

Revised Whistleblowing Code

September Governance and Audit Committee

Report Author	Director of Corporate Governance and Monitoring Officer
Portfolio Holder	Derek Crow-Brown
Status	For Decision
Classification:	Unrestricted
Ward:	All

Executive Summary:

To consider and agree the attached draft whistleblowing code which has been updated to reflect legislative changes.

Recommendation(s):

To adopt the Whistleblowing Code (subject to the agreement of any amendments)

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no direct financial implications from the adoption of this revised Code.	
Legal	The Code has been updated to reflect legislative changes to the Public Interest Disclosure Act 1998 by the Enterprise and Regulatory Reform Act 2013.	
Corporate	It is good practice and a requirement of our Code of Corporate Governance that a process for whistleblowing is in place.	
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	✓
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓
	Foster good relations between people who share a protected characteristic and people who do not share it.	✓
The Whistleblowing Code will provide protection from those who disclose breaches of equalities legislation and the PSED.		

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	✓
Promoting open communications	✓

1.0 Introduction and Background

1.1.1 The Public interest Disclosure Act 1998 was amended by the Enterprise and Regulatory Reform Act 2013 but those changes have not yet been reflected in the Council's Whistleblowing Code. The attached draft Code includes all the necessary changes.

1.2 The code has been the subject of consultation with Trades Unions and Internal audit.

2.0 The Changes

2.1 The principal changes to the Whistleblowing Code are:

- a) Introducing a requirement that the worker should reasonably believe that the disclosure is 'made in the public interest' and the disclosure should fit one of the categories in the legislation.

This means that disclosures of a personal nature will not be protected. For example a complaint about a workers personal employment contract or other minor matters.

- b) Removing the requirement that disclosures should be in good faith (this is now covered by the public interest test).
- c) Protecting whistle-blowers from victimisation by work colleagues or their employer.

3.0 Options

3.1 The options are to agree the code as drafted, reject the code or make lawful amendments.

Contact Officer:	Tim Howes, Director of Corporate Governance
Reporting to:	Madeline Homer, Chief Executive

Annex List

<i>Annex 1</i>	Draft Whistleblowing Code
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Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance