

## Report of the Monitoring Officer

**REVIEW OF WHISTLEBLOWING POLICY**1. Purpose of report

To update the Committee on the review of the Whistleblowing Policy and of the outcome of the recent Internal Audit Report.

2. Background

The Council's Whistleblowing Policy sets out the procedure the Council follows to deal with complaints from employees, Members, contractors or suppliers of suspected misconduct, illegal acts or failure to act within the Council. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

The Committee seeks an update on whether the current Whistleblowing Policy and procedures are effective and robust in maintaining the highest standards of openness, honesty and integrity to prevent and detect fraud and corruption. To also ensure the Whistleblowing Policy complies with current legislation and maintains public confidence in the Council's adopted procedures.

The Council's new Monitoring Officer came into post on 21 September 2020 has undertaken work to review the current Policy and to implement the recommendation provided in a recent Internal Audit report.

3. Detail

The Council's Whistleblowing Policy has been subject to a wholesale review on 20 November 2017 (following The Public Interest Disclosure Act 1998 being amended in June 2013), by Policy and Performance Committee and then to a Serious and Organised Crime Internal Audit in 2018. Subsequently, on 16 September 2018 the Personnel Committee approved amendments to the Whistleblowing Policy on the recommendation of The Local Joint Consultative Committee. Further detail is included in appendix 1 and the amended Whistleblowing Policy is attached at appendix 2.

**Recommendation**

**The Committee is asked to NOTE the report.**

Background papers

Nil

## APPENDIX 1

Further Detail

The attached Policy provides a clear process by which anyone can raise a concern about the Council in confidence. The Policy identifies that the Council will endeavour to treat concerns on a confidential basis, however, explains this cannot be absolutely guaranteed, for the reasons set out in the Policy. It emphasises that the policy should be used as part of the suite of existing procedures available to staff and customers to raise concerns. The Policy anticipates that Whistleblowing concerns from members of staff should ordinarily be raised with the immediate line manager, and similarly non employees such as agency staff and contractors should report their concerns to the person to whom they directly report. However, it was recognised that reporting these concerns internally may not always be appropriate so alternative routes to raise a concern were included in the Policy. The Policy also seeks to ensure that Whistleblowers will not be not subjected to unfair treatment as a result of raising their concerns.

More recently the Whistleblowing Policy and procedures have been reviewed as part of the Internal Audit Plan for 2019/2020. The review looked at the effectiveness of Whistleblowing procedures and tested key operational and managerial controls. The review focussed on a period from April 2019 to June 2020. The objectives of the Audit review were to evaluate that:

1. A robust and up-to-date Whistleblowing Policy and procedure was in place and that this had been disseminated to staff.
2. The Policy and procedures define how anonymity will be preserved and disclosure will not prejudice the interests of the Whistleblower.
3. The process includes provision for feedback to the Whistleblower on the action taken on the disclosure and that the Whistleblower is made aware that external bodies, such as regulators, can be approached if internal procedures have not worked (i.e. privacy and disclosure notices).
4. The Complaints procedure is effective in responding to complaints appropriately and in a timely manner and that performance management is in place, including monitoring and reporting to management and/or an appropriate committee

Internal Audit reported their finding on 19 June 2020, that they were satisfied that the Council has an established framework in place for the Whistleblowing which provides reasonable assurance that the objectives are being met.

Only one recommendation was made by Internal Audit to be implemented by 31 December 2020 that the Whistleblowing Policy should be occasionally signposted to employees (for example through the employee newsletter and as part of the new employee induction programme) in order to raise corporate awareness although it was recognised that the Policy was available on the intranet. To implement this recommendation a reminder will be sent out in the employee newsletter on 20 November 2020. HR have also been consulted and have agreed to introduce the Whistleblowing Policy to all new employees in their induction programme.

The Monitoring Officer will continue to monitor the effectiveness of the Policy and procedures and will report any future complaints received under this Policy to Committee.

The table below details the Whistleblowing complaints the authority has received since 4 December 2012 to 21 September 2018, no complaints have been received since.

04.12.12	Possible breach of law	Investigated by Monitoring Officer	No breach of law found
23.03.15	Possible breach of contract law	Investigation by Head of Public Protection	The Authority is operating within legislative powers.
27.04.15	Improper behaviour of an employee	Investigated by HR	No improper behaviour found
21.09.18	Improper behaviour of an employee	Investigated by HR	No improper behaviour found