



Audit and Standards Committee Report

Report of: Eugene Walker

Date: 16 November 2016

Subject: Whistleblowing Policy

Author of Report: Michelle Calow 07970949540

Summary:

Refreshed, redesigned and updated Whistleblowing Policy.

Recommendations: Attached refreshed, redesigned and updated Whistleblowing policy to be approved.

Background Papers: Attached

Category of Report: OPEN

* Delete as appropriate

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
YES Cleared by: Deborah Eaton
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

WHISTLEBLOWING POLICY

1.0 INTRODUCTION

- 1.1 Sheffield City Council is committed to the highest standards of ethics, transparency, integrity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the proper use of public funds and the standards required in public life. If employees feel that this is not happening then the Council encourages them to tell us. This is called Whistleblowing.

The Council has a Whistleblowing policy to enable employees to raise matters of concern that are in the public interest so that they may be investigated and where appropriate acted upon.

The current Whistleblowing Policy which was adopted by Council in October 2012 has been redesigned, refreshed and updated to simplify and aid understanding of the individual raising a concern and to clarify who should then respond to that concern and how it is processed. A copy of the draft report for approval is attached as Appendix A.

2.0 BACKGROUND

- 2.1 The sections of the draft policy and procedure cover the following:

How to raise a concern and who with for example Supervisor, Manager or more Senior Manager in their service; directly with a Whistleblowing Co-ordinator; a Contact Advisor or with an external organisation.

- 2.2 What will happen when an employee raises a Whistleblowing Concern for example process of verification, investigation and outcome.

Responding to a Whistleblowing Concern guide for Managers and Whistleblowing Co-ordinators for example verification, investigation and outcome.

There are two flow charts attached at the end of the procedure – Employee Whistleblowing and Manager/Whistleblowing Co-ordinator.

This report has been updated and refreshed as a result of feedback that the old policy was difficult to use.

3.0 MAIN BODY OF THE REPORT

Including Legal, Financial and all other relevant implications (if any)

- 3.1 If workers bring information about a wrongdoing to the attention of their employer or a relevant organisation, they are protected in certain

circumstances under the Public Interest Disclosure Act 1998. This is commonly referred to as 'blowing the whistle'.

The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'. A qualifying disclosure is where an employee reasonably believes (and it is in the public interest) that one or more of the following is either happening, has taken place, or is likely to happen in the future:

- A criminal offence.
- A failure to comply with any legal obligation.
- Fraud, theft or corruption.
- A danger to the health and safety of any individual (including risks to the general public as well as other employees).
- Damage to the environment.

'Public interest' means that whistleblowing cannot be used to challenge financial and business decisions properly taken by Sheffield City Council or to seek reconsideration of any matter already addressed under other internal procedures e.g. grievance, disciplinary, dignity and respect. If an employee is going to make a disclosure it should be made to the employer first, or if they feel unable to use the Council's procedure the disclosure should be made to a prescribed person, so that employment rights are protected. In the case of the Council the prescribed person is the external auditor.

Employees who 'blow the whistle' on wrongdoing in the workplace can claim unfair dismissal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure. If a case goes to a tribunal and the tribunal thinks the disclosure was made in bad faith, it will have the power to reduce compensation by up to 25%.

An employee will have to show three things to claim Public Interest Disclosure Act protection:

1. that he or she made a disclosure;
2. that they followed the correct disclosure procedure;
3. that they were dismissed or suffered a detriment as a result of making the disclosure.

Whilst there is no legal requirement for the Council to have such a policy a robust whistleblowing regime is now an integral part of governance best practice and should help to avoid expensive claims by picking up on disclosures at an early stage and dealing with them properly and appropriately. It also helps to ensure that all employees – particularly managers – understand the rights of those who blow the whistle.

Whistleblowing policies demonstrate that the Council understands the importance of being aware of any wrongdoing or malpractice and of putting it right and makes it more likely that concerns will be raised internally. This reduces the risk of involvement by external Bodies (such as the Tribunal and the external auditor) or the risk of reputational damage.

4.0 RECOMMENDATIONS

- 4.1 Attached refreshed, redesigned and updated Whistleblowing Policy to be approved

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