

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Audit and Governance Committee
<b>Date of Meeting:</b>	22 January 2020
<b>Subject:</b>	Whistleblowing Policy
<b>Report of:</b>	Head of Corporate Services
<b>Corporate Lead:</b>	Chief Executive
<b>Lead Member:</b>	Lead Member for Corporate Governance
<b>Number of Appendices:</b>	1

## **Executive Summary:**

To present Audit and Governance Committee with an updated Whistle-Blowing Policy.

The Policy has been updated in accordance with the review period and reflects any legislative changes. The Policy details employer responsibilities to ensure that the Council protects staff who report or whistle-blow about any areas of concern within the Council and to safeguard those against whom allegations are made. The changes are very minor in relation to content.

The Policy was considered by Audit Committee in September 2016 and approved by Executive Committee in October 2016.

## **Recommendation:**

**To RECOMMEND TO EXECUTIVE COMMITTEE that the updated Whistleblowing Policy be APPROVED.**

## **Reasons for Recommendation:**

To update and replace the existing Whistleblowing Policy to highlight key legislation and the roles and responsibilities of Members, Officers and other parties.

## **Resource Implications:**

There are no direct financial implications as a result of this report.

The support of the Whistleblowing Policy will help to support the prevention and detection of misuse of public funds and fraud, therefore reducing potential financial loss to the Council.

## **Legal Implications:**

The policy is set out to ensure the Council complies with and adheres to the legislation governing whistleblowing in the workplace meaning it is less susceptible to legal challenge.

Any breach of the policy or the revealing of the identity of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine.

**Risk Management Implications:**

If the Council does not have effective Whistleblowing Policy and procedures it puts staff and its reputation at risk. The Council must fulfil its legal obligations in relation to whistleblowing arrangements.

Without an appropriate policy in place, the Council is unable to take effective and efficient measures to ensure staff are protected when making allegations of wrongdoing and that staff are protected from vexatious allegations.

**Performance Management Follow-up:**

None directly arising from this report. The Counter Fraud Unit will review and amend the Policy as necessary in consultation with Human Resources and the Head of Corporate Services.

**Environmental Implications:**

None directly arising from this report.

**1.0 INTRODUCTION/BACKGROUND**

1.1 The Council's existing Whistleblowing Policy was developed to reflect:

- i. latest legislation; and
- ii. the changes following the creation of the Counter Fraud Unit Partnership.

The policy is attached at Appendix 1.

1.2 It is recommended good practice that the policy is updated at least every few years and, in line with this, it has been reviewed.

1.3 The Policy was reviewed by Officers in One Legal, Human Resources and the Counter Fraud Unit.

1.4 All referrals received by the Counter Fraud Unit must be dealt with in the correct manner adhering to regulations, legislation and guidance. This includes internal alerts of wrongdoing which must adhere to whistle-blowing legislation.

1.5 In advance of the policy being approved, the Counter Fraud Unit has run awareness sessions for staff; to date, nearly 100 staff have attended with 'mop up' sessions to follow. Whistleblowing was also included within a session for Members.

**2.0 UPDATED POLICY**

2.1 The policy highlights the key legislation and roles and responsibilities of Members, Officers and other parties.

2.2 If an individual is considering raising a concern, the policy will enable them to understand the type of issues which can be raised, how the person raising a concern will be protected from victimisation and harassment, how to raise a concern and what the Council will do as a consequence of the report.

2.3 In administering its responsibilities this Council has a duty to protect staff members who choose to alert the authority to wrong doing and to protect employees against whom vexatious allegations are made.

**2.4** The Council has a responsibility to prevent wrong doing within the authority by promoting high ethical standards and encouraging the exposure of any abuse, thus supporting corporate and community plans. The promotion of effective counter fraud controls and a zero tolerance approach to internal misconduct promotes a positive work environment.

**2.5** The Audit Committee last considered the policy in September 2016 when it replaced the existing policy.

### **3.0 OTHER OPTIONS CONSIDERED**

**3.1** None

### **4.0 CONSULTATION**

**4.1** The policy has been reviewed and agreed by the Head of Corporate Services, Human Resources and One Legal.

### **5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**5.1** Whistleblowing Policy September 2016.  
Counter Fraud and Anti-Corruption Policy August 2019  
Anti-Bullying and Harrassment Policy  
Disciplinary and Grievance Procedures  
Financial and Contract Rules  
Codes of Conduct  
Constitution

### **6.0 RELEVANT GOVERNMENT POLICIES**

**6.1** Whistleblowing is embedded in the Employment Rights Act 1966 (as amended by the Public Interest Disclosure Act 1998). This legislates that an employee has the right to take a case to an employment tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.

### **7.0 RESOURCE IMPLICATIONS (Human/Property)**

**7.1** Council staff are in the process of being made aware of the updated policy including a programme to ensure this awareness is maintained.

**7.2** Council staff including the Counter Fraud Unit will work closely with Human Resources on any issues relating to staff investigations.

### **8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**8.1** None

### **9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**9.1** The policy reflects appropriate ethical considerations and human rights.

**10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**10.1** Whistleblowing Policy approved at Executive Committee in October 2016.

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**Background Papers:** Whistle-Blowing Policy September 2016

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**Appendices:** Appendix 1 – Whistleblowing Policy January 2020