

Report of: Acting S151 Officer

Meeting of:	Date:	Ward(s):
Audit Committee	18 May 2020	All

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SUBJECT: WHISTLEBLOWING POLICY

1. Synopsis

- 1.1. This report provides an update to the Council's Whistleblowing Policy, which was last updated in January 2019. The policy has primarily been revised to bring clarity to operational matters of when it is appropriate to seek approval from Audit Committee in using an external investigator such as a solicitor or barrister; and to clarify matters that will fall under the scope of the policy.
- 1.2. The current wording of the policy requires Audit Committee to approve the instruction of an external investigator in all circumstances. An external investigator can be sought for a range of reasons including when a matter is particularly complex, specialised or due to the size of the investigation. For complaints received under the whistleblowing procedure, it is necessary to undertake a timely investigation. The current process in seeking approval from Audit Committee could delay the matters being addressed. Where it is appropriate to use an external investigator other than a solicitor or barrister, in these circumstances, approval will be sought from the Section 151 Officer. The policy has been updated to reflect the new process and the approval mechanism. Where it is appropriate to use a solicitor or barrister to undertake an investigation, due to the complexity, and costs involved, approval will still need to be obtained from Audit Committee.
- 1.3. A further amendment to the Whistleblowing Policy has been made to clarify which matters will fall within the scope of this policy and those which are appropriate for consideration under alternative policies. The updated policy removes the paragraph which describes

matters that fall outside of the scope of the procedure and are not subject to the statutory protection. Whistleblowing Referrals that are afforded statutory protections are listed at 1.3 of the Whistleblowing Policy. Referrals made that fall outside of the Whistleblowing Policy may be pursued using the Council's Disciplinary Procedure, Workplace Resolution Policy (Grievance Procedure) and Council's Code of Conduct. Paragraph 1.4 of the Whistleblowing Policy sets out further clarification of matters outside the Policy's scope.

- 1.4. This report is intended to support Audit Committee in obtaining assurance that the Council has a sound framework surrounding whistleblowing.

2. Recommendations

To agree the revised Whistleblowing policy at Appendix 1, including section 1.3, matters in scope of the procedure and section 3.1, Audit Committee approval for the use of an external investigator.

3. Background

- 3.1 Whistleblowing arrangements are a key element of the Council's overall governance arrangements. Whistleblowing allows employees, members, contractors and others, to confidentially raise concerns surrounding fraud and corruption. A review of the Council's whistleblowing policy was last undertaken in January 2019. The policy has now been reviewed and changes to the policy since the last iteration have been highlighted in Appendix 1.

4. Implications

4.1 Financial implications:

There are no specific financial implications associated with this report. Each referral will be determined on an individual basis and financial implications, if relevant, will be considered as part of this determination.

4.2 Legal Implications:

The original Public Interest Disclosure Act 1998 provisions, inserted in the Employment Rights Act 1996, were amended by the Enterprise and Regulatory Reform Act 2013 to introduce a new public interest requirement. The Council must have regard to the Government's Whistleblowing Guidance for Employers and Code of Practice.

4.3 Environmental Implications

There are no environmental implications arising from the recommendations in this report.

4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment has not been completed because the recommendation being sought does not have direct impacts on residents.

5. Reason for recommendations

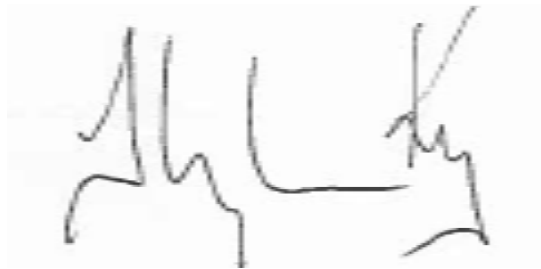
This report indicates that the Whistleblowing policy is in place and has been duly updated. Committee is asked to approve the policy as outlined in Appendix 1.

Appendices

- **Appendix 1** – Whistleblowing Policy

Final report clearance:

Signed by:



Date: Stephen Key, Acting S151 Officer
20th February 2020

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