

Finance
7 Newington Barrow Way, N7 9EP

Report of: Corporate Director of Resources

Meeting of: Audit Committee

Date: 13 June 2022

Ward(s): All

Subject: Whistleblowing Policy and Procedure

1. Synopsis

- 1.1 Whistleblowing arrangements are a key element of the Council's overall governance arrangements. Whistleblowing allows employees, contractors and others, to confidentially raise concerns.
- 1.1. This report provides updates to the Council's Whistleblowing Policy and Procedure, which was previously updated in January 2021. In line with good practice, the Council seeks to continually review its policies and procedures to ensure that they fit for purpose. In this instance, changes were made largely to strengthen provisions in relation to anonymous referrals. The policy has also been strengthened in areas such as the right of accompaniment. Key changes since the last iteration dated January 2021 have been highlighted at **Appendix A** for ease of reference. A summary of key changes is provided below:
 - Paragraph 2.2. – provides further detail on the support the Chief Executive will receive on receipt of a referral;
 - Paragraph 3.1 – provides further detail on the assessment process;
 - Paragraph 3.1 – recognises the right of accompaniment and makes provision for details of the allegations to be shared with the subject when an investigation is pursued;
 - Paragraph 3.1 – the provision for a whistleblowing outcome to be reviewed by the Chief Executive has been removed as there is no legal obligation for this provision;
 - Paragraph 5.1 – clarifies how the Council will deal with anonymous whistleblowing reports. While the Council will consider anonymous reports, these reports will not carry the same weight as allegations where the referrer is known. While the existing whistleblowing policy does make provision for discretion to be exercised when

deciding whether to investigate anonymous complaints, the revised policy further strengthens this, by stipulating the criteria that will inform the decision to investigate. This will take into account the seriousness of the allegations, the credibility of the allegation, the factual content and specific detail of the complaint (and any supporting material provided); and the likelihood of confirming the allegation from other attributable sources;

- Paragraph 5.6 – clarifies how the Council will deal with reports that a whistleblower had suffered a detriment as a result of making a referral under this procedure;
- Paragraph 5.6 – clarifies how the Council will deal with reports that have been made maliciously or known to be false. Disciplinary action may be taken against employees who make malicious or untrue allegations. It reminds staff that the disclosure must be in the public interest and they must believe it to be true. It further states that staff should not act maliciously, knowingly make false allegations or seek personal gain. The policy makes it clear that no action will be taken against anyone who makes an unfounded referral in good faith. The Council will also ensure that any negative impact on the subject of an unfounded or malicious allegation will be minimised.

1.2. Further minor amendments have been made as follows:

- Where applicable, contact details have been updated;
- Paragraph 1.1 now states that relevant officers will be trained in the use of this procedure.

2. Recommendations

2.1. To agree the Whistleblowing Policy and Procedure at **Appendix A**.

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 2021. The policy has now been reviewed and changes to the policy since the last iteration have been highlighted in **Appendix A**.

3.2. Ahead of presentation to the Audit Committee, the following consultation has taken place:

- The proposed revised policy was shared with the unions and members of the Audit Committee for comment;
- The proposed revised policy was shared with the relevant political leadership for comment.

4. Implications

4.1. Financial Implications

- 4.1.1. 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

- 4.2.1 The original Public Interest Disclosure Act 1998 whistleblowing 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. The revised Policy is fit for purpose and is consistent with and pays due regard to the key principles and matters raised in the Government Guidance (and has also been subject to consultation with the recognised unions - a point referred to in the Government Guidance on page 5 under "Communicate Policy and Procedure"):

<https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

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

4.4. Equalities Impact Assessment

- 4.4.1. 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.
- 4.4.2. An Equalities Impact Assessment is not required in relation to this report, because the decision currently being sought does not have direct impacts on residents.

5. Conclusion and reasons for recommendations

- 5.1. The report indicates that the Whistleblowing policy is in place and has been duly updated. The report is intended to support Audit Committee in obtaining assurance that the Council has a sound framework surrounding whistleblowing.

Appendices:

- **Appendix A** – Whistleblowing Policy and Procedure

Background papers:

- None.

Final report clearance:

Signed by:

Dave Hodgkinson

Corporate Director of Resources

Date:

20th May 2022

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