

Croydon Council

REPORT TO:	ETHICS COMMITTEE 26 November 2018
AGENDA ITEM:	
SUBJECT:	REVIEW OF WHISTLEBLOWING POLICY
LEAD OFFICER:	DIRECTOR OF LAW AND GOVERNANCE AND MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR HALL CABINET MEMBER FOR FINANCE AND RESOURCES
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The continued development of and the promotion of new initiatives to enhance ethical standards is a key component of the Council's approach to ethical and corporate governance and falls within the Ethics Committee's remit.	
FINANCIAL IMPACT: Implementation of the recommendations contained in this report shall be contained within existing budgets.	
FORWARD PLAN KEY DECISION REFERENCE NO: This is not a key decision.	

For general release

1.RECOMMENDATIONS

That Committee is asked to:

- 1.1 Note and endorse the contents of the report and the revisions to the Whistleblowing Policy.

2. EXECUTIVE SUMMARY

- 2.1 The Whistleblowing legislation under the Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees, or subjecting them to any other detriment because they have made a protected disclosure ("whistleblowing"). Whistleblowing occurs when an employee or worker draws attention to a concern or concerns of wrongdoing in their organisation, this is often referred to as a "protected disclosure".
- 2.2 A desk top review of the Council's current Whistleblowing Policy has been undertaken and is recommended for approval.

3. DETAIL

3.1 In support of the Council's statutory duties the Council's Whistleblowing Policy is aimed at fostering a climate of openness and transparency in which individuals in the workplace feel that they will be able to raise issues of concern that will be appropriately investigated. It also provides the facility to raise these with Protect (Previously Public Concern at Work) an independent organisation from whom independent advice can be sought.

3.2 Whilst there is no standard form of template for a Whistleblowing Policy guidance was issued in 2015 by the Department for business Innovation and Skills (DBIS) called *Whistleblowing Guidance for Employers and Code of Practice*. A copy can be accessed via the attached link:

<https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

The guidance gives useful tips about what a policy should include and how an employer should deal with disclosures that are made and has been considered as part of this review exercise.

3.3. Members can also view other Whistleblowing Policies which have been issued by authorities in London on the London Council's website and which have been considered as part of this exercise. A link to this website is attached below:

<https://www.londoncouncils.gov.uk/node/2916>

3.4 The revised Policy proposed following the desktop review is attached as Appendix 1. Consideration has been given to the DBIS guidance, other policies issued by London authorities and any changes required to assist those who may wish to make use of the Policy ensuring also that it meets the current needs of the Council.

The proposed revisions to the Policy include:

- References to Public Concern at Work changed to Protect;
- Clarification of the definition of "Whistleblowing";
- Clarification that the disclosure to qualify as a "protected disclosure" must be in the 'public interest'; and.
- Inclusion of a list of "Prescribed Persons" to whom a "protected disclosure" can be made, where the person making it does not wish to use the Council's own disclosure policy.

3.5 Member's may wish to note in particular the following sections of the Policy which set out it's aims and method of operation, as well as the safeguards for employees, who may wish to make use of its provisions; sections:

- 2. Aims of the Policy

- 5. Designated Assessors
- 6. Making a Disclosure
- 9. Safeguards and Confidentiality

3.6 Members are referred in particular to the provisions in paragraph 9 regarding confidentiality. The Policy provides that the Monitoring Officer will not disclose the identity of any person making a disclosure without the Discloser's express consent. Where a concern is not able to be resolved without the Discloser's identity being revealed e.g. where it is necessary for the Discloser to give evidence this will be discussed with the Discloser and how the matter should best proceed. If the concern is raised through Protect the Discloser's personal details will not be passed to the Monitoring Officer without the Discloser's express consent.

3.7 A distinction is drawn between a situation where Council employees may wish to raise a grievance or a complaint of bullying and/or harassment which should be dealt with under the Employee Complaint's Procedure. In order to make a protected disclosure, which would bring concerns specifically within the Whistleblowing Policy rather than the Employee Complaints Procedure, the disclosure must be one which is made in the public interest.

3.8 To support officers who may be asked to assist in the investigation of a complaint under the Whistleblowing Policy and to promote the Policy, a training event, facilitated by Protect is proposed to be held next year. This will be supported by staff communications to ensure that all those who may wish to make use of the Policy are aware of it and understand when it applies.

3.9 An annual report is made to this Committee which provides a summary of the number of disclosures which have been made over the year and a brief summary of the nature of the concern raised. No personal detail can be provided in view of the obligations regarding confidentiality save where the express consent of the Discloser is provided. The next report is due to be provided to the committee on 27 February 2018.

4. CONSULTATION

The Director of HR has been consulted on the proposed revised report. Separately the revised Policy is due to be considered by the Council's Corporate Staff Consultation Panel on 20 November. Members will be updated orally on the outcome of their views at the meeting.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The confidential reporting service is provided by Protect at a cost of £750 p.a. plus 20p per employee.

6. LEGAL CONSIDERATIONS

6.1 There are no additional legal considerations arising from the contents of this report which are not set out in the body of the report.

CONTACT OFFICER: Jacqueline Harris Baker, Director of Law and Governance
(ec.t 62328)

BACKGROUND DOCUMENTS: None