

Ethics Committee  
Audit and Procurement  
Cabinet Member for Policy and Leadership

17 March 2017  
3 April 2017  
13 April 2017

**Name of Cabinet Member:**

Cabinet Member for Policy and Leadership – Councillor G Duggins

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

Not applicable

**Title:**

Review of the Council's Whistleblowing Policy.

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**Is this a key decision?**

No

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**Executive Summary:**

The Committee's work programme includes a review of the Whistleblowing Policy. The Whistleblowing Policy has been reviewed in light of the Rotherham report where that Council was criticised for not having effective procedures in place for reporting suspected wrongdoing. This review has now been completed. As a result of the review a new draft policy has been prepared. The Committee is asked to consider the draft policy and make any suggestions for additions or amendments to the policy.

Monitoring the Council's policies on whistleblowing is part of the terms of reference of Audit and Procurement Committee and so any comments of the Ethics Committee will be forwarded to that Committee with the decision to approve resting with the Cabinet Member (Policy and Leadership).

**Recommendations: Ethics Committee**

The Ethics Committee is recommended to consider the revised draft policy attached at Appendix 2 and to recommend any changes or amendments the Committee considers appropriate to the Audit and Procurement Committee.

**Recommendations: Audit and Procurement Committee**

The Audit and Procurement Committee is recommended to consider the revised draft policy attached at Appendix 2 and to recommend any changes or amendments the Committee considers appropriate to the Cabinet Member for Policy and Leadership. The Committee is recommended to consider any recommendations made by the Ethics Committee.

**Recommendations: Cabinet Member for Policy and Leadership**

The Cabinet Member for Policy and Leadership is recommended to consider the revised draft policy attached at Appendix 2 together with any recommendations From Ethics Committee and Audit and Procurement Committee and to approve the policy.

**List of Appendices included:**

1. Current whistleblowing policy
2. Revised draft whistleblowing policy

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Yes - Audit and Procurement Committee – 3 April, 2017

Cabinet Member for Policy and Leadership – 13 April, 2017

**Will this report go to Council?**

No

## **Report title: Review of Whistleblowing Policy**

### **1. Context (or background)**

- 1.1 The Council is not required by law to have a whistleblowing policy. However, it is recommended in government guidance and by Public Concern at Work that employers should, as a matter of best practice, have a whistleblowing policy as it shows the employer's commitment to listening to concerns and addressing them appropriately. Such a policy helps to foster an open culture where employees are encouraged to report concerns. It is best practice to have a whistleblowing policy in order to maintain high standards of openness and accountability and to encourage those with concerns to raise them using the policy.
- 1.2 Whistleblowing legislation is governed by the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislation provides that certain individuals (employees, workers, agency workers) are protected from suffering any detriment i.e. any disadvantage because he/she has made a protected disclosure.
- 1.3 Under the Enterprise and Regulatory Reform Act 2013 a disclosure is only a protected disclosure if the individual reasonably believes that the disclosure is in the public interest and that it relates to one of the prescribed categories as specified under paragraph 7 of the draft policy (attached at appendix 2).
- 1.4 One of the key concerns raised in the Rotherham report was that the whistleblowing policy was inadequate and did not provide adequate protection to whistle-blowers. The review of the City Council's policy has sought to address these concerns through the use of safeguards and protections for individuals.
- 1.5 The whistleblowing policy has been reviewed in order to ensure that the policy is fit for purpose and complies with the legislative requirements.
- 1.6 Local authority schools should review their Whistleblowing Policy in light of the Council's review and update their policy where appropriate. The Council will liaise the governing bodies to ensure that they are aware of the amendments made.

### **2. Options considered and recommended proposal**

- 2.1 The policy has been reviewed and amendments have been made to the current policy (attached at appendix 1). In outline, the following amendments have been made:
  - 2.1.1 References to named officers have been removed in order to avoid the policy becoming obsolete when individuals leave the organisation or move positions.
  - 2.1.2 A sample reporting template has been included to assist those who are reporting concerns.
  - 2.1.3 The draft policy extends the time limits for the employer's response.
  - 2.1.4 The draft policy aims to be more user-friendly by framing the information as a question in order guide those using the policy.

- 2.2 The Committee has the option to recommend the adoption of the policy, with or without amendments. Or secondly, to reject the draft policy and to continue with the current policy which has not been revised for some years.
- 2.3 The Committee is asked to consider the draft policy and agree its contents together with any other recommendations it may wish to make to Audit and Procurement Committee and to the Cabinet Member (Policy and Leadership).

**3. Results of consultation undertaken**

This policy has been shared with senior officers and the trade union core group.

**4. Timetable for implementing this decision**

- 4.1 If approved, the policy should be implemented once formally approved.

**5. Comments from Director of Finance and Corporate Services**

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

The adoption of the policy would ensure that the Council is compliant with the legislation as detailed above.

**6. Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The whistleblowing policy would assist in contributing to the objective of being locally committed as detailed in the Council's plan. The policy would help to achieve this by encouraging the raising of concerns in order to help to protect our most vulnerable people.

**6.2 How is risk being managed?**

The current policy is out of date and there is a risk that the Council is not currently complying with its legal obligations.

**6.3 What is the impact on the organisation?**

The policy would ensure compliance with the Council's legal obligations. The new policy would raise awareness of whistleblowing within the Council and would encourage the reporting of concerns. It would also ensure that any concerns are reported to the appropriate person and that the individual reports concerns to the Monitoring Officer who will maintain a record of concerns.

#### 6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

#### 6.5 Implications for (or impact on) the environment

None

#### 6.6 Implications for partner organisations?

None at this stage

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**Appendix 1: Current Whistleblowing Policy**

**Appendix 2: Revised Whistleblowing Policy**