

REPORT TO AUDIT AND GOVERNANCE COMMITTEE

Date of Meeting: 3rd DECEMBER 2014

Report of: CORPORATE MANAGER LEGAL

Title: WHISTLEBLOWING POLICY UPDATE

Is this a Key Decision? No

Is this an Executive or Council Function? Council

1. What is the report about?

To propose a revision of the Council's Whistleblowing Policy.

2. Recommendations:

To approve the revised Whistleblowing Policy dated July 2014.

3. Reasons for the recommendation:

The Council's Whistleblowing Policy needs to be updated to take into account changes as a result of the Enterprise and Regulatory and Reform Act 2013.

4. What are the resource implications including non financial resources.

None

5. Section 151 Officer comments:

The report raises no issues for the Section 151 Officer to consider.

6. What are the legal aspects?

The Policy is framed by the Enterprise and Regulatory and Reform Act 2013.

7. Monitoring Officer's comments:

The Monitoring Officer has no comments to raise on the contents of the report.

8. Report details:

From the 25th June 2014 the Enterprise and Regulatory Reform Act 2013 amended the Public Interest Disclosure Act 1998 to require public interest disclosures (otherwise known as whistleblowing) to include public interest. Despite the existence of the words 'public interest' in the title of the Public Interest Disclosure Act 1998, a disclosure that protected an employee from any come-back from his or her employer did not need a public interest element.

This opened up the possibility that almost any grievance raised by an employee about their employment could provide them with protection. However, from 25th June, a whistleblowing

disclosure will only qualify for protection if the worker reasonably believes that it is made “in the public interest”, i.e. it goes beyond a simply personal grievance.

The Council’s Whistleblowing Policy needed to be updated to bring it in line with this legislation and the opportunity was taken to review the policy as a whole. The Policy now also covers guidance on Councillors making disclosures under this policy.

A copy of the policy is included at Appendix A.

9. How does the decision contribute to the Council’s Corporate Plan?

Good governance contributes to the Council’s purpose of a “Well Run Council”.

10. What risks are there and how can they be reduced?

None.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

Not applicable.

12. Are there any other options?

Not applicable.

Baan Al-Khafaji
Corporate Manager Legal and Monitoring Officer

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275