



Constitution and Standards Committee
Wednesday, 24 February 2021

REPORT TITLE:	Whistleblowing Report
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

This report presents the Councils' proposed new Whistleblowing Policy. The policy is the product of the Council's whistleblowing project, which was commissioned to bring the Council's whistleblowing procedures in line with National best practice.

RECOMMENDATIONS

1. That the Constitution and Standards Committee note the contents of the report and approve the Whistleblowing Policy.
2. That the report be referred to the Audit and Risk Management Committee for information.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 To provide Members with assurance that the Council's whistleblowing concerns are appropriately managed and to ensure that the proposed changes to the current process will improve upon the manner in which the Council manages risk.
- 1.2 To improve the way employees, contractors or volunteers can communicate their concerns to the Council.
- 1.3 To ensure that the Council complies with best practice as recommended by PROTECT; <https://protect-advice.org.uk/> and that its procedures are aligned with the Public Interest Disclosure Act 1998 (PIDA).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not updating policy and/or procedure.
- 2.2 To not update the policy and/or procedure is not an option, if the Council wishes to align its Whistleblowing procedures with National best practice.

3.0 BACKGROUND INFORMATION

- 3.1 The Council currently retains both a Whistleblowing Policy and Procedure.
- 3.2 The two documents explain how the Council currently manages all presented whistleblowing concerns.
- 3.3 The procedure outlines how whistleblowing concerns are received and processed by the Governance & Assurance Department. The procedure is complied with for all whistleblowing investigations.
- 3.4 Full details of all whistleblowing concerns are recorded in the Council's Whistleblowing Register. The Register is reviewed by the Director of Governance & Assurance quarterly.
- 3.5 Details of any whistleblowing concerns that are identified as a major risk to the Council are investigated by Internal Audit and reported to the Audit and Risk Management Committee as a facet of the Internal Audit reporting process.
- 3.6 The length of time that a whistleblowing investigation will take, is dependent upon the nature and complexity of the concerns raised. Terms of reference are prepared for each individual whistleblowing investigation, stipulating the work to be undertaken.
- 3.7 The whistle-blower is kept apprised of progress throughout the investigation and the outcome is communicated to them at the conclusion of the same.

- 3.8 Any Internal Audit / External Investigator recommendations resulting from the investigation are communicated to the directorate lead and subsequently monitored by Internal Audit, to ensure that the recommendations are followed.

4.0 REVIEW

- 4.1 The current Policy and Procedure were drafted in February 2012.
- 4.2 In a joint consultation between the Council's Organisational Change & Design, Governance & Assurance and Audit, Risk and Business Continuity departments in October 2018, the Council's Policy and Procedure were reviewed, and it was decided that the process should be updated to align itself to both peer and National best practice.
- 4.3 The current process does not provide the Standards and Constitutional Oversight Committee and the Audit and Risk Management Committee with the level of reporting that will satisfy their oversight responsibilities. Any proposed new Whistleblowing Policy should include an improved reporting structure, which will allow Members to have a better understanding of the nature / volume of the concerns presented to the Council and provide Committee Members with assurance that the appropriate procedures have been followed during each individual investigation.
- 4.4 Following the consultation, it was agreed that the current process was to be the subject of a formal review project, with the intention of relaunching the Council's Whistleblowing Process in March 2020. The review was subsequently delayed due to the Covid-19 pandemic.
- 4.5 To assist with the project, the Council engaged the services of the PROTECT charity, who are the leading experts for whistleblowing in the UK.
- 4.6 PROTECT have supported the whistleblowing review project, to ensure that the Council's new proposed process follows best practice.
- 4.7 The Council's new draft Policy (Appendix 1) has been reviewed by PROTECT and benchmarked nationally.
- 4.8 Following the Policy's approval, the Council's managers will receive training upon how the new process is to be operated.
- 4.9 The new process will then be subject to a formal launch, supported by Members & PROTECT, to ensure that the Council fully embraces whistleblowing as a facet of its risk management portfolio.

5.0 PROTECT

- 5.1 As a result of the Council's proactive engagement with PROTECT, the Council has been identified by PROTECT as an organisation that embraces the importance of whistleblowing, as a facet of its risk management strategy.

- 5.2 The Council was consequently invited by PROTECT to be a part of their national best practice case study.
- 5.3 The Council's ambition is to be considered by PROTECT as a national champion for its whistleblowing management, by promoting a transparent and supportive process for the communication of all whistleblowing concerns.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are none arising directly from this report.

7.0 LEGAL IMPLICATIONS

- 7.1 The Whistleblowing Policy is necessary for the Council to comply with its obligations under employment legislation: The Public Interest Disclosure Act 1998 (PIDA).

8.0 RESOURCE IMPLICATIONS: STAFFING, ITC AND ASSETTS

- 8.1 There are none arising directly from this report.

9.0 RELEVANT RISKS

- 9.1 That best practice is not complied with.
- 9.2 That concerns are not communicated and consequently remain unidentified by the Council.
- 9.3 That failing to identify and respond to a whistleblowing concern may result in a reputational risk for the Council.

10.0 ENGAGEMENT/CONSULTATION

- 10.1 Officers from the Council's Organisational Change & Design, Governance & Assurance and Audit, Risk & Business Continuity departments, the Trade Unions and PROTECT have been consulted during the whistleblowing review project.

11.0 EQUALITY IMPLICATIONS

- 11.1 Equality implications have been considered and developed as part of the policy review.

12.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 12.1 There are none arising directly from this report.

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APPENDICES

Appendix 1- Whistleblowing Policy 2020

BACKGROUND PAPERS

Whistleblowing Policy / Procedure 2012

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit and Risk Management Committee	18 th November 2019 Whistleblowing Procedure review Report noted
Audit and Risk Management Committee	23 rd September 2019 Urgent Business Whistleblowing Policy