



## URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

### Accounts, Audit and Risk Committee

29 May 2024

Agenda Item Number	Page	Title	Officer Responsible	Reason Not Included with Original Agenda
4.	(Pages 3 - 4)	Minutes Minutes of meeting of Committee held on 22 May 2024	N/A	Meeting held after agenda dispatch
14.	(Pages 5 - 22)	Urgent Business Whistleblowing Policy	Interim Head of Legal Services	Item included on work programme but not agenda due to administrative error

*If you need any further information about the meeting please contact Patrick Davis, Democratic and Elections [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk), 01295 221534*

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## **Cherwell District Council**

### **Accounts, Audit and Risk Committee**

Minutes of a meeting of the Accounts, Audit and Risk Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 22 May 2024 at 6.30 pm

Present:

Councillor Nick Cotter (Chairman)  
Councillor David Rogers (Vice-Chairman)  
Councillor Jean Conway  
Councillor Nicholas Mawer  
Councillor Ian Middleton  
Councillor Alisa Russell  
Councillor Dom Vaitkus  
Councillor Sean Woodcock

#### **1 Appointment of Chairman for the municipal year 2024/2025**

It was proposed by Councillor Cotter and seconded by Councillor Cotter that Councillor Cotter be elected Chairman of the Accounts, Audit and Risk Committee.

There were no further nominations.

#### **Resolved**

- (1) That Councillor Cotter be elected Chairman of the Accounts, Audit and Risk Committee for the municipal year 2024/2025.

#### **2 Appointment of Vice-Chairman for the municipal year 2024/2025**

It was proposed by Councillor Mawer and seconded by Councillor Vaitkus that Councillor Rogers be elected Vice-Chairman of the Accounts, Audit and Risk Committee.

There were no further nominations.

#### **Resolved**

- (1) That Councillor Rogers be elected Vice-Chairman of the Accounts, Audit and Risk Committee for the municipal year 2024/2025.

The meeting ended at 7.48 pm

Chairman:

Date:

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<b>This report is public</b>	
<b>Whistleblowing Policy</b>	
<b>Committee</b>	Accounts Audit and Risk Committee
<b>Date of Committee</b>	29 May 2024
<b>Portfolio Holder presenting the report</b>	Portfolio Holder to be confirmed
<b>Date Portfolio Holder agreed report</b>	To be confirmed
<b>Report of</b>	Assistant Director Law and Governance, Shiraz Sheikh

## Purpose of report

This report seeks the approval of a Whistleblowing Policy and seeks the Committee's approval of the mechanisms by which the policy and any complaints made under the policy will be managed and reported on.

## 1. Recommendations

The Accounts Audit and Risk Committee resolves:

- 1.1 To approve the Whistleblowing Policy.
- 1.2 To approve the ownership of the policy through the Monitoring Officer, as set out in this report.
- 1.3 To approve the publication of the policy on the intranet, with appropriate staff communications to raise awareness.
- 1.4 To receive from the Monitoring Officer anonymised reports of any whistleblowing complaints once concluded and actions taken to resolve them.

## 2. Executive Summary

- 2.1 This report sets out the key terms of a revised Whistleblowing Policy, its operational ownership and its oversight through the Accounts Audit and Risk Committee.

## Implications & Impact Assessments

Implications	Commentary
<b>Finance</b>	Approved on the basis that there are no financial implications

	Rachel Ainsworth, Finance Business Partner, 15/5/24			
<b>Legal</b>	The proposed policy strengthens the suite of governance assurance measures the council has in place, and it reflects best practice to implementing the law on whistleblowing and protections for employees who blow the whistle. Shahin Ismail, Interim Head of Legal Services, 14 May 2024			
<b>Risk Management</b>	There are no risk implications arising from this report. Julie Miles, Performance Analyst & Developer – Performance & Insight Team. 16 May 2024			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		x		As a staff based policy, the impact on equality is neutral
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Climate &amp; Environmental Impact</b>				not applicable
<b>ICT &amp; Digital Impact</b>				not applicable
<b>Data Impact</b>		x		Any whistleblower can request anonymity and their data will have to be managed in accordance with their wishes. This can be done through existing mechanisms
<b>Procurement &amp; subsidy</b>				not applicable
<b>Council Priorities</b>				
<b>Human Resources</b>	In alignment with the policy review programme of work currently being undertaken by HR, a review of this policy is necessary to ensure legal compliance and clarity for end users needing to engage in such a process.  Members of the HR team will be available to support colleagues needing to use the whistleblowing policy as required.			

	Claire Cox, Assistant Director of Human Resources, 15 May 2024.
<b>Property</b>	Not applicable
<b>Consultation &amp; Engagement</b>	Corporate Leadership Team

## Supporting Information

### 3. Background

- 3.1 Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically be something they have witnessed at work.
- 1.2 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’.
- 1.3 As an employer it is good practice to create an open, transparent and safe working environment where workers feel able to speak up. Although the law does not require employers to have a whistleblowing policy in place, the existence of a whistleblowing policy shows an employer’s commitment to listen to the concerns of workers. By having clear policies and procedures for dealing with whistleblowing, an organisation demonstrates that it welcomes information being brought to the attention of management.
- 1.4 The council has a ‘Confidential Reporting Policy’ which meets many of the objectives of a whistleblowing policy but is not explicitly defined as a whistleblowing policy. The policy has been reviewed and the new proposed policy is attached at Appendix 1 to this report.

### 4. Details

- 4.1 The current Confidential Reporting Policy at Appendix 2 sits under the suite of HR policies, however best practice suggests that matters of whistleblowing should fall under the remit of the Monitoring Officer, given that whistleblowing covers the following types of serious wrongdoing:
- criminal offences (this may include, for example, types of financial impropriety such as fraud)
  - failure to comply with an obligation set out in law
  - miscarriages of justice
  - endangering of someone’s health and safety

- damage to the environment
- covering up wrongdoing in the above categories

4.2 It is therefore proposed that the new policy should sit with the Monitoring Officer, with reporting on numbers of complaints and any actions taken, to sit with the Accounts Audit and Risk Committee, as part of its overall remit for governance assurance.

4.3 The new policy also provides for the ability to report a serious matter direct to the council’s internal auditor, currently Veritau and through Protect, a well known independent whistleblowing charity, which many councils reference in their whistleblowing policies.

## 5. Alternative Options and Reasons for Rejection

5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current Confidential Reporting Policy. This option has been rejected as the policy does not explicitly refer to the legal framework governing whistleblowing and does not provide external mechanisms for reporting.

Option 2: Not to have such a policy. This option is rejected as whistleblowing protections are enshrined in law and the council would not be following best governance practice, which is to demonstrate transparent accountability for any wrongdoing by having a robust policy through which wrongdoing can be reported.

## 6 Conclusion and Reasons for Recommendations

6.1 The revised Whistleblowing Policy provides a policy mechanism for the reporting of serious wrongdoing, and gives effect to the law. As such, it is recommended for adoption.

### Decision Information

<b>Key Decision</b>	N/A
<b>Subject to Call in</b>	N/A
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	None, as this is an internal policy relevant to employees and other workers



## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Whistleblowing Policy
<b>Appendix 2</b>	Confidential Reporting policy
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
<b>Report Author</b>	Shahin Ismail, interim Head of Legal Services
<b>Report Author contact details</b>	Shahin.ismail@cherwell-dc.gov.uk

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# Whistleblowing Policy

## DOCUMENT CONTROL

<b>Organisation(s)</b>	Cherwell District Council (CDC)
<b>Policy title</b>	Whistleblowing Policy
<b>Owner</b>	Human Resources
<b>Version</b>	1.0
<b>Date of implementation</b>	

## DOCUMENT APPROVALS

This document requires the following committee approvals:

<b>Committee</b>	<b>Date of meeting pending approval</b>
Accounts Audit and Risk Committee	29 May 2024

## DOCUMENT DISTRIBUTION

This document will be distributed via the intranet and staff communications to all employees of Cherwell District

## DATE FOR REVIEW

No later than 1<sup>st</sup> November 2026 but sooner if impacted by legislative changes.

## REVISION HISTORY

<b>Version</b>	<b>Revision date</b>	<b>Summary of revision</b>

## **Whistleblowing Policy**

All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

The purpose of this policy is to encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected. To provide staff with guidance as to how to raise those concerns and to reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

The whistleblowing policy should only be used when other policies are inappropriate. A grievance should be reported using the Grievance policy only.

This policy has been implemented following consultation with the Corporate Leadership Team and agreement with the Accounts Audit and Risk Committee.

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

## **1. Introduction**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within a local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear harassment or victimisation. In these circumstances employees may feel that it is easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 1.2 Cherwell District Council (CDC) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment CDC encourages employees and others with serious concerns about any aspect of either Council's work to come forward and voice those concerns.
- 1.3 Whistleblowing is the term used when someone who works in or for an organisation discloses information which relates to a suspected wrongdoing or dangers at work. This may be a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. For example, instances of theft from the Council, accepting or offering a bribe, and failure by colleagues to adhere to Health & Safety directives could all be the subject of a whistleblowing disclosure.
- 1.4 The whistleblowing policies and procedures in local authorities are assessed regularly as part of the external audit and review. The Council is committed to the highest possible standards of openness, probity and accountability, and so has developed and endorsed this policy. In line with that commitment the Council expects and encourages employees, and others that it deals with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of detriment.

## **2. Who can use this policy?**

- 2.1 This policy is for Council officers whether they be full or part-time, secondees, consultants, agency workers, casual workers or volunteers or self-employed contractors.

## **3. What does the is policy apply to?**

- 3.1 This policy applies to the disclosure of suspected wrongdoing or dangers at work.
- 3.2 Examples would include a criminal offence, fraud or corruption, damage to the environment, health and safety and safeguarding concerns, theft or misuse of public money, breach of legal obligation, failure to follow the council's finance contract or other rules or a deliberate attempt to conceal any of these things.
- 3.3 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

#### **4. Purpose of whistleblowing policy**

##### 4.1 This policy:

- Encourages officers to blow the whistle within the Council rather than say nothing or take their concerns elsewhere
- Protects whistleblowers from reprisals as long as they have acted honestly and in the public interest
- Provides a procedure for whistleblowing
- Ensures whistleblowers get a response
- Gives advice on what to do if the response is not good enough

#### **5. Protecting the identity of whistleblowers**

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

#### **6. How will the Council protect whistleblowers?**

6.1 A whistleblower with genuine and legitimate concerns that are made in good faith will be protected from any victimization or detrimental treatment for having raised those concerns. Reprisals will be treated seriously as a disciplinary offence and dealt with through the disciplinary policy and procedure.

#### **7. Anonymous allegations**

7.1 We do not encourage staff to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from you.

#### **8. Untrue allegations**

8.1 If a whistleblower has made false allegations that are made without a reasonable belief as to their truth or not made in the public interest, these are likely to be treated as a disciplinary offence and dealt with through the disciplinary policy and procedure.

#### **9. Role of trade unions and professional associations**

9.1 Workers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistleblowers can bring a trade union or professional association representative or a friend with them to any meeting under this policy.

#### **10. How do workers blow the whistle?**

- 10.1 Putting concerns in writing, giving as much detail and including relevant dates.
- 10.3 If a whistleblower does not feel they can put their concerns in writing, they can be interviewed instead.

### **11.0 Who should whistleblowers go to with their allegations?**

- 11.1 Whistleblowers should normally go to their line manager, Assistant Director or the Monitoring Officer.
- 11.2 If you are concerned about possible reprisals if your identity is revealed, or you suspect fraud or corruption, you can report it to Veritau, our internal audit and counter fraud provider, on their hotline, 0800 9179 247. Veritau also have a whistleblowing email address, [whistleblowing@veritau.co.uk](mailto:whistleblowing@veritau.co.uk) through which a report can be made.

### **12.0 How will the Council respond to whistleblowing?**

- 12.1 Upon receipt of an allegation under this policy the person receiving the allegation must immediately notify the Monitoring Officer.

## **13. Investigation**

- 13.1 The Monitoring Officer will arrange a meeting with the employee as soon as possible to discuss their concern. A written summary of the whistleblower's concern will be written down and the whistleblower will be provided with a copy of the note after the meeting and the Council will write to the whistleblower within 10 working days of receipt of their disclosure. The letter should:
- acknowledge that the whistleblower has used the whistleblowing policy
  - say how their concern will be dealt with and how long they think this will take
  - tell them whether any initial enquiries have been made
  - say what further action will be taken (or say why no further action will be taken)
  - Tell them they have the right to bring someone with them to any meetings they have to attend about the allegation.

## **14. Interview**

- 14.1 The Council will carry out an initial assessment to determine the scope of any investigation and the whistleblower may be required to attend additional meetings in order to provide further information.
- 14.2 In some cases, the Council may appoint an investigator to look into the concerns raised. The investigator may make recommendations for change to enable the Council to minimise the risk of any future wrongdoing.
- 14.3 The need for confidentiality may prevent the Council from giving the whistleblower the specific details of the investigation or outcome.



## **15. External disclosure**

- 15.1 In some circumstances it may be appropriate for the whistleblower to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Staff are strongly encouraged to seek advice before reporting a concern to anyone external. If a worker does raise their concerns outside the Council, they must do it without passing on confidential information. The Monitoring Officer can give advice on this.

## **16. Response to whistleblowers at the end of the investigation**

- 16.1 Wherever possible and if the law allows, the Council will tell the whistleblower the outcome of any Investigation within 10 working days of it ending.

## **17. Support**

- 17.1 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the whistleblower believes that they have suffered any such treatment, they should inform the Monitoring Officer. Disciplinary action will be taken against those that threaten or retaliate against whistleblowers in any way.
- 17.2.1 Whistleblowers are encouraged to obtain support and advice that may include their trade union representative or HR team contact, a designated representative for bullying and harassment or the charity Protect, the whistleblowing charity, which provides a confidential independent helpline for whistleblowers. Contact details are shown below.

## **18. Taking concerns further**

### **Protect**

(Independent whistleblowing charity)

Helpline: (020) 3117 2520

Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

## **19. Monitoring and Reporting**

- 19.1 The Monitoring officer (or their nominated deputy) will report to each meeting of the Accounts, Audit and Risk Committee on the number (if any) of whistleblowing complaints made and any outcomes, in an appropriately anonymized way.

## **20. Responsibility for this Policy**

- 20.1 The Monitoring Officer has overall responsibility for this policy and how it is used and how the policy is working.

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## APPENDIX 2

# Confidential reporting policy

You are here:

1. [Home](#)
2. [Human Resources](#)
3. [Policies and procedures](#)
4. **Confidential reporting policy**

Employees are often the first to realise that there may be something seriously wrong within a local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances' employees may feel that it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects and encourages employees who have serious concerns about any aspect of the Councils work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that such issues can be raised without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

This policy applies to all employees, including casual and agency staff. Similar policies apply to elected members, suppliers and those contracted to provide services to the Council or on the Council's behalf.

These procedures are in addition to the grievance policy and other statutory reporting procedures.

### **Aims and scope of this policy**

This policy aims to:

- encourage employees to feel confident in raising serious concerns that they may have about practices and procedures;
- provide a process through which employees can raise those concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that they are aware of how to pursue those concerns if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

There are other procedures in place to enable employees to register grievances relating to their own employment. The confidential reporting policy is intended to cover major concerns that fall outside the scope of these other procedures.

**Areas covered by the confidential reporting policy include:**

- criminal or other misconduct;
- breaches of the Councils standing orders or financial regulations;
- contravention of the Councils accepted standards, policies or procedures;
- disclosures relating to miscarriages of justice;
- health and safety risks;
- damage to the environment;
- unauthorised use of public funds;
- fraud or corruption;
- sexual, physical or verbal abuse of any person or group;
- other unethical conduct;
- the concealment of any of the above.

Any serious concerns about any aspect of service provision or the conduct of officers or elected members of the Council, or others acting on behalf of the Council, can be reported under the confidential reporting policy

This policy does not replace the grievance policy.

**Safeguards against harassment or victimisation**

The Councils policy on personal harassment at work is designed to protect employees from all forms of harassment in the workplace.

The Council is committed to good practice and high standards and endeavours to be supportive of its employees.

The Council will not tolerate any forms of harassment or victimisation, and will take appropriate action to protect employees who raise a concern in good faith.

**Confidentiality**

All concerns will be treated in confidence and the identity of the employee raising the concern will not be revealed without his or her consent (subject to any legal requirements or decisions). At the appropriate time, however, the employee may be expected to come forward as a witness.

**Anonymous allegations**

Employees' concerns expressed anonymously are likely to be difficult to deal with effectively. Consequently, employees are encouraged to put their name to any allegation.

Any action taken in response to an anonymous allegation will be influenced by factors including the seriousness of the issues raised and the likelihood of confirming the allegation from attributable sources.

### **Untrue allegations**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If, however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the disciplinary policy.

### **How to raise a concern**

Employees should normally raise concerns in the first instance with their immediate manager or other appropriate manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice, the matter may be raised with the Head of Law and Governance (Monitoring Officer) or Assistant Director of Human Resources.

Concerns may be raised verbally or in writing. Employees who wish to raise a concern should provide details of the nature of the concern or allegation and its background including relevant dates. The detail should be sufficient to demonstrate reasonable grounds for concern, although proof beyond doubt of an allegation is not expected at this stage.

Employees may be represented and/or accompanied by a trade union, professional association or other representative or a friend throughout the process and during any meetings or interviews in connection with the concerns that have been raised.

### **How the council will respond**

Matters raised under this policy may, as appropriate:

- be investigated by management or through the disciplinary process;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

In order to protect individuals and those accused of misconduct or malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take, having regard to the law and the public interest.

Some concerns may be resolved by agreed action without the need for investigation. It may be necessary to take urgent action before any investigation is completed.

The manager with whom the concern has been raised will respond in writing within ten working days:

- acknowledging that the concern has been received;

- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- stating whether any initial enquiries have been made;
- supplying information on staff support mechanisms;
- stating whether further investigations will take place and if not, why not.

The Council will take steps to minimise any difficulties that the employee may experience as a result of raising a concern. For instance, if he or she is required to give evidence in criminal or disciplinary proceedings the Council will arrange for advice to be given about the procedure.

The Council accepts that employees need to be assured that the matter has been properly addressed. Subject to legal constraints, it will inform the employee of the progress and outcome of any investigation.

### **The Responsible Officer**

The Head of Law and Governance has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality.

The Head of Law and Governance will report as necessary to the Council.

### **How the matter can be taken further**

This policy is intended to provide a process within the Council through which employees may raise concerns. If at the conclusion of this process the employee is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as referral points:

- the external auditor;
- a trade union representative;
- a relevant professional body or regulatory organisation;
- the police;
- organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the Public Interest Disclosure Act.

Referral of any matter outside the Council must not compromise confidentiality. Employees should check this with the referral organisation.