

CORPORATE GOVERNANCE COMMITTEE**23 SEPTEMBER 2014****REPORT OF THE COUNTY SOLICITOR AND DIRECTOR OF
CORPORATE RESOURCES****WHISTLEBLOWING POLICY****Purpose of Report**

1. The purpose of this report is to seek the views of the Committee on the proposed Whistleblowing Policy attached as Appendix A.

Background

2. On 12 May 2014, the Committee considered a revised Employee Code of Conduct; that Code was also considered by the Employment Committee on 12 June and agreed by the County Council at its meeting on 2 July.
3. A number of policies are being developed to contribute to achieving compliance with the principles in that Code of selflessness, integrity, objectivity and openness. Those policies are also intended to reduce the risk of bribery, corruption or bias. To that end, Human Resources policies on Gifts and Hospitality and Declarations of Interests have been reported to the Employment Committee and considered by Members through that process. The development of an appropriate and up to date Whistleblowing Policy is seen as an equally important step and fits with other initiatives such as the development of an anti-money laundering policy for the authority.
4. The Corporate Governance Committee has specific responsibility for advising on whistleblowing policies and procedures.

Whistleblowing Policy and Procedure

5. Currently the Whistleblowing Procedure is to be found at Appendix 3 of Part 5B of the Constitution, a document which, it appears, is not well known to the majority of employees. Whilst fit for purpose at the time it was introduced, revision of the policy does give an opportunity to ensure that it is up to date and meets more recent requirements. The Employee Code of Conduct will become part of the Contract of Employment for staff and be available to staff in electronic form. The Code provides a link to the Whistleblowing Policy which should help to ensure greater staff awareness.

6. The policy has been revised to ensure that it complies with:-
- (i) Recommendations of the Committee on Standards in Public Life;
 - (ii) A publicly available specification which has been developed by Public Concern at Work (PCaW) in collaboration with the British Standards Institution;
 - (iii) Further advice from PCaW.
7. The revised Policy does comply with expectations that it should:-
- (i) Distinguish Whistleblowing processes from grievances;
 - (ii) Give employees the option to raise a concern outside of line management;
 - (iii) Provide access to an independent helpline offering confidential advice (a major change from current policy);
 - (iv) Offer employees a right to confidentiality;
 - (v) Explain when and how a concern may safely be raised outside the organisation;
 - (vi) Provide that it is a disciplinary matter to victimise a bona fide whistleblower and to make an allegation which is intentionally false or malicious.
8. The major change of providing access to an independent helpline rather than simply advising employees of the existence of various external regulatory bodies will be effected through the Council entering into a three year contractual arrangement with PCaW. This organisation is considered to be the leading authority on whistleblowing arrangements and the basic package, at a cost of £1,600 p.a., will include the following elements:-
- Whistleblowing advice line, providing safe and confidential advice to staff should they find themselves in a dilemma about what to do if they witness wrongdoing in the workplace. The advice line is staffed by trained legal professionals;
 - Compliance toolkit and promotional material that can be personalised;
 - A free phone enabling PCaW to track and report annually on the total number of calls received from County Council staff, even where they do not self identify;
 - Access to one hour of specialist advice, which could consist of a training event or materials.
9. The other major change is to institute a system of reporting and recording to a central log. At present there is no system of central reporting on Whistleblowing complaints. It may be that not all whistleblowing issues can or should be recorded centrally, as the principle of resolving complaints as close to source as possible should apply to this as to other complaints procedures. However, a system of reporting to a central point and recording complaints should be instituted. It is intended that the Monitoring Officer should have responsibility for the operation of the system and the cases concerning financial issues should then, as appropriate, be passed on to the Chief Financial Officer.

10. The proposed new Whistleblowing Policy is attached as Appendix A and Members' views on this are welcomed.

Implementation

11. Work is being undertaken on the production of appropriate induction and training packages and effective communication to staff to ensure awareness. It is intended that the Policy will be launched as part of the introduction of the new Officer Code of Conduct in the autumn of 2014.

Recommendations

12. The Committee is asked to:-
- (a) comment on the proposed Whistleblowing Policy; and
 - (b) subject to those comments, to agree to the adoption of the Policy and its implementation.

Background Papers

Report to the Corporate Governance Committee on 12 May 2014 – 'Employee Code of Conduct'

Report to the Employment Committee on 12 June 2014 – 'Employee Code of Conduct'

Report to County Council on 2 July 2014 – 'Employee Code of Conduct'

Circulation under the Local Issues Alert Procedure

None.

Equality and Human Rights Implications

None.

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Appendices

Appendix A - Revised Whistleblowing Policy