

This report is public	
Whistleblowing Policy	
Committee	Accounts Audit and Risk Committee
Date of Committee	29 May 2024
Portfolio Holder presenting the report	Portfolio Holder to be confirmed
Date Portfolio Holder agreed report	To be confirmed
Report of	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
Finance	Approved on the basis that there are no financial implications

	Rachel Ainsworth, Finance Business Partner, 15/5/24			
Legal	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			
Risk Management	There are no risk implications arising from this report. Julie Miles, Performance Analyst & Developer – Performance & Insight Team. 16 May 2024			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		x		As a staff based policy, the impact on equality is neutral
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Climate & Environmental Impact				not applicable
ICT & Digital Impact				not applicable
Data Impact		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
Procurement & subsidy				not applicable
Council Priorities				
Human Resources	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.
Property	Not applicable
Consultation & Engagement	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

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

Document Information

Appendices	
Appendix 1	Whistleblowing Policy
Appendix 2	Confidential Reporting policy
Background Papers	None
Reference Papers	None
Report Author	Shahin Ismail, interim Head of Legal Services
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