

Report of: Corporate Director of Resources

Meeting of:	Date:	Ward(s):
Audit Committee	25 th January 2021	All

Delete as appropriate		Non-exempt
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SUBJECT: WHISTLEBLOWING POLICY**1. Synopsis**

- 1.1. This report provides updates to the Council's Whistleblowing Policy, which was previously updated in May 2020. In line with good practice, the Council seeks to continually review its policies and procedures to ensure that they remain up to date. To this end, the Council's Whistleblowing Policy, which was last updated in May 2020, has been updated. Changes primarily provide clarity surrounding anonymity (at paragraphs 5.1 and 5.2 of the policy), complaints and allegations relating to Members of the Council (at paragraph 1.4), the authority for an external investigation to be conducted (at paragraph 3.1) and the decision to investigate (at paragraph 3.2). Where applicable, contact details have also been updated. Changes since the last iteration to Committee on 18th May 2020 have been highlighted for ease of reference. A summary of key changes is provided below.
- 1.2. While the Council will take all reasonable steps to maintain the whistleblower's anonymity, the change at paragraph 5.2 makes the whistleblower aware that their identity could be revealed during the investigative process. At Paragraph 5.1, the policy clarifies that feedback to anonymous whistleblowers will only be provided subject to sufficient evidence that the person seeking feedback is the same person who made the referral.
- 1.3. The Whistleblowing Policy clarifies at (Paragraph 1.4) that complaints or allegations relating to Members of the Council are subject to separate investigative procedures under the Islington Code of Conduct for Members and the relevant provisions of the Localism Act 2011. Paragraph 1.4 also clarifies the use of the Grievance Procedure instead of the Workplace Resolution Policy that was referred to in the previous iteration of May 2020.

- 1.4. At paragraph 3.1 the policy states that the Council's S151 Officer or the Chief Executive may provide authority for an external investigation to be conducted. At paragraph 3.2, the policy clarifies that a written record will be kept of the decision reached in relation to whether or not the Council will investigate.
- 1.5. 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 amendments as highlighted.

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 May 2020. 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:



David Hodgkinson

Date: 05/01/2021

Report Author: Nasreen Khan, Head of Internal Audit, Investigations and Risk Management
Tel: 020 7974 2211
Email: Nasreen.Khan@islington.gov.uk

Financial Implications Author: Paul Clarke, Director of Finance
Tel: 0207 527 5636
Email: Paul.Clarke@islington.gov.uk

Legal Implications Author: Rob Willis, Chief Corporate and Commercial Litigation Lawyer
Tel: 0207 527 3302
Email: Robert.Willis@islington.gov.uk

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