



Whistleblowing Policy

SUMMARY

- 1.1 UK law (the Public Interest Disclosure Act 1998 (“PIDA”)) protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in **the public interest**.
- 1.2 The Council has had a Whistleblowing Policy in place since July 1999. Until December 2013, it was referred to as the “Confidential Reporting Code”.
- 1.3 This report provides an update on the review carried out of the Council’s Whistleblowing Policy and seeks approval for continuation of use of the policy document, as part of corporate policy.

RECOMMENDATION

- 2.1 To approve the updated Whistleblowing policy document.

REASONS FOR RECOMMENDATION

- 3.1 The Audit and Accounts Committee is responsible for considering, approving and monitoring council policies on whistleblowing, counter fraud measures and the council’s complaints process.

SUPPORTING INFORMATION

- 4.1 PIDA protects workers who 'blow the whistle' about wrongdoing. It applies where a worker has a reasonable belief that their disclosure tends to show one or more of the following offences or breaches:
 - A criminal offence.
 - The breach of a legal obligation.
 - A miscarriage of justice.
 - A danger to the health and safety of any individual.
 - Damage to the environment.
 - Deliberate covering up of information tending to show any of the above.

- 4.2 The Council responded to the legislation by implementing a Confidential Reporting Code. The Code was renamed as the “Whistleblowing policy” in December 2013. The Policy makes it clear to the Council’s employees what to do if they come across malpractice in the workplace. It encourages employees to inform someone with the ability to do something about the problem. The existence of the Policy demonstrates that the Council is concerned to deal effectively with any malpractice. The existence of such a Policy helps to forestall the serious damage to the Council’s business or reputation that can occur as a result of public disclosures.
- 4.3 Whistleblowing is the popular term used when someone who works in or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, shareholders, the public or the organization’s own reputation. As an early warning system, whistleblowing can help alert employers to risks such as:
- a danger in the workplace;
 - fraud in, on or by the organisation;
 - offering, taking or soliciting bribes;
 - misreporting performance data;
 - professional negligence; or
 - wanton neglect of people in care.
- 4.4 For the Policy to be effective, it is important that the Council’s management culture supports the procedures and ensures that the message that it is accepted and acceptable to raise a whistle-blowing concern is promoted regularly.
- 4.5 The Whistleblowing Policy was previously reviewed and approved by Committee on 11 December 2013. During the current review, the Whistleblowing Policy has been updated to;
- refer to policies and strategies which have been introduced since it was last approved,
 - update role titles
 - refresh the wording where required
- 4.6 The updated policy document is attached at Appendix 2. A procedure document for officers which was included as an appendix to the 2013 Policy has also been updated and is attached at Appendix 3.
- 4.7 This policy will be reviewed as required, and every 3 years in any event.

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| OTHER OPTIONS CONSIDERED |
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- 5.1 N/A

This report has been approved by the following officers:

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|---------------------------------|-----------------------------------|
| Legal officer | Olu Idowu, Head of Legal Services |
| Financial officer | n/a |
| Human Resources officer | n/a |
| Estates/Property officer | n/a |
| Service Director(s) | n/a |
| Other(s) | n/a |

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| For more information contact: | Richard Boneham, Head of the Audit Partnership, 01332 643280 richard.boneham@derby.gov.uk |
| Background papers: | Appendix 1 – Implications |
| List of appendices: | Appendix 2 - Whistleblowing Policy Appendix 3 – Whistleblowing Guidance for officers |

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| IMPLICATIONS |
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Financial and Value for Money

- 1.1 None directly arising

Legal

- 2.1 Adherence to the Policy should prevent workers who make protected disclosures being subjected to a detriment (which could expose the council to claims), thus reducing the likelihood of successful claims being made.

Personnel

- 3.1 None directly arising

IT

- 4.1 None directly arising

Equalities Impact

- 5.1 The whistleblowing policy is aimed at ensuring the highest standard of ethical and honest behaviour regardless of whether an individual has one or more protected characteristic. We recognised that people with protected characteristics may, in some circumstances, be more vulnerable to being treated in an unethical manner and this policy may help give them more confidence in reporting this behaviour.

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising

Property and Asset Management

- 8.1 None directly arising

Risk Management & Safeguarding

- 9.1 Without clear arrangements which offer employees safe ways to raise a whistleblowing concern, it is difficult for the Council to effectively manage the risks it faces.

Corporate objectives and priorities for change

- 10.1 The functions of the Committee have been established to support delivery of corporate objectives by enhancing scrutiny of various aspects of the Council's controls and governance arrangements.