

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Audit & Accounts Committee

3rd December 2021

TITLE:	Whistleblowing Policy
PORTFOLIO HOLDER:	Councillor Sybil Ralphs - Council Leader SMDC
CONTACT OFFICER:	John Leak - Head of Audit
WARDS INVOLVED:	Non-Specific

Appendices Attached – Appendix 1 Whistleblowing Policy

1. Reason for the Report

- 1.1 The *Public Interest Disclosure Act 1998* received the Royal Assent in July 1998 and came into force on 2nd July 1999. The Act gives protection to “whistleblowers” that raise concerns about serious fraud or malpractice at their place of work against victimisation or dismissal, provided they have acted in a responsible way in dealing with their concerns. In support of this, the Council actively promotes its Whistleblowing Policy to ensure all relevant parties are aware of it and of how and when to use it.

2. Recommendation

- 2.1 That the revised Whistleblowing Policy attached at Appendix 1 be approved and adopted.
- 2.2 That Councillors note the activity outlined in this report, aimed at promoting the Whistleblowing Policy within Staffordshire Moorlands District Council.

3. Executive Summary

- 3.1 Staffordshire Moorlands District Council’s Whistleblowing Policy has been in place since 2002 and has been periodically updated, the last time in May 2016. It allows all employees and contractors to report any concerns where the public interest is at risk, which includes a risk to the wider public, customers, staff or the Council itself. As such, it promotes and supports the requirements of the Public Interest Disclosure Act 1998.

- 3.2 An update report was presented to this committee in May 2018 and since this date there has been one whistleblowing case reported. This issue was satisfactorily dealt with and resolved.
- 3.3 SMDC reviews all of its policies on a regular basis to ensure they are fit for purpose and where appropriate, are continually improving. Previous actions aimed at publicising the Whistleblowing Policy and improving the Council's processes have helped to facilitate a strong culture of disclosure, one that promotes the appropriate use of whistleblowing which has been confirmed by positive responses to previous staff surveys.
- 3.4 The Policy has again been updated in accordance with the latest best practice supplied by the whistleblowing charity and leading authority in the field 'Protect', to whom the Council subscribes.
- 3.5 To coincide with this further awareness raising initiatives will be scheduled to ensure Whistleblowing continues to be appropriately publicised.

4. How this report links to Corporate Priorities

- 4.1 The Whistleblowing Policy gives protection to employees that raise concerns about serious fraud or malpractice at their place of work against victimisation or dismissal and therefore helps to support our high performing and well motivated workforce.

5. Alternative Options

- 5.1 Approve the Whistleblowing Policy (*Recommended*). The Council will have a Whistleblowing Policy based on best practice and current legislation which promotes and supports the requirements of the Public Interest Disclosure Act 1998.
- 5.2 Do not approve the Whistleblowing Policy (*Not Recommended*). The Council will not have an up-to date Whistleblowing Policy based on current best practice and legislation.

6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998)
None.
- 6.2 Workforce
It is essential that all employees are aware of the Whistleblowing Policy and how they can make use of it.
- 6.3 Equality and Diversity/Equality Impact Assessment
This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations
None.

6.5 Legal
The Public Interest Disclosure Act 1998 states that employees and contractors must be allowed to make 'protected disclosures' should they witness any malpractice or similar within the workplace. The Whistleblowing Policy enables them to do this.

6.6 Climate Change
None.

6.7 Consultation
None.

6.8 Risk Assessment
None.

ANDREW P STOKES
Chief Executive

Web Links and
Background Papers

Public Interest Disclosure Act 1998

Protect Compliance Toolkit 2021

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7. Detail

- 7.1 Staffordshire Moorlands District Council's Whistleblowing Policy (Appendix 1) has been in place since 2002 and has been periodically updated, the last time in May 2016. It allows all employees and contractors to report any concerns where the public interest is at risk, which includes a risk to the wider public, customers, staff or the Council itself. As such, it promotes and supports the requirements of the Public Interest Disclosure Act 1998.
- 7.2 Staffordshire Moorlands District Council aims to maintain a high performing and well motivated workforce. In support of this, the Council actively promotes its Whistleblowing Policy to ensure all relevant parties are aware of it and how and when to use it.
- 7.3 Previous actions aimed at publicising the Whistleblowing Policy and improving the Council's processes have helped to facilitate a strong culture of disclosure, one that promotes the appropriate use of whistleblowing which has been confirmed by positive responses to previous staff surveys. These actions have included:
- The inclusion of the Whistleblowing Policy in the Induction Process for new members of staff;
 - Articles in previous editions of the staff newsletter 'Keeping You Informed' to raise staff awareness;
 - Whistleblowing awareness posters placed on noticeboards throughout the Council.
- 7.4 An update report was presented to this committee in May 2018 and since this date there has been one whistleblowing case reported. This issue was satisfactorily dealt with and resolved.
- 7.5 SMDC reviews all of its policies on a regular basis to ensure they are fit for purpose and where appropriate, are continually improving, therefore the Policy has again been updated in accordance with the latest best practice supplied by the whistleblowing charity and leading authority in the field 'Protect', to whom the Council subscribes. It incorporates the requirements of the Enterprise and Regulatory Reform Act 2013 with regard to the public interest test and good faith and vicarious liability and is therefore fit for purpose.
- 7.6 To coincide with this further awareness raising initiatives will be scheduled to ensure Whistleblowing continues to be appropriately publicised. These will include:
- An article will be included in the staff communication newsletters and thereafter periodically;
 - Whistleblowing posters will be updated on noticeboards throughout the Council;
 - Practical tips will be given to all Managers and Supervisors to help them deal with any whistleblowing issues raised by their staff;

- Specific fraud awareness e-learning will be provided to all staff to help raise awareness of the importance of discussing with their line managers any concerns they may have regarding malpractice.