



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Audit and General Purposes Committee: Thursday 21 April 2022
Report Number	Agenda Item No. 5
Subject	Whistle-Blowing Policy
Wards affected	All indirectly
Accountable member	Councillor Michele Mead, Leader of the Council Email: Michele.Mead@westoxon.gov.uk
Accountable officer	Giles Hughes, Chief Executive Email: Giles.Hughes@westoxon.gov.uk
Report Author	Emma Cathcart, Head of Service, Counter Fraud and Enforcement Unit Email: Emma.Cathcart@cotswold.gov.uk
Summary/Purpose	To present the Audit and General Purposes Committee an updated Whistle-Blowing Policy for comment. To update and replace the existing Whistle-Blowing Policy to highlight key legislation and the roles and responsibilities of Members, Officers and other parties.
Annexes	Annex A – Whistle-Blowing Policy
Recommendation	That the Committee considers the Whistle-Blowing Policy to comment thereon to Cabinet, to aid its deliberations and decision making.
Corporate priorities	In administering its responsibilities the Council has a duty to enforce the law and prevent wrongdoing, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or a Councillor, thus supporting corporate priorities and community plans.
Key Decision	No
Exempt	No
Consultees/ Consultation	Any Policies drafted or revised by the Counter Fraud and Enforcement Unit have been reviewed by Legal Services and have been issued to the relevant Senior Officers, Governance Group and Corporate Management for comment.

1. BACKGROUND

- 1.1. The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Whistle-Blowing Policy.

2. MAIN POINTS

- 2.1. The Policy, attached at Annex A, has been updated in accordance with the review period. Review frequency is as required by legislative changes or every three years. This has been slightly delayed due to events over the last two years. However, the changes are relatively minor in relation to content. The Policy has been refreshed and includes an entry at 3.14 which signposts staff to an independent body for advice. This is now a shared Policy for all staff employed by Cotswold, Forest of Dean and West Oxfordshire District Councils and Publica.
- 2.2. The Policy details employer responsibilities to ensure that the Council protects staff who report or whistle-blow about any areas of concern within the organisation and/or within Publica and the other shareholding Councils. The Policy also safeguards those against whom allegations are made. In administering its responsibilities the Council has a duty to protect staff members who choose to alert the authority to wrong doing and to protect employees against whom vexatious allegations are made.
- 2.3. All referrals received by the Counter Fraud and Enforcement Unit and Human Resources must be dealt with in the correct manner adhering to Regulations, Legislation and Guidance. This includes internal alerts of wrong-doing which must adhere to whistle-blowing legislation. Adherence to this legislation in the workplace means the Council is less susceptible to legal challenge.
- 2.4. Any breach of the Policy or the revealing of the identity of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine. Whistle-Blowing is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislates that an employee has the right to take a case to an Employment Tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 2.5. The Policy highlights the key legislation and the roles and responsibilities of Members, Statutory Officers, Publica Directors, Senior Managers, Officers and other parties.
- 2.6. If an individual is considering raising a concern the Policy will enable them to understand the type of issues which can be raised, how the person raising a concern will be protected from victimisation and harassment, how to raise a concern and what the Council will do as a consequence of the report.
- 2.7. The Council has a responsibility to prevent wrong-doing within the authority by promoting high ethical standards and encouraging the exposure of any abuse.
- 2.8. As part of the consultation process, the Policy has been reviewed by Legal Services and issued to Human Resources.
- 2.9. Audit and General Purposes Committee considered a Whistle-Blowing Policy in November 2017.
- 2.10. Online refresher training will be issued to staff following approval of the Policy.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no direct financial implications as a result of this report.
- 3.2. The support of the Whistle-Blowing Policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the Council.

4. LEGAL IMPLICATIONS

- 4.1. The Policy is set out to ensure the Council, its Officers, Member, employees and contractors (including agency staff) comply with and adheres to the legislation governing whistle-blowing in the workplace meaning the Council is less susceptible to legal challenge.
- 4.2. Any breach of the Policy or the revealing of the identity of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine.

5. RISK ASSESSMENT

- 5.1. If the Council does not have an effective Whistle-Blowing Policy and procedures it puts staff and its reputation at risk. The Council must fulfil its legal obligations in relation to whistle-blowing arrangements.
- 5.2. Without an appropriate Policy in place the Council is unable to take effective and efficient measures to ensure staff are protected when making allegations of wrongdoing and that staff are protected from vexatious allegations.

6. EQUALITIES IMPACT

- 6.1. The promotion of effective counter fraud controls and a zero tolerance approach to internal misconduct promotes a positive work environment.

7. ALTERNATIVE OPTIONS

- 7.1. None.

8. BACKGROUND PAPERS

- 8.1. The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:
 - Audit Committee Report November 2017 – Whistle-Blowing Policy.
- 8.2. These documents will be available for inspection at the Council Offices at Woodgreen, Witney, OX28 1NB during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.