

AUDIT AND RISK COMMITTEE

26th January 2016

REVIEW OF THE COUNCIL'S WHISTLE BLOWING POLICY AND PROCEDURES

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Deputy Leader and Portfolio Holder for Places (Development and Economy) and Resources	
Contact Officer(s):	Diane Baker, Head of Corporate Governance	01572 720941 dbaker@rutland.gov.uk
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Ward Councillors	Not applicable	

DECISION RECOMMENDATIONS

That the Committee:

1. Considers the revised Whistle Blowing Policy at **Appendix A** and recommends that it be presented to Cabinet for approval.
2. Notes that the revised procedures will be introduced to all employees as part of a re-launch of the Whistle Blowing process, following approval of the Policy.

1 INTRODUCTION

- 1.1 Rutland County Council is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, honesty and accountability.
- 1.2 The term Whistle Blowing has a specific legal definition i.e. a disclosure or allegation of serious wrongdoing made by an employee and a wider public definition i.e. any disclosure or allegation of serious wrongdoing made by anyone. UK Whistle Blowing legislation was introduced by the Public Interest Disclosure Act 1998, which sets out to protect individuals who make certain disclosures of information in the public interest, to allow such individuals to bring action in respect

of associated victimisation and/or for other detriment.

- 1.3 The attached Policy (**Appendix A**), which has been reviewed to ensure it encompasses recent changes to legislation (see 5.2 below), seeks to cover both disclosures and allegations of serious wrongdoing made by employees and members of the public, and to demonstrate the Council's commitment to the protection of employees who raise concerns in what they reasonably believe to be in the public interest.

Examples of wrongdoing are:

- Breach of a legal obligation;
- Any criminal activity, including incitement to commit a criminal act;
- Corruption or fraud
- A miscarriage of justice
- A danger to the health or safety of an individual or damage to the environment
- Abuse of power or authority

- 1.4 This Policy makes it clear that in appropriate circumstances, any employee can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

- 1.5 These procedures are in addition to the Council's Compliments, Comments and Complaints Policy and Procedures and other statutory reporting procedures applying to some departments. The Council will proactively publish these procedures to ensure all stakeholders are aware of its existence; it is also the individual responsibility of each employee to ensure customers and members of the public are aware of the existence of these procedures.

- 1.6 A flowchart has been developed to guide you through the process; this can be found at the end of the policy at **Appendix A**.

2 CONSULTATION

- 2.1 When the original Whistle Blowing Policy was introduced, unions were consulted and supportive of the Policy. As this review has focussed primarily on legislative updates, extensive consultation has not been required however, the content has been discussed with the relevant trade unions and has their support.

3 ALTERNATIVE OPTIONS

- 3.1 As an employer and public body, it is good practice to create an open, transparent and safe working environment where employees and service users feel able to speak up. To this end, it is essential that the Council continues to ensure all policies and procedures are legal and current. An alternative option would be not to update the original Policy therefore failing to recognise the changes in legislation, which are fundamental to creating a culture of openness and support.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report. However, if the Council fails to follow the correct legal procedure when dealing with a whistleblowing disclosure, it could be open to legal, financial and reputational challenge.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 Although the law does not require employers to have a whistleblowing policy in place, the existence of such shows an employer's commitment to listen and act upon the concerns of workers and other stake-holders. The two main barriers to whistleblowing are fear of reprisal and that no action will be taken; this policy serves to demonstrate that the Council has considered these issues and has introduced measures to properly deal with these concerns. Also, if an employer has taken all reasonable steps to prevent their employees suffering or subjecting others to unlawful detriment, it can avoid vicarious liability. Examples of reasonable steps include appropriate policies and training for employees on how to manage a whistleblowing disclosure.
- 5.2 In terms of legislative updates, the changes affect those making a disclosure in that they must now reasonably believe it to be in the public interest; the previous requirement for disclosures to be made in good faith has been removed. The other change relates to the introduction of personal liability for whistleblowing detriments.

6 EQUALITY IMPACT ASSESSMENT

- 6.1 An Equality Impact Assessment (EqIA) has not been completed because the report does not represent the introduction of a new policy or service or a significant review to an existing policy or service.

7 COMMUNITY SAFETY IMPLICATIONS

- 7.1 There are no Community Safety Implications.

8 HEALTH AND WELLBEING IMPLICATIONS

- 8.1 The Council is committed to ensuring its employees are protected from detriment and other unlawful actions; this policy sets out how anyone who needs to make a whistleblowing disclosure can do so without fear of reprisal.

9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 9.1 The Council's Whistleblowing Policy has been reviewed and updated to take account of significant changes to process for raising concerns at work. Although anyone can make a whistleblowing disclosure, only employees are protected from detriment. It is essential that the Council updates its procedures in this regard in order to provide assurance to employees, and the general public, that wrongdoing will not be tolerated.
- 9.2 It is therefore recommended that this Policy is approved and implemented immediately. A relaunch of the Council's whistleblowing procedures is planned to ensure employees are aware of recent changes in legislation and understand how

their concerns will be managed as part of this process.

10 BACKGROUND PAPERS

10.1 There are no additional papers.

11 APPENDICES

11.1 Appendix A – Draft Whistleblowing Policy including flow chart

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