



POLICY AND RESOURCES SCRUTINY COMMITTEE - 11TH NOVEMBER 2014

SUBJECT: DRAFT WHISTLEBLOWING POLICY

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To seek approval of a revised Whistleblowing Policy. To inform the Members of Scrutiny on the proposed revision of the Council's Whistle Blowing Policy (attached in Appendix 1), and seek their comments, prior to presenting the Policy to Cabinet and Council for approval.
- 1.2 To inform members of a proposed change to the administrative form (Appendix 4) used to record declarations of interests made by employees. As this form is an appendix to the Code of Conduct which is contained within the Constitution, it will require approval from Council.

2. SUMMARY

- 2.1 The Whistle Blowing Policy is intended to encourage and enable employees to raise concerns with the Council without fear of victimization, subsequent discrimination or embarrassment.

3. LINKS TO STRATEGY

- 3.1 The Authority has an obligation to maintain and monitor the standards of conduct throughout the Council's workforce, and to maintain appropriate arrangements for good governance. This policy is contained within the Council's Constitution as part of the Employee Code of Conduct. In addition this policy supports the Council's anti-fraud and corruption strategy.

4. THE REPORT

- 4.1 Members will be aware that Council agreed at its meeting in June 2013 to undertake a full review of the Council's Constitution. The review was to be based on the new All Wales Framework document that has been produced by external lawyers with the support of the Welsh Local Government Association. It was originally envisaged that this would also include a draft whistleblowing policy that we would subsequently seek to adopt. For various reasons previously reported to members it has not been possible to adopt the All Wales framework Constitution, consequently the existing version of the Constitution has been thoroughly reviewed and updated. In order to strengthen our governance arrangements in line with our response to the Wales Audit Office Corporate Governance Inspection the Improving Governance Programme Board agreed that the revision and updating of the Whistleblowing Policy should be taken forward as a stand-alone issue

- 4.2 The current version of the Council's Whistle Blowing Policy will be found within the Council's Constitution (attached as appendix 3). The Policy was introduced in 2001 and other than a minor review to reflect changes to job titles there has been no significant changes made since that date, other than a minor review.
- 4.3 Members may be aware that a Whistleblowing Commission was set up in February 2013 by the leading Whistleblowing Charity – Public Concern at Work (PCaW). Their remit was to review the effectiveness of whistleblowing in UK workplaces, and to make recommendations for change. The Commission was an independent body made up of industry and academic experts and chaired by the Right Honorable Sir Anthony Hooper (former appeal court judge).
- 4.4 In late November 2013 it published its findings, with the Primary recommendation being for the Secretary of State to adopt a Code of Practice that could be taken into account in whistleblowing cases before courts and tribunals. The Commission has published a draft Code which sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements. The Code of Practice is designed to help regulators assess and inspect whistleblowing arrangements. The Code of Practice was designed to be adopted by organizations that are looking to achieve the highest standards in ensuring that workers are encouraged to speak up and when they do, that they are listened to. (The draft code is provided as Appendix 2).
- 4.5 Officers have worked with the Charity Public Concern at Work, who were identified as being able to support best practice in this area. As a consequence we have been able to access guidance, resources and support from Public Concern at Work to develop a new Whistleblowing Policy reflective of current guidance and regulations.
- 4.6 Members may also wish to note that there is an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This will enable them to make contact in a confidential manner, should they wish to seek independent advice.
- 4.7 In line with the findings of the Commission, the attached draft policy has been written in plain English, to encourage a wide understanding by employees. This draft policy was heavily based around the model policy provided by Public Concern at Work. This draft policy has been developed with the support of the Improving Governance Programme Board.
- 4.8 The new Policy if approved will be publicised on the HR Support Portal and Wellbeing@Work intranet pages. A training programme for managers will be developed to support the introduction of the new policy, and a communication plan devised to increase awareness of the policy across the wider organisation.
- 4.9 The revised form at appendix 4 is an administrative form for recording the declaration of interests made under the Code of Conduct for Officers. This has not been amended since it was introduced with the Officer Code of Conduct in February 2006. This revision is made to ensure improved transparency and accuracy in the recording of declarations.

5. EQUALITIES IMPLICATIONS

- 5.1 The policy supports the Council in achieving its statutory duties under Equalities legislation in that it clearly notes discrimination as a specific category of wrongdoing about which concerns can be raised by staff. The ability for employees to raise any concerns confidentially (which could include equalities issues) also provides additional safeguards for the individual and the authority.

6. FINANCIAL IMPLICATIONS

- 6.1 There is a small annual membership cost (£1600 & Vat) for joining Public Concern at Work, which has been met from existing budgets. There are no direct financial implications of introducing the Policy.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications of introducing the Policy.

8. CONSULTATIONS

- 8.1 The report reflects the views of the Consultees listed at the end of the report. The Improving Governance Programme Board, and the HR Strategy Group have been active participants in this process. The Councils Trades Unions have been consulted and are supportive of this approach. There are no other views other than those reflected in the report.

9. RECOMMENDATIONS

- 9.1 That Scrutiny members consider the contents of the report and the draft Whistleblowing Policy, and make a recommendation to Cabinet and Council for adoption of the Policy, and to authorise the Council's Monitoring Officer to make the necessary amendments to the Council's Constitution along with any observations they may wish to provide.
- 9.2 That Scrutiny members note the changes to the administrative form for the declaration of interests recorded by employees, and make a recommendation to Cabinet and Council for adoption of the declaration form, and to authorise the Council's Monitoring Officer to make the necessary amendments to the Council's Constitution.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To facilitate the implementation of a new Policy.
- 10.2 To improve administration of the declaration of interests recorded by employees.

11. STATUTORY POWER

- 11.1 Local Government Act 2000, Public Interest Disclosure Act 1998, Employment Act 2008

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Appendices:

- Appendix 1 Draft Whistleblowing Policy
Appendix 2 Whistleblowing Commission Code of Practice
Appendix 3 Existing Whistleblowing Policy
Appendix 4 Declaration of Interests Form