



Audit Committee

14 July 2021

Title	Whistleblowing Policy
Report of	Director of Assurance
Wards	Not applicable
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 - Whistleblowing Policy Statement 2021
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Summary

The Whistleblowing Policy forms part of the Counter Fraud Framework and was last updated in 2018. In Q1, 2021 it has been reviewed by HBPL, senior officers in the Assurance Group and Protect (the whistleblowing charity), who noted areas of good practice alongside some areas for improvement, which have been addressed in the amended policy. For example:

Good Practice:

- Clear on purpose of whistleblowing
- Clear on victimisation
- Arrangements for Oversight of the Policy

Areas for Improvement:

- Clarification that a concern can be raised with a line manager, it does not have to be raised to a designated 'Reporting Officer'
- Some terminology too legalistic

As a result, the Director of Assurance is proposing changes to the Whistleblowing Policy as follows:

- To comply with legislation that the WB route will no longer be available to members of the public. Residents should follow the Statutory / Corporate Complaints route, or general Fraud referral. If the complaint includes what appears to be a Whistleblowing referral this will be routed back to the Director of Assurance and will be considered on its merits. Residents and members of the Public also have the option to contact Protect, the whistleblowing charity, previously known as Public Concern at Work.
- The policy has been updated to signpost members of the Public accordingly.
- The WB telephone line will, from now on, be a recorded message with a voicemail facility. It will be staffed to take calls every Monday between midday and 2pm and these calls will be handled on rotation by the Head of Governance, Head of Internal Audit and Head of Counter-Fraud Operations. The dedicated email address will remain.
- Delegated authority to be given to the Director of Assurance to make further amendments to the WB policy in the future.

We will be taking forward a Comms campaign around Whistleblowing, including the changes to the policy and areas for improvement once it has been approved by the Audit Committee.

Recommendations

- 1. That the Committee approves the Whistleblowing Policy Statement 2021**
- 2. That the Committee delegates authority to the Director of Assurance to make further amendments to the Whistleblowing Policy Statement following consultation with the Chairman of the Audit Committee.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Audit Committee's role in receiving this report is to approve the updated Whistleblowing Policy Statement and its removal from the Counter-Fraud Framework as it is a Corporate Policy.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Whistleblowing Policy Statement has been reviewed as part of the work underway reviewing the Council's arrangements against the Centre for Governance and Scrutiny Governance Risk and Resilience Framework.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 N/A

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

This policy supports the delivery of the entire Barnet Plan, and in particular Clean Safe and Well Run objective – which set out the corporate approach on how delivering better services while ensuring value for money for all our residents and businesses to approach to provide a fair deal for our residents and a commitment to delivering services that matter most by making decisions to prioritise our limited resources.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report

5.3 Social Value

- 5.3.1 N/A

5.4 Legal and Constitutional References

- 5.4.1 The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 give statutory protection for employees, workers, and former workers who disclose information showing:
- a criminal offence,
 - breach of a legal obligation,
 - miscarriages of justice,
 - danger to health or safety,
 - damage to the environment; or
 - the deliberate concealment of information about any of the above
- The disclosure of this information must be in the public interest and must be made to either the Council, or in certain circumstances to prescribed persons such as HMRC, the Environment Agency or the Health and Safety Executive.

5.4.2 The legislation protects an employee from being dismissed, and protects employees/workers/former workers from being subjected to any detriment, on the grounds that they have disclosed information of the type outlined in paragraph 3.1 of the policy. In addition, the Council will treat any victimisation or harassment of an employee who has made the report under this procedure as a serious disciplinary offence – harassment of a whistle-blower could amount to gross misconduct and may lead to dismissal without notice.

5.4 Risk Management

5.4.1 The Policy revisions supports the council's overall risk management strategy and processes. Where appropriate, outcomes from any investigations are reported to both Audit Committee and relevant services in either highlighting or confirming effective internal controls, compliance and/or suggested areas for improvement.

5.5 Equalities and Diversity

5.5.1 Effective systems of internal control, compliance and corporate governance provide assurance on the effective allocation of resources and quality of service provision for the benefit of the entire community. Individual audits assess, as appropriate, the differential aspects on different groups of individuals to ensure compliance with the Council's duties under the 2010 Equality Act.

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

5.8.1 N/A

5.9 Insight

5.9.1 N/A

6. BACKGROUND PAPERS

<https://barnet.moderngov.co.uk/documents/s31468/Counter%20Fraud%20Fraudwork%20Review.pdf>

The Whistleblowing Policy was last reviewed by Audit Committee in 2016.

It was further updated under delegated authority to the Director of Assurance in 2018.