

Report of the Head of Legal Services

8. Review of the Whistleblowing Policy

Purpose of report

1. To report on the review of the Authority's Whistleblowing Policy and recommend approval of the revised document.

Recommendation

It is recommended that the revised Whistleblowing Policy be approved.

Introduction and Background

2. A key element of the Authority's governance framework is to create an environment in which staff, contractors and the public feel able to report any concerns they may have about improper conduct and to be confident their concerns will be investigated without fear of reprisal. The Whistleblowing Policy is designed to meet that requirement.
3. In addition to the requirements for good governance, the Public Interest Disclosure Act 1998 (PIDA) protects employees against unfair dismissal or victimisation where they make a 'protected disclosure' within the meaning of the Act. The other purpose behind the Whistleblowing Policy is therefore to provide the mechanisms and safeguards to give staff the confidence to raise matters in-house at an early stage.

Review of the Whistleblowing Policy

4. The Audit & Standards Committee has responsibility to formulate and approve policy documentation in relation to Whistleblowing and to review the effectiveness of the policy throughout the Authority. The policy was last reviewed in April 2013.
5. The policy has recently been reviewed in light of the publication of the following documents:
 - i) the report on the effectiveness of existing arrangements for workplace whistleblowing in the UK, which was published by the Whistleblowing Commission in November 2013; and
 - ii) the guidance for employers and code of practice on whistleblowing published by the department of Business Innovation and Skills (BIS) in March 2015.

6. The revised policy is attached at Appendix 1, and contains the following amendments:
- a) The title has been amended to read Whistleblowing Policy, rather than Confidential Reporting (whistleblowing). Although the Authority will make every effort to protect the identity of a whistle-blower, confidentiality cannot be automatic. The previous title of the document may have given a false expectation.
 - b) The amended policy provides further clarity with regards to the legal protection provided to a whistle-blower under PIDA, particularly where a concern is raised externally. Paragraphs 7.2 to 7.6 provide further clarity on the conditions that must be met in order to be protected by the law.
 - c) Paragraphs 5.3 and 5.4 provide further guidance to staff in raising a concern, in particular they type of information that may help them to convey the facts surrounding any concern.
 - d) Paragraph 5.8 provides staff with the option to contact the Audit & Standards Committee Chairman if they have raised a matter with officers and still have concerns. This reinforces the independent role of the Committee, through its Chairman.
 - e) The difference between confidentiality and anonymous allegations is highlighted in paragraph 8.2 and raises awareness of the lack of support or protection available to an anonymous whistle-blower.
7. Staff and others who work with the Authority will be made aware of the revised policy. This will be carried out through awareness sessions with managers on how to deal with concerns raised by staff, by disseminating information via the staff bulletin and maintaining awareness with those who may contract with the Authority.

Conclusion/Summary

8. The Whistleblowing Policy is an important element in our approach to corporate governance as it facilitates the effective scrutiny of conduct within the organisation. A key element of the Authority's governance framework is to create an environment in which staff, contractors and the public feel able to report any concerns they may have about improper conduct and to be confident their concerns will be investigated without fear of reprisal. The Whistleblowing Policy is designed to meet that requirement.
9. The current policy has been reviewed in light of guidance documents published by the Whistleblowing Commission and by BIS. We will continue to raise awareness amongst all those who work for or on behalf of the Authority. This will be carried out through awareness sessions with managers on how to deal with concerns raised by staff, disseminating information via the staff bulletin and maintaining awareness with those who may contract with the Authority.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	N/A
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	Adhering to principles of good governance underpins delivery of 'Our Strategy'
Risk Management / Health & Safety (identify any risks, the proposed control measures and risk evaluation scores).	N/A
Consultation (identify any public or other consultation that has been carried out on this matter)	Staff representative bodies have been consulted on the proposed amendments and their comments have been incorporated.
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	An equalities impact assessment form has not been completed as the revised Whistleblowing Policy follows guidance published by BIS and the Whistleblowing Commission.

Supporting Information

Appendix 1 – Revised Whistleblowing Policy

Background papers:

- Code of Corporate Governance
- Annual Governance Statement
- The effectiveness of existing arrangements for workplace whistleblowing in the UK, Whistleblowing Commission, November 2013
- Guidance for employers and code of practice on whistleblowing, Department of Business Innovation and Skills (BIS), March 2015.

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