:
- 5.5.1 Paragraphs 1.1 and 1.2 - legislative background and purpose of the policy;
  - 5.5.2 Paragraph 3.5, 3.6 and Chart 1 - the different ways concerns can be reported;
  - 5.5.3 Paragraphs 4.4 and 4.5 on protected disclosures;

- 5.5.4 Paragraph 6 – how to raise a concern including reference to the Charity Protect;
- 5.5.5 Paragraph 7 – how the council will respond;
- 5.5.6 Paragraph 9 – how the matter can be taken further

- 5.6 For ease of reference and transparency the relevant paragraphs have been highlighted.
- 5.7 The Monitoring Officer will maintain a Corporate Register containing all concerns that are brought to her attention. All officers allocated to look into a concern must ensure the Monitoring Officer is provided with sufficient details for the Corporate Register.
- 5.8 The Monitoring Officer will review the Corporate Register and produce a regular report for Audit and Standards Committee. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that the Council and/or the relevant department learns from mistakes and does not repeat them and consistency of approach across the departments. The Corporate Register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.
- 5.9 A consultation took place with the Joint Staff Working Group on 03 March 2022. Two comments were made; both of which have been reflected in the draft policy attached.
  - 5.9.1 The first related to the mention of the charity Protect being earlier in the policy (see paragraphs 6.8.3 and 9.3); and
  - 5.9.2 The second comment related to providing some clarity to paragraph 6.5 to ensure it was clear that ‘any’ of the officers listed in paragraph 6.5 could be contacted.
- 5.10 No further comments have been received.

## **6 Options Considered**

- 6.1 Not to review the policy – this option is not recommended as it is prudent to ensure the policy is up to date and fit for purpose.
- 6.2 Not to have a policy – this option is not recommended as a Whistleblowing Policy helps protect public funds by giving officers who are acting in good faith the confidence to expose financial wrongdoing which is in the public interest

## 7 Consultation

7.1 In the drafting of the Whistleblowing Policy the following officers have been consulted:

7.1.1 Statutory Officers – Chief Executive, s.151 Officer, Monitoring Officer

7.1.2 The Leadership Team

7.1.3 The Head of Internal Audit

7.1.4 The Chair of Audit and Standards

7.1.5 Joint Staff Working Group

## 8 Next Steps – Implementation and Communication

8.1 Subject to approval by Council, the policy will be published on the Council's intranet and website

## 9 Financial Implications

9.1 An up to date and effective Whistleblowing Policy will help protect public funds by giving officers who are acting in good faith the confidence to expose financial wrongdoing as soon as it is discovered as well as acting as a deterrent to such misconduct.

9.2 The Council will face no additional costs if the Policy is adopted

**Financial Implications reviewed by: Director for Corporate Services**

## 10 Legal and Governance Implications

10.1 The Whistleblowing Policy sets out the arrangements by which the Council secures compliance with the Public Interest Disclosure Act and in combination with the Council's Anti-Fraud and Corruption and Anti Money-Laundering Policies, forms part of the system of internal controls required by Regulations 3 of the Accounts and Audit Regulations 2015 as well as being as one of the financial measures determined by the Section 151 Officer to enable the prevention and detection of fraud as required by Regulation 4 (4) of the Accounts and Audit Regulations 2015.

Legal Implications reviewed by: **Monitoring Officer**

## 11 Equality and Safeguarding Implications

11.1 There are no direct equalities and safeguarding implications as a result of this report

## 12 Community Safety Implications

12.1 There are no direct community safety implications as a result of this report.

## 13 Environmental and Climate Change Implications

13.1 There are no direct environmental and climate change issues as a result of this report.

## 14 Other Implications (where significant)

14.1 There are no other implications as a result of this report.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Not having an up to date policy	Low	Marginal	Low Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The policy is presented to Committee every 3 years and reviewed internally annually

## 16 Background Papers

16.1 None

## 17 Appendices

17.1 Appendix A – Draft Whistleblowing Policy

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