

<b>Committee(s):</b> Policy, Resources & Economic Development	<b>Date:</b> 27 <sup>th</sup> November 2019
<b>Subject:</b> Whistleblowing Policy	<b>Wards Affected:</b> None Specifically
<b>Report of:</b> Paula Harvey, Interim Head of Legal Services & Monitoring Officer	<b>Public</b>
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### Summary

At Regulatory and Governance Committee on 6<sup>th</sup> March 2018, members considered a report outlining a review of the Council's whistleblowing arrangements together with a revised whistleblowing policy and arrangements for raising awareness thereof, which were recommended for approval by the PRED committee.

### Recommendations

**Members are asked to:**

- R1. Approve the draft revised Whistleblowing policy appended to this report.**
- R2. Approve plans for raising awareness of the Council's Whistleblowing arrangements set out in para 3.4 of Appendix A.**

### Main Report

#### **Introduction and Background**

1. Whistleblowing refers to the act of reporting or exposing wrongdoing, either within an organisation, or externally, for example to a regulator or to the press.
2. Protection for whistleblowers was introduced by The Public Interest Disclosure Act 1998 which amends the Employment Rights Act 1996 and protects employees and workers from being dismissed or subjected to detriment because they have made a protected disclosure. The concept of a 'worker' in the whistleblowing legislation is broad and includes, among others, agency workers, freelance workers, seconded workers, homeworkers and trainees, as well as employees.

3. The whistleblowing legislation imposes no positive obligations on employers to encourage whistleblowing or to implement a whistleblowing policy. It merely requires them to refrain from dismissing workers because they have made a 'protected disclosure' or subjecting them to any other detriment because of it. However, the Government expects all public bodies to have written policies and the whistleblowing arrangements in local authorities and NHS bodies are assessed as part of their annual audit process.
4. Furthermore, there are sound business reasons why an employer should implement a written whistleblowing policy. Effective protection for whistleblowers can help to manage the internal control of risk by avoiding more serious regulatory breaches or reputational damage. An effective policy will encourage and facilitate early internal whistleblowing and make it less likely that concerns will be disclosed externally, as well as minimising the risk that whistleblowers will be dismissed or suffer a detriment which could lead to litigation.
5. The principle objectives of a whistleblowing policy and procedure should be to:
  - convey the seriousness and importance that the employer attaches to identifying and remedying wrongdoing;
  - Encourage workers to raise concerns internally as early as possible and to give them the confidence to do so;
  - Remind workers of the standards of behaviour expected of them;
  - Ensure workers know whom to approach with a concern, and to enable them to bypass the person, management level or part of the organisation to which the concern relates;
  - Outline the procedures for investigating disclosures and what steps might be taken if wrongdoing is uncovered;
  - Make it clear what will happen to those who victimise genuine whistleblowers or abuse the system by making malicious allegations;
  - Provide access to further sources of advice and guidance on whistleblowing.
6. The Council has an effective whistleblowing policy in place, setting out procedures by which staff can confidentially report concerns about illegal, unethical or otherwise unacceptable conduct and ensuring that staff can bypass the level of management at which the problem may exist.
7. Under the Council's Constitution, the Monitoring Officer is the Council's designated Whistleblowing officer. She has day to day operational responsibility for the Council's whistleblowing arrangements and acts as a channel for whistleblowers to raise their concerns.
8. During the municipal year 2017/18 no whistleblowing concerns have been recorded as reported to the Council. There is no evidence to suggest that the Council's whistleblowing arrangements are not effective. However, it is good

practice for organisations to review their whistleblowing policies and procedures arrangements regularly to ensure they are robust and effective and to improve staff awareness, trust and confidence in the arrangements. This will also highlight the existence of any issues which could potentially prevent employees and others who work for the Council raising concerns.

## **Review**

9. The Council's Whistleblowing policy was last reviewed in 2013 to reflect changes in whistleblowing legislation.
10. A review of the Council's whistleblowing policy and procedures has been undertaken which has made recommendations to further improve the effectiveness of these arrangements and to improve staff awareness, trust and confidence in the Council's policy and procedures.
11. The revised policy appended to this report has been updated as follows:
  - (i) the policy and procedure has been amalgamated into one document.
  - (ii) details have been added in respect of types of concerns which fall outside the scope of the policy. Also, the HR helpdesk contact details have been updated.
  - (iii) a paragraph has been added setting out the role and responsibilities of the Whistleblowing officer.
  - (iv) details have been added on how to contact the Whistleblowing officer.
12. The following actions have also been recommended:
  - (i) Improving awareness of the Council's whistleblowing policy and the process to be followed by regularly publicising the Council's whistleblowing arrangements on the staff intranet every six months
  - (ii) Establishing a dedicated 'whistleblowing' email inbox.
  - (iii) Including information about how to raise concerns to all new employees and agency workers
  - (iv) Reviewing the Council's e-induction programme with a view to giving greater prominence to the Council's whistleblowing arrangements.
13. The Council's Regulatory and Governance Committee considered the revised policy at a meeting on 6<sup>th</sup> March 2018 and recommended that PRED approve this together with the actions set out above.

## **Reasons for Recommendation**

14. Under the Council's Constitution, it is a function of the PRED committee to monitor the Council's whistleblowing arrangements.

15. The Whistleblowing policy is intended to assist employees, and other who work for the Council to raise concerns about wrongdoing or malpractice within the organisation without fear of reprisal.

### **Consultation**

16. The recommendations have been considered by Regulatory and Governance Committee on 6<sup>th</sup> March 2018.

### **References to Corporate Plan**

17. Effective whistleblowing arrangements will support the delivery of all of the Council's objectives.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

18. There are no direct financial implications arising from this report.

#### **Legal Implications**

**Name & Title: Paula Harvey, Paula Harvey, Interim Head of Legal Services & Monitoring Officer**  
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19. The legal implications are set out in the body of this report.

#### **Economic Implications**

**Name/Title: Phil Drane, Director of Strategic Planning**  
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20. There are no specific economic implications.

### **Appendices to this report**

Appendix A: Report dated 6<sup>th</sup> March 2018  
Appendix B: Draft revised whistleblowing policy