



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Governance and Audit Committee

19 June 2024

Report of Councillor Philip Knowles,
Cabinet Member for Corporate Governance and Licensing

Whistleblowing Policy 2024 - 2026

Report Author

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Purpose of Report

One of the key areas for Governance and Audit Committee, as part of its terms of reference, is to monitor and review the whistleblowing arrangements in place and action taken as a result of whistleblowing disclosures.

Recommendations

That the Committee notes the contents of this report and approves the revised Whistleblowing Policy 2024 - 2026 attached at Appendix A.

Decision Information

Does the report contain any
exempt or confidential
information not for publication?

No

What are the relevant
corporate priorities?

Effective Council

Which wards are impacted?

All

1 Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no direct financial implications arising from this report.

Completed by: Paul Sutton, Interim Head of Finance (Deputy 151).

Legal and Governance

- 1.2 The Governance and Audit Committee have the necessary authority at Part 2 of the Constitution (Articles), paragraph 9.1 (xx) to approve the revised whistleblowing Policy. Relevant legislation is referenced within the report.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

2 Background to the Report

- 2.1 The Council is committed to the highest standards of quality, probity, openness, and accountability. As part of the Committee's terms of reference, whistleblowing is one of the key areas of focus being an essential element of delivering good governance.
- 2.2 To develop and promote greater awareness, and in line with best practice, a review of the Council's whistleblowing arrangements has been undertaken.
- 2.3 Whistleblowing is the term used when a worker passes on information concerning wrongdoing i.e. "making a disclosure" or "blowing the whistle". The wrongdoing will typically, although not necessarily, be something they have witnessed at work.
- 2.4 To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things:
 - That they are acting in the public interest i.e. this means that personal grievances and complaints are not usually covered by whistleblowing law; and
 - That they must reasonably believe that the disclosure tends to show past, present, or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences
- Failing to comply with a legal obligation
- Miscarriages of justice
- Endangering someone's health and safety
- Damaging the environment
- Covering up wrongdoing in the above categories

2.5 Whistleblowing law is set out 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 lost their job because they have 'blown the whistle'.

2.6 The Council's Whistleblowing Policy makes it clear that all concerns raised about actual or potential misconduct, or wrongdoing in the Council, are taken seriously. For matters relating to fraud and corruption, and all other concerns which fall under one of the categories above, these are considered by Statutory Officers Group.

2.7 This report provides an update to the Council's Whistleblowing Policy ahead of a report to the next Committee, which will set out the whistleblowing responses received during 2023/24 and how the Council has dealt with them.

3 Whistleblowing Policy

3.1 The Whistleblowing Policy was last approved on 26 January 2022 as part of the Counter Fraud Framework.

3.2 The Whistleblowing Policy, attached at Appendix A, has been separated from the Counter Fraud Framework as whistleblowing disclosures will not always be in connection with fraud and will usually be in connection with the categories listed in 2.4.

3.3 The Whistleblowing Policy has been updated to include the new arrangements for reporting whistleblowing with effect from 1 April 2024 following the new external reporting service that has been established. This service also ensures complete confidentiality and integrity for any whistleblowing referral that is made.

3.4 The Committee monitors and reviews the whistleblowing arrangements currently in place and the activities that are being undertaken to mitigate those risks.

4 Other Options Considered

4.1 None.

5 Reasons for the Recommendations

- 5.1 Governance and Audit Committee, as part of its terms of reference approves the Counter Fraud, Bribery and Corruption Framework, including Whistleblowing Policy and Anti-Money Laundering Policy and monitors and reviews the counter fraud arrangements currently in place and the activities that are being undertaken to mitigate those risks.