

Cheltenham Borough Council
Audit, Compliance and Governance Committee – 20 April 2022
Whistle-Blowing Policy

Accountable Member	Leader of the Council, Councillor Rowena Hay
Accountable Officer	Paul Jones Executive Director Finance and Assets Paul.Jones@cheltenham.gov.uk
Ward(s) affected	All indirectly
Key/Significant Decision	No
Executive summary	To present the Audit, Compliance and Governance Committee with an updated Whistle-Blowing Policy for approval and adoption. To update and replace the existing Whistle-Blowing Policy to highlight key legislation and the roles and responsibilities of Members, Officers and other parties.
Recommendations	That the Audit, Compliance and Governance Committee: (a) Approves and adopts the Policy attached to this report and; (b) Authorises the Executive Director Finance and Assets to approve future minor amendments to the Policy in consultation with the Counter Fraud and Enforcement Unit, Human Resources, One Legal and the appropriate Cabinet Member.
Financial implications	There are no direct financial implications as a result of this report. The support of the Whistle-Blowing Policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the Council. Contact Officer: Paul Jones, Executive Director Finance and Assets Paul.Jones@cheltenham.gov.uk
Legal implications	The Policy is set out to ensure the Council, its officers, members, employees and contractors (including agency staff) comply with and adhere to the legislation governing whistle-blowing in the workplace, making the Council less susceptible to legal challenge. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’. Any breach by the Council of the Policy or of whistleblowing law could result in litigation action against the Council and a significant liability to pay compensation or damages. Contact: One Legal E-mail: legal.servies@onelegal.org.uk 01684 272691

HR implications (including learning and organisational development)	<p>The HR team work closely with the Counter Fraud and Enforcement Unit on all internal investigations and whistle-blowing allegations.</p> <p>All staff will be made aware of this Policy.</p> <p>Contact officer: Clare Jones, , HR Business Partner Clare.Jones @publicagroup.uk 01242 264355</p>
Key risks	<p>If the Council does not have effective Whistle-Blowing Policy and procedures it puts staff and its reputation at risk. The Council must fulfil its legal obligations in relation to whistle-blowing arrangements.</p> <p>Without an appropriate Policy in place the Council is 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.</p>
Corporate and community plan Implications	<p>In administering its responsibilities; the Council has a duty to enforce the law and prevent wrongdoing, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Councillor, thus supporting corporate priorities and community plans.</p>
Environmental and climate change implications	<p>N/A</p>
Property/Asset Implications	<p>There are no property implications associated with this report.</p> <p>Contact officer: Gemma Bell, Head of Finance and Property Gemma.Bell@cheltenham.gov.uk</p>

- 1.1. The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Whistle-Blowing Policy.
- 1.2. The Policy, attached at Appendix 2, has been updated in accordance with the review period. Review frequency is as required by legislative changes or every three years. This has been slightly delayed due to events over the last two years however, the changes are relatively minor in relation to content: the Policy has been refreshed and includes an entry at 3.14 which signposts staff to an independent body for advice.
- 1.3. The Policy details employer responsibilities to ensure that the Council protects staff who report or whistle-blow about any areas of concern within the organisation. The Policy also safeguards those against whom allegations are made. In administering its responsibilities the 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.
- 1.4. All referrals received by the Counter Fraud and Enforcement Unit and Human Resources 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. Adherence to this legislation in the workplace means the Council is less susceptible to legal challenge.
- 1.5. Any breach of the Policy or the revealing of the identity of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine. Whistle-Blowing is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislates that an employee has the right to take a case to an employment tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 1.6. The Policy highlights the key legislation and the roles and responsibilities of Members, Officers and other parties.
- 1.7. If an individual is considering raising a concern the Policy will enable them to understand the type of issues which can be raised, how the person raising a concern will be protected from

victimisation and harassment, how to raise a concern and what the Council will do as a consequence of the report.

- 1.8. The Council has a responsibility to prevent wrong-doing within the authority by promoting high ethical standards and encouraging the exposure of any abuse.
- 1.9. As part of the consultation process, the Policy has been reviewed by One Legal and issued to Human Resources.
- 1.10. Audit Committee considered a Whistle-Blowing Policy in September 2016.
- 1.11. Online refresher training will be issued to staff following approval of the Policy.

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Appendices	1. Risk Assessment 2. Whistle-Blowing Policy
Background Information	Audit Committee Report September 2016 – Whistle-Blowing Policy

Risk Assessment

Appendix 1

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	Chief Executive	March 2022	4	2	8		Put in place effective management and guidance. Introduce a suitable policy that enables effective and efficient adherence to legislation and provides clear reporting routes to staff	Ongoing	Chief Executive	
<p>Explanatory notes</p> <p>Impact – 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>Likelihood – 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>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											