



Whistleblowing Policy update 2022

<p>Audit Committee</p> <p>20 April 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p> <p>If exempt, the reason will be listed in the main body of this report.</p>
<p>WARD(S) AFFECTED</p> <p>All</p>	
<p>CORPORATE DIRECTOR</p> <p>Ian Williams, Group Director - Finance and Corporate Resources</p>	

1. GROUP DIRECTOR'S INTRODUCTION

The purpose of this report is to present the revised Whistleblowing Policy to the Audit Committee (the Committee) for review and approval. The Policy sets out the process under which staff and others can raise whistleblowing concerns and how they will be dealt with.

2. RECOMMENDATION(S)

To approve the revised Whistleblowing Policy dated 1 April 2022 which is set out in Appendix 1.

3. SUMMARY

- 3.1 Whistleblowing is an important part of the Council's governance arrangements. It provides a mechanism for concerns about wrongdoing and dangers in the workplace to be raised either directly to the Council or to a confidential, independent whistleblowing hotline. This provides an opportunity for Hackney to investigate and to put matters right if appropriate, even when individuals might feel unable to report their concerns through regular reporting channels.

The Policy was last reviewed by the Committee in 2018. There have not been any significant changes to the legislative environment as it relates to whistleblowers in this time, although the whistleblowing hotline provider and other contact points have changed in the interim, and this is reflected in the new Policy. Additional content is highlighted at Appendix 1.

4. BACKGROUND

- 4.1 The Whistleblowing Policy sets the reporting processes that are in place and who can use these, along with providing details of the types of concern that are within the scope of the whistleblowing legislation. Advice is also provided on other reporting channels that may be more appropriate in some circumstances, for example, the Council's Grievance Procedure.
- 4.2 The Policy also sets out how concerns can be raised, how these will be investigated, the protection that is in place for whistleblowers and the confidentiality provisions that anyone using the procedures can expect.
- 4.3 Up to date contact points (both internal and external) are provided at section 11 of the Policy. The renewed Policy will be available via the intranet and staff will be notified of the update, subject to approval by the Committee.

4.4 Policy Context

The Whistleblowing Policy is a corporate document that forms part of the Council's guidance to staff about how we receive and respond to reports of irregularity, fraud and other concerns.

4.5 Equality Impact Assessment

For the purposes of this report, an Equality Impact Assessment is not applicable, although whistleblowing arrangements and investigations are carried out in adherence to the Council's Equality policies.

4.6 Sustainability

This report contains no new impacts on the physical and social environment.

4.7 Consultations

This Policy has been reviewed in consultation with Human Resources and Procurement services.

4.8 Risk Assessment

This report sets out the Policy and Strategy for the management of risks throughout the Council.

5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

5.1 There are no financial implications arising from this report.

6. COMMENTS OF THE DIRECTOR, LEGAL SERVICES

6.1 The law on whistleblowing is contained in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998. Whistleblowers have a right not to be dismissed or suffer any detriment as a result of making a protected disclosure. To be protected, the whistleblower must make a disclosure of information and reasonably believe that the information tends to show that one or more of the following has occurred or is likely to occur: -

- (i) a criminal offence;
- (ii) breach of any legal obligation;
- (iii) a miscarriage of justice;
- (iv) danger to the health and safety of any individual;
- (v) damage to the environment; or
- (vi) the deliberate concealment of information about any of the above.

6.2 The whistleblower is protected if the disclosure is made in any one of the prescribed ways laid down by law, one of which is to the employer. The Employment Rights Act 1996, section 47B provides that a worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the employer on the ground that the worker has made a protected disclosure. A whistle-blowing policy is therefore recognised as essential to encourage and facilitate this.

6.3 The Council must satisfy itself that:-

- (i) matters raised under the whistleblowing procedures are being properly dealt with and within reasonable timescales;
- (ii) persons using the procedures are not in any way subject to reprisals for raising matters;
- (iii) where complaints are substantiated that prompt and effective action is taken including the application of the Council's disciplinary procedures and any others of relevance;
- (iv) where financial and other irregularities are uncovered that a prompt and robust review of systems and processes takes place to mitigate the risk or opportunities for recurrence;
- (v) any compliance lessons for the Council from the reported cases are being captured, disseminated and implemented.

6.4 Consideration of this Report is within the role of the Audit Committee to monitor the Council's policies on 'Raising Concerns at Work' in respect of the Anti-Fraud and Anti-Corruption Strategy.

Ian Williams

CORPORATE DIRECTOR OF FINANCE & RESOURCES

Report Originating Officer:	Michael Sheffield	☎020 8356 2505
Financial considerations:	Jackie Moylan	☎020 8356 3032
Legal comments:	Dawn Carter-McDonald	☎020 8356 4817

List of Appendices

Appendix 1 Whistleblowing Policy April 2022