

Review of the Whistle-blowing Policy

Audit & Scrutiny Committee, Tuesday 28 November 2023

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

This review of the Council's Whistle-blowing Policy was commissioned to ensure the policy is robust and that complaints are managed, processed and actioned by the Council appropriately

The Committee has the designated authority to monitor and review the Council's Whistle-blowing Policy.

The Committee is requested to review and approve the updated Whistle-blowing Policy attached at Appendix A.

This report supports the Council's priority of: Building a better Council.

Recommendation to Committee:

That:

- A. The Whistle-blowing Policy attached at Appendix A be approved by the Committee and recommended for adoption.
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Reason for recommendation:

The Whistle-blowing Policy is fundamental to the professional integrity of the Council and reinforces the value that the Council places on staff to be honest and respected members of their individual professions.

The Council also needs to ensure that it complies with relevant legislation regarding whistle-blowing.

Introduction and background

- 1 As with all policies and procedures it is good practice to review and update what is in place to ensure it reflects current best practice.
- 2 The Council's current Whistle-blowing Policy was previously presented to the Committee in November 2020.
- 3 The principles of transparency, accountability, fairness and equality underpin the Whistle-blowing Policy, which ensures that Council staff are safely able to raise legitimate concerns and serious allegations of wrongdoing which are in the public interest.
- 4 The Council's Whistle-blowing Policy provides the means for wrongdoing disclosures to be reported, investigated and actioned. In addition, the policy outlines the statutory protection afforded by the Public Disclosure Act 1998 to Officers who make a complaint which meets the 'public interest test.' This provides them with protection from any detriment in the workplace, including harassment, victimisation or dismissal.
- 5 Having a strong and unambiguous stance against whistle-blowing, as enshrined in a policy document, is one of the predominant ways in which the Council can display to its residents and to its staff, that it is committed to honest, open and transparent government, and to careful and prudent stewardship of public funds.
- 6 The Whistle-blowing Policy attached at Appendix A, sets out the Council's policy and procedures with regard to whistle-blowing in the Council, and provides protection to Officers who make disclosures to the Council. The policy provides the Council with a mechanism to manage risk whilst offering whistle-blowers protection from victimisation, harassment or disciplinary procedure.
- 7 The policy also signposts Officers to the National Audit Office's dedicated telephone number, and the independent group, 'Protect' for confidential and impartial advice.
- 8 The policy should be read with, and complements the Council's Anti-fraud, Bribery and Corruption Policy as most recently reviewed by the Committee in September 2023: [Transparency and open data - Tandridge District Council](#)
- 9 As at date of this report, there have been no instances of whistle-blowing at the Council, however this is no reason to adopt a complacent stance towards the possibility of fraud and other dishonest behaviour in the workplace.

Proposed Changes

- 10 The documentation has been updated to reflect that:

- a wider definition of whistle-blowing has been provided (paragraph 1.3);
 - reference to specific legislation (paragraph 1.4; 1.8 and 1.9);
 - repetitive paragraphs under the heading "Qualifying Disclosures" have been removed;
 - two new paragraphs have been included regarding statutory protection (paragraph 4.1 and 4.2);
 - a section has been included dealing with anonymous allegations (paragraph 6)
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 - the whole of the section under data protection has been amended to include Freedom of Information requests (paragraphs 10.1-10.6);
 - reference to EMT (Extended Management Team) alerting new starters within their team to the policy (11.6-11.8)
- 11 The revised Policy should encourage Officers who may have serious concerns about any aspect of their work to come forward and voice those concerns. It will also continue to assist the Council to achieve and sustain a corporate and consistent approach to whistle-blowing complaints thereby assisting the Council to operate effectively and deliver quality services within a positive and supportive working environment.
 - 12 The policy revisions have been reviewed and input has been received from the joint working agreement with Reigate and Banstead Borough Council as well as our HR team.
 - 13 Should Members be mindful to agree the revised policy, Officer will be advised the latest version via the Council's intranet site.

Key implications

Comments of the Chief Finance Officer

There are no additional costs arising from the proposed changes to the Whistle-blowing Policy.

Comments of the Head of Legal Services

Legal Services have provided input to the development of the revised policy and consider that the revised policy provides a robust and legally compliant process.

The revised Whistleblowing Policy ensures compliance with the Local Code of Corporate Governance which has been developed having regard to the Delivering Good Governance in Local Government Framework.

Equality

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The public sector equality duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations and to demonstrate that it is paying 'due regard' in its decision-making in the design of its policies and in the delivery of services.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A: Whistle-blowing Policy

Background papers

None.

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