

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Sue Lyons Head of Democratic & Legal Services Monitoring Officer	<i>Fwd Plan Ref No:</i> A16/042	
<b>Wards Affected</b>	N/A	12 <sup>th</sup> April 2017	
<b>Title</b>	<b>WHISTLEBLOWING POLICY</b>		

**Portfolio Holder: Councillor Russell Roberts**

### **1. PURPOSE OF REPORT**

To present the revised Whistleblowing Policy to the Executive for consideration and approval

### **2. INFORMATION**

- 2.1 Legal protection for whistleblowers was introduced by the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998 (PIDA). The whistleblowing provisions aim to protect those who report wrongdoing from victimisation and dismissal when they raise genuine concerns about misconduct or wrongdoing by their employer.
- 2.2. Whistleblowing has increasingly been in the spotlight in recent years particularly with the high profile issues such as those in Mid-Staffordshire NHS. In response, the Government introduced the Enterprise and Regulatory Reform Act 2013 which made amendments to the legislation. The main changes are:
- A disclosure must be made in the public interest
  - A whistleblower who makes a disclosure in the public interest no longer has to demonstrate that it is made in good faith. However, tribunal may reduce any compensation it awards if it decides that the disclosure was not made in good faith
  - A whistleblower has protection if they are bullied or victimised by a co-worker
- 2.3. The Whistleblowing Policy forms part of the Constitution and is set out in Part 5: Page S1. It forms an important part of the Council's Corporate Governance arrangements. It is recognised that employees are often the first to realise that there may be something seriously wrong within the Council. It is, therefore, a key element in identifying potential fraud, irregularity or wrongdoing.

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### 3. **THE REVISED WHISTLEBLOWING POLICY**

- 3.1. The existing Policy has undergone only minor amendments since its adoption and has not been reviewed to reflect the new legislation. The Policy has been used very infrequently in recent years. The Monitoring Officer has been notified of only two allegations under the policy in the last eight years. It is recognised that it is important to ensure that there is an effective policy in place which supports employees who wish to raise concerns.
- 3.2. The revised policy attached at Appendix 1 has been drafted to take into account the changes in legislation, the good practice guide issued by Public Concern at Work, a recognised whistleblowing charity, and guidance developed by ACaS. The policy also expands on the detail set out in the existing policy and includes additional guidance on:-
- How the Policy will work
  - How to raise a concern
  - How the Council will respond
  - How the whistleblower will be protected
- 3.3. The new policy will be rolled out council-wide. Training will be given to existing staff and new starters will be trained through the induction process.
- 3.4. The Standards Advisory Committee considered the policy at its meeting on 27 February and made the following comments:
- Complaints made anonymously should be treated equally and the wording “much less powerful” in paragraph 5.2 should be amended
  - Members of staff should be required to give a signature to testify that they have received a copy of the Whistleblowing Policy and have read it
  - The meaning of “testing out” in paragraph 8.1 should be clarified

### 4. **POLICY IMPLICATIONS**

The Policy forms part of the council’s Corporate Governance arrangements.

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**5. CONSULTATION AND CUSTOMER IMPACT**

The draft policy has been considered and approved by the Joint Union Committee and the Joint Consultative Forum and the Standards Advisory Committee.

**6. FINANCE and HR RESOURCE IMPLICATIONS**

None

**7. LEGAL IMPLICATIONS**

The revised Whistleblowing policy reflects the current legal position.

**8. RECOMMENDATION**

That the Executive approve the policy and recommend it to Full Council for adoption as part of the Constitution

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Background Papers:

None

Previous Reports/Minutes: