

**REPORT TO:** STANDARDS AND  
PERSONNEL APPEALS  
COMMITTEE

**DATE:** 14 MARCH 2016

**HEADING:** ANNUAL REVIEW OF THE WHISTLEBLOWING POLICY

**PORTFOLIO  
HOLDER:** N/A

**KEY DECISION:** NO                      **SUBJECT TO CALL-IN:** NO

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## **1. PURPOSE OF REPORT**

To provide the Committee with an annual update as required by paragraph 9.1 of the Council's Whistleblowing Policy.

## **2. RECOMMENDATION(S)**

The Committee is recommended to:

- a) Note the review of the Whistleblowing Policy and how it has operated in the preceding 12 months; and
- b) Approve the revised policy annexed to the report.

## **3. REASONS FOR RECOMMENDATION(S)**

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the Committee's Terms of Reference as set out in Part 3, Paragraph 1.8 of the Constitution

To ensure the policy remains up to date and fit for purpose.

## **4. ALTERNATIVE OPTIONS CONSIDERED (with reasons why not adopted)**

None as this is a requirement of the Constitution.

## **5. BACKGROUND**

The Committee last reviewed the policy at its meeting on 20 July 2015 and approved minor changes to the document.

Paragraph 9.1 of the Whistleblowing Policy states that:

*"The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (in a form which does not endanger your confidentiality) and will report these to the Standards Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis."*

### Application of Policy

During the past 12 months there has been 1 reported incidence of whistleblowing drawn to the Monitoring Officer's attention. The complaint was investigated and management recommendations were made following the outcome of the investigation. The complaint related to accuracy of recording of time and the taking of leave.

The following table sets out the application of the Whistleblowing Policy since 2010 to the present date:

| <b>YEAR</b>               | <b>TOTAL NUMBER OF COMPLAINTS</b> | <b>NO FURTHER ACTION</b> | <b>MANAGEMENT RECOMMENDATIONS</b> | <b>DISCIPLINARY INVESTIGATION</b> |
|---------------------------|-----------------------------------|--------------------------|-----------------------------------|-----------------------------------|
| <b>2010</b>               | 4                                 | 1                        | 2                                 | 1                                 |
| <b>2011</b>               | 0                                 | N/A                      | N/A                               | N/A                               |
| <b>2012</b>               | 3                                 | 0                        | 2                                 | 1<br>(action taken)               |
| <b>2013</b>               | 1                                 | 0                        | 0                                 | 1<br>(action taken)               |
| <b>2014</b>               | 4                                 | 1                        | 1                                 | 3<br>(2 with action taken)        |
| <b>2015</b>               | 2                                 | 1                        | 1                                 | 0                                 |
| <b>2016<br/>(to date)</b> | 0                                 | N/A                      | N/A                               | N/A                               |

The Committee previously asked for information regarding the types of complaints made in order to identify trends and enable the Committee, if appropriate, to make recommendations.

From the information available, the complaints can be analysed as follows:

| <b>TYPE OF COMPLAINT</b>   | <b>NUMBER OF COMPLAINTS</b> |
|--|-----------------------------|
| Time recording failures – which challenge that flexi time, TOIL and annual leave has been taken when not accrued | 5                           |
| Failure to follow systems/processes  | 2                           |
| Issues relating to line management   | 1                           |
| Working whilst off sick  | 1                           |
| Inappropriate comments   | 1                           |
| Data Protection Breach   | 1                           |

As can be seen, the only recurring trend appears to be in relation to time recording by staff. In 2013 as part of an investigation, the Monitoring Officer made 10 corporate recommendations to improve time recording systems and remind staff of their responsibilities. These were implemented. Following further similar complaints in 2014, further corporate recommendations were made and reminders given to all staff about time recording.

### Review of Policy

An interim review of the policy has been undertaken. No substantive changes are recommended, however amendments have been suggested in order to provide a revised policy reference and to provide updated contacts now that internal audit arrangements are provided by the Central Midlands Audit Partnership.

The proposed changes have been marked in yellow on the Whistleblowing Policy document attached at Appendix A.

## **6. IMPLICATIONS**

### **Corporate Plan:**

The Council is committed to treating its employees fairly and respectfully. The Council aims to be an employer of choice and an organisation people want to work for.

### **Legal:**

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith.

### **Financial:**

The recommendations in the report have no direct financial implications.

### **Health and Well-Being / Environmental Management and Sustainability:**

The recommendations in the report have no direct Health and Well-Being/Environmental Management and Sustainability implications.

### **Human Resources:**

Regular review, maintenance and consistent application of the Whistleblowing Policy infer good employment practices. As such it is important to maintain the integrity of the policy.

### **Diversity/Equality:**

Equality and Diversity issues are taken into account as part of dealing with each individual complaint and will vary according to the complaint and the parties involved.

### **Community Safety:**

The recommendations in the report have no direct community safety implications.

**Other Implications:**

None identified.

**BACKGROUND PAPERS**

None.

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