

Title: Warwick District Council Whistleblowing Policy and Procedure
 Lead Officer: Richard Barr
 Portfolio Holder: Councillors Day and Hales
 Wards of the District directly affected: None directly impacted

Approvals required	Date	Name
Portfolio Holders	23/01/23	Councillor Day
Finance	23/01/23	Andrew Rollins
Legal Services	Not applicable	
Chief Executive	17/01/23	Chris Elliott
Director of Climate Change	Not applicable	
Head of Service(s)	23/01/23	Andrew Rollins
Section 151 Officer	23/01/23	Andrew Rollins
Monitoring Officer	17/01/23	Andrew Jones
Leadership Co-ordination Group	23/01/23	Various
Final decision by this Committee or rec to another Cttee / Council?	Yes/ No Recommendation to: Cabinet / Council Committee	
Contrary to Policy / Budget framework?	No/Yes	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No/Yes, Paragraphs:	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No/Yes, Forward Plan item 1343 – scheduled for 9 Feb 2023	
Accessibility Checked?	Yes/No	

Summary

Following a review the Council's Whistleblowing Policy has been updated and the latest version is set out for approval by Members. None of the changes is greatly significant but nevertheless it is good practice to review such policies to ensure continued relevance and applicability.

Recommendation

That the Whistleblowing Policy, set out as an appendix to this report, be approved.

1 Reason for the Recommendations

- 1.1 The Policy will aid effective governance within the Council by helping to highlight concerns and address problems.

2 Background/Information

- 2.1 Warwick District Council is committed to the highest standards of openness, probity, and accountability. In line with that commitment, the Council encourages its employees and others working for the Council who may have legitimate concerns about any aspect of the Council's work to come forward and report those concerns through accessible channels. The Council has a Whistleblowing Policy that provides guidance to employees and workers on how that can be done and how concerns will be dealt with.
- 2.2 Whistleblowing is the confidential disclosure by an individual of any concerns relating to wrongdoing involving any aspect of the Council's work, or dangers in the workplace.
- 2.3 The Public Interest Disclosure Act 1998 (PIDA), the law that protects whistleblowers from detrimental treatment for raising their concerns, applies to both employees and workers, including permanent and temporary employees, casual staff, apprentices, agency staff, consultants, contractors, sub-contractors, or a partner organisation who are engaged in work for the Council.
- 2.4 Persons who are not Council employees or workers can still contact the Council to report any concerns or disclosures about wrongdoing and these will be investigated in line with this policy. This includes employees of external organisations, volunteers, job applicants, members of the public or elected members. However, unlike disclosures made by employees and workers, these persons are not afforded protection under PIDA law.
- 2.5 For Council employees and workers to be covered by whistleblowing law the disclosure must be a 'qualifying disclosure'. Qualifying disclosures are disclosures of information about wrongdoing which include criminal offences, bribery, failure to comply with legal obligations, miscarriages of justice, threats to health and safety of an individual, damage to the environment and a deliberate attempt to cover up any of the above.
- 2.6 To be protected, the disclosure must be in the public interest, the employee or worker must have reasonable belief that one of the categories of wrongdoing listed in the legislation has occurred, or is likely to occur, and the concern must be raised in the correct way.

- 2.7 Qualifying disclosures covered by whistleblowing law include any disclosure of information which indicates that:
- A criminal offence has been committed, is being committed or is likely to be committed e.g. fraud.
 - A person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject.
 - A miscarriage of justice has occurred, is occurring or is likely to occur.
 - The health and safety of any individual had been, is being or is likely to be endangered.
 - The environment has been, is being or is likely to be damaged.
 - Any of the above examples have been, are being or are likely to be deliberately concealed.

2.8 Disclosures relating to the following matters may fall into the categories of qualifying disclosures above:

- Improper conduct, including serious misuse or abuse of authority.
- A failure to comply with the Council's Rules, Policies and Codes.
- Something falls below established standards or practice.
- Gross waste or mismanagement of funds has occurred, is occurring or is likely to occur.

2.9 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures and which involve an issue in the public interest, although the Council reserves the right to determine which procedure is appropriate. Concerns relating to, for example, the conduct of an elected member; safeguarding; or other issues such as a complaint about the standard of service received or regarding a member of staff; or tenancy, benefit, or council tax fraud, are dealt with under separate procedures. For example, concerns relating to the way an employee perceives they are being treated at work (such as bullying, harassment, discrimination) do not fall under the remit of Whistleblowing and would be dealt with under the Council's Grievance Procedure.

3 Alternative Options

3.1 The report is not based on 'project appraisal' so this section is not applicable.

4 Legal Implications

4.1 The report is concerned with compliance with legislation.

5 Financial

5.1 There are no direct financial implications in connection with this report.

6 Business Strategy

6.1 Warwick District Council has adopted a Business Strategy which sets out key areas for service delivery. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not contribute to these aims or has a negative effect on them the report should explain why that is the case.

6.1.1 External Impacts

People - Health, Homes, Communities

Services - Green, Clean, Safe

Money- Infrastructure, Enterprise, Employment

Although there are no direct policy implications, whistleblowing is an integral part of corporate governance and will help to shape the Policy Framework and Council policies.

6.1.2 Internal Impacts

People - Effective Staff

Services - Maintain or Improve Services

Money - Firm Financial Footing over the Longer Term

Although there are no direct policy implications, whistleblowing is an integral part of corporate governance and will help to shape the Policy Framework and Council policies.

7 Environmental/Climate Change Implications

7.1 No apparent implications unless the possibility of concerns being reported in respect of environmental and climate matters is included.

8 Analysis of the Effects on Equality

8.1 No apparent implications unless the possibility of concerns being reported in respect of equality issues is included.

9 Data Protection

9.1 No apparent implications unless the possibility of concerns being reported in respect of data protection issues is included.

10 Health and Wellbeing

10.1 No apparent implications unless the possibility of concerns being reported in respect of health and wellbeing issues is included.

11 Risk Assessment

11.1 Clearly there are governance-related risks associated with weak regulatory compliance, but the policy will help to mitigate, if not address, these. Also, there is a risk that employees will not raise their concerns or that reports from employees are poorly dealt with

12 Consultation

12.1 Please refer to 'header page' of this report.

Background papers:

All Papers referred to in this report are published documents.

Supporting documents:

None.