

Title of report: Whistleblowing Update

Meeting: Audit and Governance Committee

Meeting date: Tuesday 29 October 2024

Report by: Head of Legal Services and Deputy Monitoring Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To update the Committee as to the operation of the Whistleblowing Policy.

Recommendation(s)

That:

- a) **The committee notes the operation of the employee Whistleblowing Policy since the update to the Policy in June 2023 and the SWAP audit.**

Alternative options

1. There are no other alternatives.

Key considerations

2. A Whistleblowing Policy has been adopted by the Council to expressly provide a position and process around protections for staff (and associated workers) who wish to make a public interest disclosure. This reflects the legal protections under the Public Interest Disclosure Act 1998.
3. On [23 June 2023](#) the Committee reviewed and approved the existing Whistleblowing Policy and this is available to staff on the Council's [website](#).

4. The policy sets out the policy and steps involved should an employee wish to make a disclosure. In addition, there is a further process that enables a member of staff to make a disclosure anonymously through legal services.
5. The concept of 'whistleblowing' is not just related to that performed under the employee Whistleblowing Policy. Ordinary complaints from members of the public and service users are technically someone 'whistleblowing' and these are dealt with under the Council complaints processes. A report on complaints processes was received by this committee on [12 December 2023](#).
6. On [24 October 2023](#) it was reported to this committee that SWAP had undertaken a review of the operation of the Policy. This provided an assurance opinion of 'reasonable'. All four action points were completed before the report and have been maintained since this date.
7. The number of referrals made to the Council using the anonymous route was 6 in 2020/21, 9 in 2021/22, 14 in 2022/23, 3 in 2023/24 and 2 to date for 2024/25.
8. In relation to those raised in 2023/24, two disclosures were investigated by the relevant manager and management action was completed. The third complaint related to an individual who was not employed by the Council. The offer was made to refer the complaint to the relevant body, but this was not requested, and the nature of the complaint was not sufficiently serious that the Council would consider making such a referral without further information or grounds.
9. In 2024/25 both complaints have been rejected as neither related to the Council. The first related to a different council and the second related to a third party body. In both circumstances, advice and sign posting was made to the complainant to suggest how they could progress their complaint with the appropriate body.
10. It is not considered that the Whistleblowing Policy requires any further update since June 2023.

Community impact

11. Herefordshire Council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. Periodic reviews to ensure the Policy remains current, fit for purpose and effective helps the council to meet the principles within its code of corporate governance.

Environmental Impact

12. There are minimal environmental impacts in the Whistleblowing Policy though of course any environmental concerns can be raised under the policy.

Equality duty

13. The policy is open to all employees. Many complaints are raised on an anonymous basis. Where a matter is raised and if it relates to an equality issue, then it would be investigated by the relevant department as part of the complaint. It is not considered that the operation of the policy has any negative impacts on employees with a protected characteristic.

Resource implications

14. There are no resource implications as the operation of the Whistleblowing Policy.

Legal implications

15. Any legal implications are set out in the body of this report.

Risk management

16. Failure to maintain a legally compliant whistle blowing policy could contravene employment law and leave the council open to challenge with associated financial penalties and bring the council into disrepute.

Consultees

17. None

Appendices

None

Background papers

None

Report Reviewers Used for appraising this report:

Governance	John Coleman	Date 05/09/2024
Finance	N/A	
Legal	Sean O'Connor	Date 29/08/2024
Communications	Luenne Featherstone	Date 30/08/2024
Equality Duty	N/A	
Procurement	N/A	
Risk	N/A	