

Summary Sheet

Standards and Ethics – Committee 29th September 2016

Title

Review of the Operation of the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

All

Executive Summary

A report regarding a review carried out in respect of the operation of the Whistleblowing Policy

Recommendations

- i) That the Committee notes the outcome of the review, and the steps taken to implement the findings.
- ii) That the Committee notes the Whistleblowing cases received since September 2015
- iii) That the Committee considers whether it is appropriate to include in the Whistleblowing Policy, reference to the policy being available to members of the public.

List of Appendices Included

None

Background Papers

Papers held on file by the Monitoring Officer

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title

Review of the operation of the Whistleblowing Policy

1. Recommendations

- 1.1 That the Committee notes the findings of the review, and the steps taken to implement the findings of the review.
- 1.2 That the Committee notes the Whistleblowing cases received since September 2015.
- 1.3 That the Committee considers whether it is appropriate to include in the Whistleblowing Policy, reference to the policy being available to members of the public.

2. Background

- 2.1 In accordance with the Standards Committee Terms of Reference and Work Plan a review has been undertaken in respect of the operation of the Council's Whistleblowing policy. The review was undertaken by the Council's Internal Audit Service.

Risk Management

- 2.2 The Assurance Objective in this regard is to obtain assurance that risk registers are available for recording risks relating to whistleblowing arrangements, which are maintained and effectively used as part of the risk management process.
- 2.3 The review found that appropriate risk registers are available for recording risks relating to whistleblowing arrangements, although no significant specific risks were identified.

Availability of the whistleblowing policy to employees and contractors

- 2.4 The Assurance Objective in this regard was to seek assurance that the whistleblowing policy is readily available to employees and contractors working for the Council.
- 2.5 The conclusion of the review is that the whistleblowing policy is prominent on the Council's intranet. An 'Employee Briefing' was issued on 29/02/2016 notifying all staff of the revised whistleblowing policy which has been posted on the RMBC intranet. There is a link to the new policy via the 'Quick Links' menu on the RMBC intranet home page, making it far more prominent than was the case with the old policy.
- 2.6 Contractors had previously been made aware of the policy in October 2014. It was recommended that this be done again and the relevant communications will be made by the end of September 2016.

Adequacy of the Whistleblowing Policy

- 2.7 The Assurance Objectives was to obtain assurance that RMBC has an adequate whistleblowing policy.
- 2.8 The conclusion was that the revised whistleblowing policy is adequate.

Arrangements for ensuring that whistleblowing concerns raised, are dealt with in accordance with the Policy

- 2.9 The Assurance Objectives in this regard is to seek assurance that whistleblowing concerns are correctly dealt with in accordance with the whistleblowing policy.
- 2.10 The conclusion was that Whistleblowing concerns that were open during 2015/16 were correctly dealt with in accordance with the whistleblowing policy.

Reporting of Whistleblowing Concerns to the Council

- 2.11 The Assurance Objectives is to seek assurance that whistleblowing concerns are adequately reported to Members on a periodic basis.
- 2.12 The last report to the Standards Committee was on the 10th September 2015. It was felt that the type/level of detail recorded in the report to the Standards Committee was not always consistent between cases.
- 2.13 In order to assist with reporting and to ensure that all relevant cases were appropriately reported, it was recommended that a central log of Whistleblowing concerns be kept by Legal Services. This has been put in place.

A similar review as to the operation of the Whistleblowing Policy will be undertaken as part of the Standards and Ethics Committee work plan for 2017/2018.

Whistleblowing Cases Sept 2015/Sept 2016

- 2.14 A schedule of cases for the relevant period will be provided at the meeting of the Standards Committee.

Availability of the Whistleblowing Policy to members of the Public

- 2.15 The Whistleblowing Policy is currently available for use by employees, workers and contractors of the Council. It is not currently available to members of the Public.
- 2.16 In reality when concerns were raised by members of the public in relation to serious misconduct, they have been dealt with appropriately. However it is now felt that explicit reference to members of the public being able to make reports of serious misconduct within the Whistleblowing policy should be considered by the Standards Committee.
- 2.17 Some authorities such as Birmingham City Council and Manchester City Council have reference within their Whistleblowing Policy to the policy and its associated procedures being available to members of the public. Members of the public do not receive the same legislative protections as stated in the

Public Interest Disclosure Act 1998, as these are specifically reserved to employees, workers and contractors.

- 2.18 Making the Whistleblowing Policy and procedure available to members of the public may have a positive effect in terms of encouraging the reporting of serious misconduct. A significant increase in the number of concerns received may however lead to an increase in resources needed to investigate these matters.
- 2.19 If the Committee felt it was appropriate for the Whistleblowing Policy to be made available to members of the public, the following paragraph (or a variation thereof) would be inserted into the current policy.

Whistleblowing by members of the public

Unlike disclosures by employees, PIDA(Public Interest Disclosure Act 1998) does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they make a disclosure.

The Council considers that any disclosure made by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees.

Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as a disclosure made by an employee under PIDA and the provisions of section xx shall apply.

3. Key Issues

- 3.1 The relevant issues within each element covered by the review are set out above.

4. Options considered and recommended proposal

- 4.1 Recommendations have been referred to above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 The required amendments to procedures have already been implemented by Legal Services.

7. Financial and Procurement Implications

- 7.1 Any work undertaken by Legal Services in implementing these recommendations is within the budget for Legal Services.

8. Legal Implications

8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangement for dealing with concerns raised through the policy.

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 No significant specific risks were identified by the review, however the risk register for Legal Services would include any risk arising from the Whistleblowing Policy and its operation.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services