

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted - NONE

SERVICE DIRECTORATE: LEGAL & COMMUNITY (MONITORING OFFICER)

1. DECISION TAKEN

That following a review the Whistleblowing Policy as amended as per Appendix A¹ is approved.

2. DECISION TAKER

The Leader, Cllr Martin Stears-Handscomb in consultation with the Service Director: Legal and Community.

3. DATE DECISION TAKEN:

17 December 2019

4. REASONS FOR RECOMMENDATIONS

4.1 The Policy should be reviewed and updated to reflect best practice.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 None. The Policy was last reviewed and approved in 2016. Since that time there have been changes in respect of external bodies (the charity - Public Concern at Work – has become 'Protect') and internal changes/ reorganisation. This Policy also supports the Anti-Fraud Procedure which has been updated and the Policy was scheduled, in any event, for review under the Service Action plan for 19/20 (to be undertaken by 31 December 2019).

6. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

6.1 The Policy is largely an internal facing document which covers how employees, agency staff and Members can raise concerns. Discussions regarding process, Policy format and benchmarking actions have, however, been undertaken with Protect. This has also been to the Staff Consultation Forum (SCF) on 3 December and Senior Management Team on 10 December, whose comments are to endorse the approach below. SCF suggested a summary document for the Policy for all staff and further information to be provided in Insight regarding raising a concern and the Policy.

7. FORWARD PLAN

7.1 Whilst for the reasons set out under 6.1 this may not be a key decision, the decision maker had requested that this be listed on the Forward Plan (which it was on 31 October 2019).

8. BACKGROUND

8.1 The Policy and procedures were last reviewed and updated in 2016. Since that date there have been a number of minor changes (externally and internally), some Policies have been updated (namely the Fraud Prevention and Safeguarding) in 2019 and amendments were required.

8.2 The Council pays for Whistleblowing support and an advice line from Protect (previously known as Public Concern at work). This means that an employee can contact that organisation and obtain advice on a concern under a lawyer-client basis (so effectively providing a separate advice line), if they wish to do so. Payment for this service provides a more robust challenge to our arrangement – as training, template

¹ This will be provided on the [Delegated Decisions page-2019](#), but shall not be circulated via MIS.

documentation and benchmarking are available, and have been considered/undertaken as part of the review.

- 8.3 Following a review of the Fraud Prevention Policy a new page will be created for Whistleblowing and NHDC '[fraud-contracts-whistleblowing](#)' page has been update. The Guidance to Managers: "Handling Whistleblowing: Practical Tips for Manager" has also been updated and will supplement the Policy and be available on the intranet.

9. RELEVANT CONSIDERATIONS

- 9.1 The Policy essentially complies with the Protect best practice template policy (which is a generic one for both private industry as well as public bodies). Some changes have been made (as per the tracked document), to update references and remove duplication. Data protection and retention of concerns raised has also been covered.

- 9.2 Going forwards, the main issues that the Service Director for Legal and Community will be considering within the Council with colleagues are procedure and staff engagement, which as per Protect's recommendations, are:

- Annual review of the Policy and procedure (therefore next due December 2020²), with some form of 'market testing' to see if the system works;
- Staff engagement – encouragement of an open culture and ability to raise concerns primarily through their line manager, during 1.2.1s (so as part of a general standing item for any concerns to be raised in those meetings to assist with creating this culture). Note that this aligns with our new Organisational Values and Behaviours, specifically of Listening and being Open; and
- Training provided to managers on how to deal with a concern that is raised (this has been arranged for the Senior Management Group on 17 March 2020).

- 9.3 The Service Director will also look to act on the SCF recommendations to produce a summary document for the Policy and updates in Insight (see 6.1 above).

- 9.4 The Council does not have a separate reporting line – this is via the Monitoring Officer confidential email and direct. The Council does, however, as indicated, pay for the Protect advice line for employees, and this is arguably more comprehensive (and independent).

10. LEGAL IMPLICATIONS

- 10.1 There is no legal requirement for a company or local authority to have a Whistleblowing Policy. However, having a policy demonstrates an employer's commitment to listen to the concerns of workers. Under BIS Guidance and a related Code of Practice, this is also recommended practice³.

11. FINANCIAL IMPLICATIONS

- 11.1 The Council pays for a Level one Whistleblowing support package from Protect, which is based on a set and employee headcount number. For 2019/20 this was £976.

- 11.2 There are no other financial implications for this delegated decision.

12. RISK IMPLICATIONS

- 12.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

13. EQUALITIES IMPLICATIONS

- 13.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment,

² Note that the government has not yet decided whether to adopt EU whistleblowing legislation that was ratified on 16 April 2018, which would broaden whistleblowing protections in the UK to cover a wider group of people who may wish to report a public interest concern, such as: job applicants, non-executive directors, volunteers and self-employed workers, or create a Regulator in member countries. For those within the EU, the directive will need to be transposed by May 2021.

³ BIS: Whistleblowing: Guidance for Employers and Code of Practice March 2015

victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. The contents of this decision do not directly impact on equality, in that the decision does not have a direct impact on equality of access or outcomes for diverse groups.

14. SOCIAL VALUE IMPLICATIONS

14.1 The Social Value Act and "go local" requirements do not apply to this decision.

15. HUMAN RESOURCE IMPLICATIONS

15.1 It is important to ensure that the Council as an organisation fosters a positive speaking up and listening culture (as part of this issue and generally to meet the Council's Values and Behaviours). Awareness will be raised with staff through the use of the Protect posters (in situ on all floors), summary Policy document, Insight article and the use of Protect training material for the Senior Manager's Group training in March 2020/ Practical Tips for Managers. Ongoing awareness should be maintained through a regular referral to this in the Manager/ employee 1.2.1 setting.

15.2 As indicated, as part of the package employees have access to an independent advice line with Protect, which allows them raise their concern if unable or unwilling to do so via the Council's arrangements.

16. APPENDICES

16.1 Appendix A Whistleblowing Policy as amended.

17. CONTACT OFFICERS


17.1 Jeanette Thompson, Service Director Legal and Community.

18. BACKGROUND PAPERS

18.1 None other than those previously referred to above and in the Policy.

NOTIFICATION DATE

20.12

Signature of Decision Taker 

Date 17/12/19

Please Note: that unless urgency provisions apply EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in. Call-in does not apply to NON-EXECUTIVE DECISIONS

