

## **Audit Committee**

Date 30<sup>th</sup> July 2019

Report of: **Monitoring Officer**

## **WHISTLEBLOWING POLICY**

### **1.0 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.

### **2.0 Recommendations**

- 2.1 That Audit and Standards Committee approve the Whistleblowing Policy
- 2.2 That Audit and Standards Committee delegate authority to the Monitoring Officer to make minor changes resulting from legislative or operational changes.

### **3.0 Report Detail**

- 3.1 '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.
- 3.2 The 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.
- 3.3 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.
- 3.4 '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.
- 3.5 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.

- 3.6 If employees concerns relate to their employment, they should raise it under the existing grievance or harassment procedures. If an individual has raised a concern about services provide to them then they should raise a complaint through the corporate Complaints Procedure. If a concern is raised about an elected Member then they should raise a complaint through the Monitoring Officer.
- 3.7 The policy has been 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.
- 3.8 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.
- 3.9 The Monitoring Officer will review the Corporate Register and produce an annual 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.

#### **4.0 Consultation and Feedback**

- 4.1 Statutory Officers and the Head of Internal Audit have been consulted in the drafting of the Whistleblowing Policy.

#### **5.0 Next Steps**

- 5.1 If approved, the Policy will be published in the Councils website and the Councils internal intranet within 7 days of approval.
- 5.2 If approved the Policy will be communicated in the Members Bulletin in August and the Corporate Messenger in July.

#### **6.0 Financial Implications**

- 6.1 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.
- 6.2 The Council will face no additional costs if this Policy is adopted.

<b>7.0</b>	<b>Legal and Governance Implications:</b>												
7.1	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 Account and Audit Regulations 2015.												
<b>8.0</b>	<b>Equality and Safeguarding Implications:</b>												
8.1	There are no direct implications arising from the approval of the Policy.												
<b>9.0</b>	<b>Community Safety Implications:</b>												
9.1	There are no direct implications arising from the approval of the Policy.												
<b>10.0</b>	<b>Other Implications</b>												
10.1	There are no further direct implications arising from the approval of the Policy.												
<b>11.0</b>	<b>Risk &amp; Mitigation:</b>												
11.1	There is no risk to approving the Policy.												
<b>Background Papers:</b>													
Need to list any background papers that have informed the report													
<b>Appendices</b>													
Whistleblowing Policy													
<b>Report Timeline:</b>													
<table> <tr> <td><b>Equalities Check &amp; Challenge</b></td><td>N/A</td></tr> <tr> <td><b>SLT Sign off</b></td><td>Statutory sign off only</td></tr> <tr> <td><b>Previously Considered by Cabinet</b></td><td>N/A</td></tr> <tr> <td><b>Director Approval</b></td><td>03/07/2019</td></tr> <tr> <td><b>Chief Finance Officer Sign Off</b></td><td>19/07/2049</td></tr> <tr> <td><b>Monitoring Officer Sign Off</b></td><td>03/07/2019</td></tr> </table>		<b>Equalities Check &amp; Challenge</b>	N/A	<b>SLT Sign off</b>	Statutory sign off only	<b>Previously Considered by Cabinet</b>	N/A	<b>Director Approval</b>	03/07/2019	<b>Chief Finance Officer Sign Off</b>	19/07/2049	<b>Monitoring Officer Sign Off</b>	03/07/2019
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<b>Report Author &amp; Job Title</b>													
Adele Wylie- Director for Law and Governance (Monitoring Officer)													
☎: 01664 502502													