

**Cheltenham Borough Council**  
**Audit Committee – 21 September 2016**  
**Whistle-Blowing Policy**

<b>Accountable Member</b>	Cabinet Member Corporate Services, Councillor Roger Whyborn
<b>Accountable Officer</b>	Paul Jones Chief Finance Officer <a href="mailto:Paul.Jones@cheltenham.gov.uk">Paul.Jones@cheltenham.gov.uk</a>
<b>Report Author</b>	Emma Cathcart Counter Fraud Team Leader 01285 623356 <a href="mailto:Emma.Cathcart@cotswold.gov.uk">Emma.Cathcart@cotswold.gov.uk</a>
<b>Ward(s) affected</b>	N/A
<b>Key/Significant Decision</b>	No
<b>Executive summary</b>	<p>The Counter Fraud Unit was asked to review this policy on behalf of the Cheltenham Borough Council.</p> <p>The draft Policy has been developed in consultation with partner authorities; Cheltenham Borough Council, Cotswold District Council, West Oxfordshire District Council and Forest of Dean District Council. In addition the Counter Fraud Unit has consulted Tewkesbury Borough Council as part of the counter fraud service provision.</p> <p>The policy has been updated to reflect legislative requirements and employer responsibilities to ensure that the Council protects staff who report or whistle-blow about any areas of concern within the Authority and to safeguard those against whom allegations are made.</p>
<b>Recommendations</b>	<b>That the Whistle-Blowing Policy be reviewed and approved.</b>
<b>Financial implications</b>	<p>There are no direct financial implications as a result of this report. However, the adoption of this Whistle-Blowing Policy will help support the prevention and detection of fraud and reduce potential financial loss to the council.</p> <p><b>Contact officer: Paul Jones, S151 Officer</b>  <a href="mailto:Paul.Jones@cheltenham.gov.uk">Paul.Jones@cheltenham.gov.uk</a></p>

<b>Legal implications</b>	<p>Whistleblowing is subject to The Public Interest Disclosure Act 1998 which came into force on 2nd July 1999 and has been amended by the Enterprise and Regulatory Reform Act 2013. The Whistleblowing Policy is set out to ensure it complies and follows the Legislation. It enables those protected e.g. if you are a worker, employee, office worker, a trainee, an agency worker, to make a protected disclosure.</p> <p>Any breach of the Policy or revealing the identify of someone that has made a anonymous disclosure could result in litigation action against the Council and a significant fine.</p> <p><b>Contact officer: Peter Lewis, One Legal</b>  <a href="mailto:peter.lewis@tewkesbury.gov.uk">peter.lewis@tewkesbury.gov.uk</a></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications arising from the content of the report. The revised policy, when adopted, will need to be cascaded via line manager briefings to all existing employees. A copy of the policy will be included in the new employee starter paperwork and a copy placed on the Council's intranet pages.</p> <p><b>Contact officer: Julie McCarthy, HR Manager (West)</b>  <a href="mailto:Julie.mcCarthy@cheltenham.gov.uk">Julie.mcCarthy@cheltenham.gov.uk</a></p>
<b>Key risks</b>	<p>If the Council does not have effective Whistle-Blowing Policy it puts staff members and its reputation at risk. The Authority must fulfil its legal obligations in relation to whistle-blowing arrangements.</p>
<b>Corporate and community plan Implications</b>	<p>In administering its responsibilities this Council has a duty to protect staff members who choose to alert the Authority to wrong doing and to protect employees against whom vexatious allegations are made.</p> <p>The Council has a responsibility to prevent wrong doing within the Authority by promoting high ethical standards and encouraging the exposure of any abuse, thus supporting corporate and community plans.</p>
<b>Environmental and climate change implications</b>	<p>N/A</p>
<b>Property/Asset Implications</b>	<p>There are no property implications associated with this report.</p> <p><b>Contact officer: David Roberts, Head of Property Services</b>  <a href="mailto:david.roberts@cheltenham.gov.uk">david.roberts@cheltenham.gov.uk</a></p>

## 1. Background

- 1.1 The Counter Fraud Unit are undertaking a review of a number of Policies and Procedures to enable data matching and criminal investigations to be legally undertaken and in support of each service area.
- 1.2 All referrals received by the Counter Fraud Unit must be dealt with in the correct manner adhering to regulations, legislation and guidance. This includes internal alerts of wrongdoing which must adhere to whistle-blowing legislation.
- 1.3 As such the Counter Fraud Unit was asked to review the four separate Policies within the GOSS partnership and redraft a best practice policy for all, to facilitate continuity.

## 2. Reasons for recommendations

- 2.1 The Whistle-Blowing Policy is a governance policy and has been redrafted by the Counter Fraud Unit because referrals relating to wrong-doing form a significant role within the counter fraud service.
- 2.2 As the governance committee for counter fraud activity, the Audit Committee is asked to review and approve the policy. This is a complete redraft and Audit Committee may recommend the policy go to Cabinet for approval due to the significant revisions.
- 2.3 It should also be recognised that the service is a partnership, so co-ordinating policy across multiple organisations is critical to the success of the partnership.
- 2.4 This policy highlights the key legislation and the roles and responsibilities of Members, Officers and other parties.

### 3. Consultation

- 3.1 This policy has been reviewed by the Head of Paid Services and Human Resources. Due to the nature of the policy it will also be submitted to the Joint Liaison Forum for consultation with the two recognised trade unions. This Committee is asked to consider and approve the policy. This is a complete redraft and Audit Committee may recommend the policy go to Cabinet for approval due to the significant revisions.
- 3.2 The policy has been initially compiled from a review of all policies across the region and current legislation.
- 3.3 The Counter Fraud Team Leader was asked by Audit Committee on 15 June 2016 to ensure that the Whistle-Blowing Policy draft reflected appropriate ethical considerations and human rights.
- 3.4 Following the initial drafting of the policy, the document was then circulated to the Head of Paid Service, the Head of Human Resources for GOSS and the Head of Legal Services for GOSS.

<b>Appendices</b>	<ul style="list-style-type: none"> <li>1. Rick assessment</li> <li>2. Whistle-Blowing Policy</li> </ul>
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**Risk Assessment  
Appendix 1**

**To be confirmed**

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	Without appropriate policy in place the Council are unable to take effective and efficient measures to ensure staff are protected when making allegations of wrongdoing and that staff are protected from vexatious allegations							Introduce a suitable policy that enables effective and efficient adherence to legislation and provides clear reporting routes to staff.			
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											