

Executive Committee

13 September 2016

Whistleblowing Policy

For Recommendation

Portfolio Holders:

Cllr P Barrowcliff, Corporate Portfolio Holder

Director: J Vaughan, Strategic Director

Purpose of Report

1. The purpose of this report is for Audit Committee to review and approve the revised Whistleblowing Policy.

Officer Recommendations

- 2 That the Audit Committee notes the updated policy and procedure for confidential reporting of concerns (“Whistleblowing”) and recommend to Management Committee/Executive Committee and Cabinet for approval.

Reasons for Recommendation

- 3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others that we deal with, who have concerns about any aspect of the Council’s work to come forward and voice those concerns. This is commonly referred to as “Whistleblowing”.
- 4 “Whistleblowing” is the act of reporting or exposing wrongdoing, either within an organisation, or externally. The law on “Whistleblowing” is contained in the Employment Rights Act 1996 (ERA), as amended by the Public Interest Disclosure Act 1998 (PIDA).
- 5 The Government, in the Enterprise and Regulatory Reform Act 2013 (‘the Act’) made a number of changes to the “Whistleblowing” legislation. These changes took effect from 25 June 2013. From then on, workers must reasonably believe that their disclosures are made in the public interest before any protection from dismissal or detriment is obtained
- 6 As the Internal Audit function is provided by the South West Audit Partnership (SWAP), the policy has been prepared for adoption by all partnering Authorities. This will allow a distinct independent contact point for employees and others to raise any concerns

Key Changes

- 7 Details of the changes which have been made to “Whistleblowing” law are as follows:
“Whistleblowing” protects any disclosure made “in the public interest”. Workers must reasonably believe that their disclosures are made in the public interest before any protection from dismissal or detriment is obtained. The previous definition of a worker making a disclosure “in good faith” has been removed.
- 8 Complaints about breaches of employees’ own contracts of employment should be raised as a grievance and not through the “Whistleblowing” Policy. This is a consequence of the “public interest” requirement. Grievance procedures are intended to deal with a situation affecting the complainant personally rather than wrongdoing of a more general nature.
- 9 Employees who make protected disclosures are now also protected from suffering a detriment (i.e. less favourable treatment), bullying or harassment from another employee. Previously employees who made protected disclosures were protected from adverse treatment only in relation to their employer’s activity
- 10 The Council is committed to maintaining an open culture with high standards of honesty, accountability and probity. The Council takes malpractice and misconduct at work seriously and employees are encouraged to raise concerns internally so that they can be investigated. The Council protects and supports whistleblowers by implementing this Policy, which provides information on how to raise concerns and what steps will be taken to protect whistleblowers.

Financial Implications

- 11 There are no direct costs associated with this report

Other Considerations:

Legal/Statutory Power

- 12 Under the Accounts and Audit (England) Regulations 2011, the relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.

Human Resources (including Health & Safety)

- 13 None directly from this report.

Risk Management

- 14 The maintenance of an adequate and effective Internal Audit service is a Statutory requirement. Without an adequate and effective internal audit service, there would be a lack of independence on the risk, control and governance framework.

This policy will mitigate the risk of Fraud and Corruption for the Council. The maintenance of an adequate and effective Internal Audit service is a statutory requirement. Without an adequate and effective internal audit service, there would be a lack of independence on the risk, control and governance framework.

Consultation

- 15 None directly from this report.

Equalities

- 16 None directly from this report.

Crime and Disorder

- 17 None directly from this report.

Environmental Considerations

- 18 None directly from this report

Appendices

- 19 Appendix 1: WDDC, WPBC and NDDC Whistleblowing Policy – June 2016

Background Documents

- 20 Code of Practice for Internal Audit in Local Government 2006
Institute of Internal Auditors Standards
CIPFA Public Sector Internal Audit Standards

Report Author & Contact: *Joanne George – Assistant Director, South West Audit Partnership Limited*

Telephone: 01305 838315

**Email: jo.george@southwestaudit.co.uk
www.southwestaudit.co.uk**