

**'A' ITEM**

	<b>REPORT TO CABINET</b>  <b>TO BE HELD ON 13 FEBRUARY 2018</b>
<b>Corporate Priority: ALL</b>	<b>Key Decision</b> <b>Forward Plan Ref No</b> <b>Cabinet Portfolio</b> <b>Cllr. Sandra</b> <b>Holder</b> <b>Turner</b>

**REPORT OF THE DIRECTOR LD 18/33**

**WARDS AFFECTED: ALL**

**SUBJECT: REVISED WHISTLEBLOWING POLICY**

**RECOMMENDATION(S):**

That Cabinet recommends that Council

- (a) adopt the revised Whistleblowing Policy;
- (b) amend the Irregularities Response Plan accordingly; and
- (c) appoints a Dedicated Whistleblowing Officer whose details are to be included in the revised documents;

to reflect best practice and to incorporate the recommendations arising from the Mazars review.

**REASON FOR RECOMMENDATION(S):**

To ensure that the Council maintains its commitment to the highest possible standards of openness, probity and accountability.

**HIGHLIGHTED RISKS**

Failure to ensure that the Whistleblowing Policy reflects best practice and incorporates the recommendations made by Mazars will impact upon wellbeing, governance, and public confidence in the Council.

**1. INTRODUCTION:**

- 1.1 The Council's Whistleblowing Policy ('the Policy') seeks to encourage employees (and others persons) to feel confident in raising disclosures in the public interest about suspected serious misconduct in the Council and its services, without fear of reprisals or victimisation, even

where the disclosures are not subsequently confirmed by an investigation.

- 1.2 The Policy sets out a framework as to;
  - (a) how disclosures can be made;
  - (b) how the Council will handle and respond to such disclosures;
  - (c) what whistleblowers can expect by way of confidentiality and protection when making a disclosure.
- 1.3 The Council's Irregularities Response Plan sets out actions to be taken when dealing with whistleblowing and other irregularities. It will therefore need to be amended to ensure that it matches with the revised Policy.

## **2. CORPORATE AIMS**

- 2.1 This report supports all of the corporate aims.

## **3. BACKGROUND AND ISSUES**

- 3.1 Following the outcome of a recent Employment Tribunal the Council engaged external auditors ('the Auditors') to undertake a review which included an assessment of the Council's Whistleblowing Policy against good practice. Once complete the Auditor's report was to be delivered to a cross party panel of Councillors.

- 3.2 The Auditors report stated:

*"In general terms, we consider that the Whistleblowing Policy is sufficiently detailed and does not have any material omissions. However, we have identified some areas in the current Whistleblowing Policy that the Council may consider revising."*

- 3.3 The Auditor's report then sets out those areas for consideration, which are contained at Appendix A of this report for ease of reference.

- 3.4 Attached at Appendix B to this report is an amended copy of the Policy incorporating the recommendations in red text.

- 3.5 Section 8 of the amended Policy forms the text for the Irregularities Response Plan. Once approved this text will replace the text presently set out within the plan.

- 3.6 Particular reference is made to 6.4.5 of Appendix A which recommends the appointment of a Designated Whistleblowing Officer. Members will note that this has been included in the amended version however it has not been determined who that Officer should be.

- 3.7 On 30 November 2017 the Council's Audit Committee recommended the adoption of the revised policy, as well as recommending that the Designated Whistleblowing Officer be an Officer from the Council's Legal Team, specifically an Officer from the litigation and regulation side of the team.
- 3.8 Cabinet is invited to consider the recommendation of the Audit Committee and endorse the same, or alternatively make its own recommendations as to which Officer should be appointed to this role.
- 3.9 Members should also note that both a dedicated email address and a dedicated hotline number have been set up for use by the appointed officer. Pending the appointment, access rights are presently assigned to the Regulatory and Governance Manager.

#### **4. CONSULTATION**

- 4.1 The cross party group of Councillors to whom the Auditor's report was delivered unanimously agreed that the recommended amendments be made to the Policy.
- 4.2 On 30 November 2017 the Council's Audit Committee recommended that the revised documents be adopted, and that the Designated Whistleblowing Officer be an Officer from within the Council's legal team.

#### **5. ASSESSMENT**

- 5.1 Adoption of the revised Policy and Irregularities Response Plan will ensure that the Council maintains its commitment to the highest possible standards of openness, probity and accountability.

#### **6. IMPLICATIONS**

- 6.1 A change to the Policy and the Council's constitution will require approval by Council.
- 6.2 All other relevant implications have been considered in the body of this report.

#### **7. ACTION PLAN**

- 7.1 If approved by Cabinet, the revised Policy and proposed changes to the constitution will be taken to Council for approval and adoption.



**Lisa Dixon**  
**Director**

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**Background Papers:**

N/A

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT David Kitson ON 01723 232323 or e-mail [david.kitson@scarborough.gov.uk](mailto:david.kitson@scarborough.gov.uk)