

<b>Title of Report:</b>	<b>Whistleblowing Policy and Procedure</b>
<b>Report to be considered by:</b>	Personnel Committee
<b>Date of Meeting:</b>	30 October 2013
<b>Forward Plan Ref:</b>	PC2754

**Purpose of Report:** To seek approval of the revised Whistleblowing Policy and procedure.

**Recommended Action:** To approve the revised Whistleblowing Policy and Procedure and support it being submitted to Personnel Committee.

**Reason for decision to be taken:** The current policy was written in 2006 and is due for review. The Enterprise and Regulatory Reform Act 2013 introduced changes that need to be reflected in the WBC policy.

**Other options considered:** n/a

**Key background documentation:** Confidential Reporting Code (Whistleblowing Policy) 2006.

<p>The proposals contained in this report will help to achieve the following Council Strategy priorities:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <b>CSP1 – Caring for and protecting the vulnerable</b></li> <li><input checked="" type="checkbox"/> <b>CSP4 – Protecting the environment</b></li> </ul> <p>The proposals will also help achieve the following Council Strategy principles:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <b>CSP5 - Putting people first</b></li> <li><input checked="" type="checkbox"/> <b>CSP6 - Living within our means</b></li> <li><input checked="" type="checkbox"/> <b>CSP8 - Transforming our services to remain affordable and effective</b></li> <li><input checked="" type="checkbox"/> <b>CSP9 - Doing what's important well</b></li> </ul> <p>The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:          Providing a clear and supportive way for workers to report concerns about wrong-doing, for concerns to be investigated and remedial action put in place.</p>
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<b>Date Portfolio Member agreed report:</b>	17 October 2013

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## Implications

**Policy:** Whistle Blowing Policy and Procedure

**Financial:**

**Personnel:**

**Legal/Procurement:**

**Property:**

**Risk Management:**

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and: <ul style="list-style-type: none"> <li>• Is it likely to affect people with particular protected characteristics differently? <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>• Is it a major policy, significantly affecting how functions are delivered? <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>• Will the policy have a significant impact on how other organisations operate in terms of equality? <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics? <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>• Does the policy relate to an area with known inequalities? <input type="checkbox"/> <input checked="" type="checkbox"/></li> </ul>			
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

# Executive Summary and Report

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## 1. Introduction

1.1 The current Confidential Reporting Code (Whistleblowing Policy) was written in 2006 and is due for review. It does not specify how concerns raised should be handled.

1.2 The Public Interest Disclosure Act (PIDA) enables individuals to raise concerns where they have a reasonable belief that;

- (1) A criminal offence;
- (2) A miscarriage of justice;
- (3) An act creating a risk to health and safety;
- (4) A breach of other legal obligation;
- (5) Damage to the environment;
- (6) Concealment of any of the above;

is being, has been or is likely to be committed, without fear of dismissal, victimisation or detriment, and it is in the public interest to disclose it.

1.3 The Enterprise and Regulatory Reform Act 2013 introduced the following changes to PIDA that need to be reflected in the WBC Policy:

- (1) Workers no longer have to raise concerns in good faith but must have a reasonable belief that raising the concern is in the public interest. (S17 of the Act)
- (2) Protection is provided for whistleblowers from victimisation by co-workers or any agent of the employer (S19)
- (3) The definition of a worker is amended (S20)

1.4 The WBC policy and procedure have been revised to cover these changes and also to provide clarification on how concerns should be raised and handled within the Council.

1.5 The procedure requires employees to raise concerns with their line manager, or their manager's manager unless the circumstances set out in 1.6 below apply.

1.6 The policy and procedure introduce a 'help line' that workers can use if they are unsure whether to raise a concern, if they believe that senior management are involved in the wrong-doing or are unsatisfied with the way in which their concern has been handled. The 'help line' enables employees to contact the Head of HR by telephone, email or in writing. The Head of HR, with advice from senior officers listed in 6.3 of the procedure as appropriate to the case, will decide how concerns raised via the helpline are handled.

## 2. Proposals

2.1 Corporate Board is recommended to approve the revised policy and procedure.

### **3. Equalities Impact Assessment Outcomes**

3.1 This item is not relevant to equality.

### **4. Conclusion**

4.1 The Whistleblowing policy and procedure has been revised to reflect changes in the law, clarify how concerns should be handled within the Council, and provide a 'helpline' for employees.

4.2 Corporate Board is recommended to approve the revised policy and procedure.

## **Appendices**

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Appendix A - Whistle Blowing Policy and Procedure

## **Consultees**

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**Local Stakeholders:** n/a

**Officers Consulted:** Human Resources Management Team, Ian Priestley and Corporate Board

**Trade Union:** Unison (Rosemary Culmer, Dave Pearson), GMB (Eddie Hunter)  
Association of Educational Psychologists (Karen Bailey)