

**Report to:** Corporate Governance Committee

**Date of meeting:** 10<sup>th</sup> April 2013

**Lead Officer:** Head of Legal and Democratic Services

**Report Author:** Gary Williams, Head of Legal and Democratic Services

**Title:** Whistleblowing Policy

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**1 What is the report about?**

1.1 The Council's Whistleblowing Policy.

**2 What is the reason for making this report?**

2.1 To seek the Committee's comment and observations on a draft revision to the Council's Whistleblowing Policy.

**3 What are the recommendations?**

3.1 That the Committee comment on the draft revised policy and refer it to Council for approval.

**4 Report details**

4.1 The Council's current Whistleblowing Policy is attached as Appendix 1 to the report.

4.2 A review of the Policy has led to the preparation of a revised draft policy which is attached as Appendix 2 to the report.

4.3 The revised Policy is accompanied by a Briefing Note for Managers which is attached as Appendix 3 to the report.

4.4 The Council is committed to conducting its business in an open, transparent and ethical way.

4.5 The people who work for or with the Council will often be the first to realise that there is something wrong within the Council.

4.6 The aim of the Whistleblowing Policy is to encourage those who work for or with the Council to feel confident that they can raise genuine concerns about illegal, unethical or improper conduct and that they will be protected from harassment, victimisation or reprisals connected to the raising of their concerns.

4.7 The types of concerns that are intended to be covered by the Policy are set out in paragraphs 2.2 and 2.3 of Appendix 2.

- 4.8 Under the Officers' Code of Conduct, staff are obliged to report illegal, improper or unethical conduct.
- 4.9 The Public Interest Disclosure Act 1998 provides legal protection for workers, including contractors and agency staff, who raise genuine concerns and make disclosures in good faith about malpractice. It is unlawful for an employer to dismiss anyone or allow them to be penalised or victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
- 4.10 The Policy sets out how a concern may be raised and seeks to make clear that whilst it is hoped that the culture of the organisation will make people feel comfortable about raising issues internally, the important thing is that the concern is raised even if that means taking the matter to an external body.
- 4.11 Individuals who have a concern may be unsure as to with whom they can raise the matter. The Policy seeks to set out contacts both internal and external to the Council with whom it would be appropriate to raise a concern.
- 4.12 The Policy sets out what an individual who raises a concern can expect from the Council by way of a response and gives guidance as to how the issue of confidentiality will be handled.
- 4.13 It is to be hoped that the number of issues raised under the Policy will be few. It will not therefore be a Policy that managers will be used to dealing with on a regular basis. A briefing note has been developed to give managers guidance as to how to deal with a concern that is raised. This is set out in Appendix 3.
- 4.14 Once approved, it will be necessary to ensure that awareness is raised amongst staff and others who work with the Council. There will need to be periodic awareness raising exercises thereafter to ensure that the Policy remains visible to those who may wish to use it and to managers who may need to implement it.

## **5 How does the decision contribute to the Corporate Priorities?**

- 5.1 A Whistleblowing Policy which enables those who work for or with the Council to raise concerns about wrongdoing will help the Council achieve its corporate priorities.

## **6 What will it cost and how will it affect other services?**

- 6.1 There are no direct costs associated with this report.

## **7 What consultations have been carried out?**

- 7.1 SLT have been consulted and changes to the draft have been made to take into account comments made by SLT.

## **8 Chief Finance Officer Statement**

8.1 A reliable Whistleblowing Policy is an important part of the Council's overall governance arrangements.

## **9 What risks are there and is there anything we can do to reduce them?**

9.1 The risk of not having a Whistleblowing Policy is that there is no safe mechanism for those who work for or with the Council to raise legitimate concerns about wrongdoing.

## **10 Power to make the decision?**

10.1 S111 Local Government Act 1972.