

TITLE OF REPORT: ANNUAL WHISTLEBLOWING POLICY REVIEW

REPORT OF: SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

1.1 The report deals with the review of the Council's Whistleblowing Policy and any concerns raised.

2. RECOMMENDATIONS

That the Committee

2.1. Considers and notes the Annual Report, together with the actions proposed post benchmarking.

2.2. To approve the Whistleblowing Policy, Appendix 1, as amended.

3. REASONS FOR RECOMMENDATIONS

3.1 Good practice indicates that the Whistleblowing Policy should be reviewed annually. It affords the opportunity to comment on and improve arrangements at the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Monitoring Officer has liaised with the external charity Protect and undertaken their benchmarking exercise – for the Council's size organisation call the 'scanner'. Following this there are several recommendations to consider, detailed below.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on an Executive key decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1. There is no legal requirement to have a Whistleblowing Policy ('the Policy'), however, the Council has an established one, with associated documents, which are reviewed annually by the Monitoring Officer. It is based on the Council's charitable partner's (Protect) pro-forma (which is a more corporate version) adapted for local government/ localised arrangements.

7.2. In the last two years, there has been minor administrative amendments to the Policy and arrangements.

- 7.3. The Policy expressly provide a position and process around protections for staff (and associated workers/ agency staff/ contractors and Members) who wish to make a public interest disclosure. This reflects the legal protections under the Public Interest Disclosure Act 1998. The current Policy is available on the Council's website [\[CLICK HERE\]](#), with associated pages for reporting concerns in relation to contracts and procurement [\[CLICK HERE\]](#), as well as internal Hub resources on the Policy/ Record of complaint/ Advice for Managers / and a quick Reference Guide. There are also posters in the Council's DCO on each floor reminding how to report a concern and the annual reviews are accompanied by Member Information and Insight communications.
- 7.4. One of the reasons for bringing a report to the Standards Committee, is to increase awareness of the way in which whistleblowing disclosures would be dealt with and to raise confidence among whistleblowers that their disclosures will be taken seriously. Note that an anonymised form of any Whistleblowing concern raised, is covered in the Annual Governance Statement which is reported and approved by Finance Audit and Risk Committee. The Annual Governance Statements are then available on the Council's website.
- 7.5. Since the Policy was last reviewed in January 2024, there has been no whistleblowing concerns raised. This compares with one in May 2023.
- 7.6. As part of the annual review, the Monitoring Officer undertook a self-assessment benchmarking process through its partner organisation Protect. Again this is an appropriate tool regarding the size of the Council, but not necessarily comparable to the arrangements within a local authority. The scanner benchmarking scores indicated the following:
- Governance – 96%
Engagement – 36%
Operations – 76%
- See below and the scanner recommendations.
- 7.7. Otherwise, in terms of legislative changes that may impact on the requirements, in March 2023, the UK government launched a review of the whistleblowing framework. The review sought evidence on the effectiveness of the current regime in meeting its original objectives. Those objectives were: providing a route for workers to make disclosures; protecting those who do so; and supporting wider cultural change to recognise the benefits of whistleblowing. The evidence gathering stage of the review was concluded in 2023.
- 7.8. A Whistleblower Bill introduced in the House of Commons at the end of January 2024. It proposes, among other things, to introduce a new Office of the Whistleblower; new civil offences (for which financial penalties may be issued by the Office of the Whistleblower); and criminal offences for subjecting whistleblowers to detriment (punishable by fine and/or imprisonment). The Bill was paused after the general election, with no further information on the second reading date.

8. RELEVANT CONSIDERATIONS

- 8.1. A few amendments have been made to the Policy, largely administrative, together with details of further external reporting arrangements.
- 8.2. As indicated in 7.6 above, several practical recommendations were made to improve arrangements:

1. Governance

This was a good score.

To report annually.

To continue to discuss at senior management level

Use the scanner tool to identify strengths and weaknesses – as this will assist with a workplan moving forward.

Response – more work will be undertaken with the Leadership team (concerns are discussed by the Statutory Officers/ although more could be undertaken with the Leadership team).

The scanner will be used as part of any review, pre-report to Standards Committee (which will be an annual item).

2. Engagement

You appear to have a number of things in place - but there is still room for improvement.

Bringing your arrangements to life and engaging with staff and managers is an area many organisations find more difficult than the other sections of Governance and Operations, so a focused effort needs to be regularly made.

Consider implementing a network of individuals who are visible to staff to promote the whistleblowing arrangements (e.g. whistleblowing advocates). Managers remain a key part of arrangements and should communicate regularly with their teams.

If not already doing so, consider building questions on whistleblowing awareness and confidence into wider engagement surveys.

Make sure all groups receive appropriate training based on their role. Are all staff fully aware and confident in arrangements, and know how to raise a concern? Can managers identify concerns as whistleblowing (compared to grievances), know what is expected of them and respond effectively?

Response – more work will be undertaken with Senior Management/ workers and Members following this report. Annually staff sign a letter to say that they are aware of these arrangements and the Policy. However, the Monitoring Officer has had discussions with Protect regarding training arrangement for senior managers. The Monitoring Officer will liaise with HR further on this and the topic of ‘whistleblowing advocates’.

3. Operations

This is a good score for Operations.

To maintain this, and keep working towards best practice:

Lessons learned as part of whistleblowing cases should be fed back to the appropriate function, and appropriate action taken.

In addition to providing feedback to whistleblower's on the outcome of concerns that are raised, consider whether you also give regular updates to the whistleblower during the investigation process.

Review feedback that you receive to identify any lessons learned on the operation of the whistleblowing arrangements.

Response: Any actions or improvements are confirmed to the person who raised the concern (if they have provided their details), and summarise the actions, in the AGS that is reported through to the Finance Audit and Risk Committee and is available on the website.

- 8.2 Otherwise, any further changes to the Policy following the consideration of the Whistleblowing Bill will be considered as part of the 2026 review.

9. LEGAL IMPLICATIONS

- 9.1. Within the Committees updated terms of reference at 7.5.10 it should “..advise the Council upon the contents of and requirements for ethical codes/protocols/other procedures relating to standards of conduct throughout the Council, including existing or new, with remit to adopt or recommend adoption (where in the latter case this is reserved to another decision making body)” which is to include the annual review of the Whistleblowing Policy and arrangements.
- 9.2. The statutory basis for whistleblowing is contained in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This provides the right for the worker to take a case to an employment tribunal if they have been victimised at work or lost their job because they have effectively ‘blown the whistle’. As indicated, the law does not require the Council to have a Whistleblowing Policy; however, the Business Innovation & Skills Department¹s Whistleblowing Code of Practice, states that it is best practice to have one or appropriate written procedures in place. The current whistleblowing arrangements confirm the rights and aim to create an organisational culture where staff, agency workers, contractors and Members feel safe to raise a concern.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from this report at this stage. However, an annual membership fee is paid to Protect for level one membership. There may also be further training costs relating to the recommendations above.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 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, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The Policy is open to all staff, agency workers, contractors and Members. It is not considered that the operation of the Policy has any negative impacts on groups with a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

14. ENVIRONMENTAL IMPLICATIONS

¹ [Whistleblowing: guidance and code of practice for employers - GOV.UK](https://www.gov.uk/guidance/whistleblowing-guidance-and-code-of-practice-for-employers)

14.1 There are no financial implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 Further discussions will be undertaken with HR regarding staff training.

16. APPENDICES

16.1 Appendix 1 – Whistleblowing Policy (amended with tracking).

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None other than those referred to/ linked above.