

Cheltenham Borough Council

Audit, Compliance and Governance Committee

28 May 2025

Whistle-Blowing Policy

Accountable member:

Leader of the Council, Councillor Rowena Hay

Accountable officer:

Claire Hughes, Director of Governance, Housing and Communities

Ward(s) affected:

All indirectly

Key Decision: No

Executive summary:

To present the Audit and Governance Committee with an updated Whistle-Blowing Policy for approval.

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 Audit, Compliance and Governance Committee:

- 1. approves and adopts the Policy attached to this report.**
 - 2. authorises the Director of Governance, Housing and Communities to approve future minor amendments to the Policy in consultation with the Counter Fraud and Enforcement Unit, Human Resources, One Legal and the Leader of the Council.**
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1. Implications

1.1. Financial, Property and Asset 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.

Signed off by: Gemma Bell, Director of Finance and Assets (Deputy S151 Officer), Gemma.Bell@cheltenham.gov.uk

1.2. Legal implications

There are no significant legal implications associated with this report.

The original Public Interest Disclosure Act 1998 whistleblowing provisions, inserted into the Employment Rights Act 1996, were amended by the Enterprise and Regulatory Reform Act 2013 and provides protection against victimisation or dismissal for workers reporting malpractice by their employers or third parties.

The policy ensures the Council, its Officers, Member, employees and contractors (including agency staff) comply with and adhere to the legislation governing whistle-blowing in the workplace meaning the Council is less susceptible to legal challenge.

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.

Signed off by: One Legal, legalservices@onelegal.org

1.3. Environmental and climate change implications

None directly.

1.4. Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5. Equality, Diversity and Inclusion Implications

The promotion of effective counter fraud controls and a zero-tolerance approach to internal misconduct promotes a positive work environment.

The Counter Fraud and Enforcement Unit seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

2. Background

- 2.1. The Counter Fraud and Enforcement Unit (CFEU) is tasked with reviewing the Council's Whistle-Blowing Policy.

3. Reasons for recommendations

- 3.1. 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.
- 3.2. The changes are relatively minor in relation to content. The Policy has been refreshed and includes an entry at 4.15 which highlights the Office for Environmental Protection's role and how to contact them, as per their email request. Reference to reports made 'in good faith' have been removed, a whistle-blower is required to 'reasonably believe' the allegation is true. For ease of reference, new text is shown in red and text to be removed is shown as struck through. This is now a shared Policy for all staff employed by Cheltenham and Tewkesbury Borough and Stroud District Councils.
- 3.3. 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 wrongdoing and to protect employees against whom vexatious allegations are made.
- 3.4. 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.
- 3.5. 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'.

- 3.6. The Policy highlights the key legislation and the roles and responsibilities of Members, Statutory Officers, Senior Managers, Officers and other parties.
- 3.7. 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 because of the report.
- 3.8. The Council has a responsibility to prevent wrongdoing within the authority by promoting high ethical standards and encouraging the exposure of any abuse.
- 3.9. Audit, Compliance and Governance Committee last considered the Whistle-Blowing Policy in April 2022.
- 3.10. Awareness will be raised with staff and refresher training will be provided following approval of the Policy.
- 3.11. The flow chart attached at Appendix 3 will accompany the Policy to provide a one-page overview of the Policy and process for staff.
- 3.12. In addition, a managers guidance document, attached at Appendix 4 is also published to assist any staff member who receives a whistle-blowing report.

4. Alternative options considered

- 4.1. None.

5. Consultation and feedback

- 5.1. Consultation has been undertaken with Human Resources Officers, Legal representatives and Monitoring Officers across the Counter Fraud and Enforcement Unit Partnership.

6. Key risks

- 6.1. If the Council does not have an 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.
 - 6.2. 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.
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Report author:

Emma Cathcart, Head of Service Counter Fraud and Enforcement Unit,
Emma.Cathcart@cotswold.gov.uk

Appendices:

- i. Risk Assessment
- ii. Whistle-Blowing Policy
- iii. Whistle-Blowing Flowchart
- iv. Managers Guidance

Background information:

N/A.

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
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	Director of Governance, Housing and Communities	4	2	8	Reduce	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	Head of Service, Counter Fraud and Enforcement Unit Head of Human Resources	Ongoing