



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

|                            |   |
|----------------------------|---|
| Name and date of Committee | <b>AUDIT AND GOVERNANCE COMMITTEE –<br/>26 JUNE 2025</b>  |
| Subject                    | <b>WHISTLE-BLOWING POLICY</b>   |
| Wards affected             | All indirectly  |
| Accountable member         | Councillor Andy Graham, Leader of the Council<br>Email: <a href="mailto:Andy.Graham@westoxon.gov.uk">Andy.Graham@westoxon.gov.uk</a>  |
| Accountable officer        | Andrea McCaskie, Director of Governance and Regulatory Services<br>Email: <a href="mailto:Andrea.McCaskies@westoxon.gov.uk">Andrea.McCaskies@westoxon.gov.uk</a>  |
| Report author              | Emma Cathcart, Head of Service, Counter Fraud and Enforcement Unit<br>Email: <a href="mailto:Emma.Cathcart@cotswold.gov.uk">Emma.Cathcart@cotswold.gov.uk</a>   |
| Summary/Purpose            | <p>To present the Audit and Governance Committee with an updated Whistle-Blowing Policy for approval.</p> <p>To update and replace the existing Whistle-Blowing Policy to highlight key legislation and the roles and responsibilities of Members, Officers and other parties.</p>  |
| Annexes                    | Annex A – Whistle-Blowing Policy<br>Annex B – Whistle-Blowing Flowchart<br>Annex C – Managers Guidance  |
| Recommendation(s)          | <p>That the Audit and Governance Committee:</p> <ol style="list-style-type: none"><li>1. Approve and adopt the Policy attached to this report.</li><li>2. Authorises the Director of Governance and Regulatory Services to approve future minor amendments to the Policy in consultation with the Counter Fraud and Enforcement Unit, Legal Services and the Leader of the Council.</li></ol> |
| Corporate priorities       | <ul style="list-style-type: none"><li>• Working Together for West Oxfordshire</li></ul>   |

|                             |  |
|-----------------------------|--|
| Key Decision                | NO   |
| Exempt                      | NO   |
| Consultees/<br>Consultation | Consultation has been undertaken with Human Resources Officers, Legal representatives and Monitoring Officers across the Counter Fraud and Enforcement Unit Partnership. |

## **1. BACKGROUND**

- 1.1** The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Whistle-Blowing Policy.
- 1.2** Whistle-Blowing is legislative, and the Policy has therefore been reviewed to ensure it is fit for purpose.

## **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.
- 2.2** The changes are relatively minor in relation to content, amendments have been made to the wording of the policy to enhance clarity and understanding. The Policy has been refreshed and includes an entry at 4.16 which highlights the Office for Environmental Protection's role and how to contact them, as per their email request. Reference to reports made 'in good faith' have been removed, a whistle-blower is required to 'reasonably believe' the allegation is true. For ease of reference, new text is shown in red and text to be removed is shown as struck through. This is now a shared Policy for all staff employed by Cotswold, Forest of Dean and West Oxfordshire District Councils and Publica.
- 2.3** 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. 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 wrongdoing and to protect employees against whom vexatious allegations are made.
- 2.4** 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 wrongdoing which must adhere to whistle-blowing legislation. Adherence to this legislation in the workplace means the Council is less susceptible to legal challenge.
- 2.5** 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'.
- 2.6** The Policy highlights the key legislation and the roles and responsibilities of Members, Statutory Officers, Publica Directors, Senior Managers, Officers and other parties.
- 2.7** 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 because of the report.

- 2.8 The Council has a responsibility to prevent wrongdoing within the authority by promoting high ethical standards and encouraging the exposure of any abuse.
- 2.9 Audit and Governance Committee last considered the Whistle-Blowing Policy in April 2022.
- 2.10 The Constitution Working Group agreed to the changes as set out in Annex A on 26 March 2025 however the formulating and keeping under review of the Policy is a function of the Audit and Governance Committee and as such the updated Whistle-Blowing Policy is being presented for approval.
- 2.11 Awareness will be raised with staff and refresher training will be provided following approval of the Policy.
- 2.12 The flow chart attached at Annex B will accompany the Policy to provide a one-page overview of the Policy and process for staff.
- 2.13 In addition, a managers guidance document, attached at Annex C is also published to assist any staff member who receives a whistle-blowing report.

### **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 There are no significant legal implications associated with this report.
- 4.2 The original Public Interest Disclosure Act 1998 whistleblowing provisions, inserted into the Employment Rights Act 1996, were amended by the Enterprise and Regulatory Reform Act 2013 and provide protection against victimisation or dismissal for workers reporting malpractice by their employers or third parties.
- 4.3 The Policy is set out to ensure the Council, its Officers, Members, 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.
- 4.4 Any breach of the Policy or the revealing of the identity of a whistleblower could result in an award of compensation against the Council by an employment tribunal, or a fine issued by the Information Commissioner in the case of a breach of Data Protection.

### **5. RISK ASSESSMENT**

- 5.1 If the Council does not have an effective Whistle-Blowing Policy and procedures in place 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.
- 6.2** The CFEU seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

## **7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 7.1** None directly.

## **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 April 2022 – Whistle-Blowing Policy.
  - Executive Committee Report May 2022 – Whistle-Blowing Policy.
- 8.2** These documents will be available for inspection online at [www.westoxon.gov.uk](http://www.westoxon.gov.uk) or by contacting democratic services [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk) for a period of up to 4 years from the date of the meeting.

(END)