

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	5 February 2020
Subject:	Whistleblowing Policy
Report of:	Head of Corporate Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	One

Executive Summary:

To present Executive Committee with an updated Whistleblowing 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 the Audit and Governance Committee on 22 January 2020 which recommended it to Executive Committee for approval.

Recommendation:

That the 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 whistle-blowing 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 the Policy as necessary in consultation with HR 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, the Human Resources section 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 whistleblowing 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 further sessions booked in March. Whistleblowing was also included within a session held 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 wrongdoing and to protect employees against whom vexatious allegations are made.

2.4 The Council has a responsibility to prevent wrongdoing 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 and Governance Committee considered the policy at its meeting held on 22 January 2020 and recommended it to Executive Committee for approval.

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, HR and One Legal.

4.2 The Audit and Governance Committee considered and endorsed the Policy on 22 January 2020.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Whistle-Blowing Policy September 2016.

Counter Fraud and Anti-Corruption Policy August 2019.

Anti-Bullying and Harassment Policy.

Disciplinary and Grievance Procedures.

Financial and Contract Rules.

Codes of Conduct.

The 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 and a programme to ensure this awareness is maintained is being developed.

7.2 Council staff including the Counter Fraud Unit will work closely with HR 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 Whistle-Blowing Policy approved at Executive Committee in October 2016.

Background Papers: Whistleblowing Policy – September 2016.

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Appendices: 1. Whistleblowing Policy January 2020.