

Subject:	WHISTLEBLOWING POLICY
Date of Meeting:	17 September 2019
Report of:	Monitoring Officer
Contact Officer: Name:	Abraham Ghebre-Ghiorghis Tel: 01273 291500
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Ward(s) affected:	(All Wards);

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to update the committee on the how the Council's whistleblowing policy is working in practice and suggest some changes.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the information on the current arrangements for dealing with whistleblowing.
- 2.2 That Members agree the changes proposed in paragraph 3.7 to enable Members to use the whistleblowing policy and those proposed in paragraph 3.8 to include allegations of discrimination related to protected characteristics within scope of the whistleblowing policy.
- 2.3 That the Monitoring Officer be authorised to reissue the policy with the changes mentioned above.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council has been operating a whistleblowing policy since its creation in 1997. The policy was reviewed periodically, the last review taking place in 2017. The current policy is attached in Appendix 1.
- 3.2 There are multiple channels for receiving whistleblowing allegations. The policy includes a guarantee of anonymity if the person requests it. This is respected unless there is a legal obligation to disclose the information, which may be the case, for example, in, cases involving safeguarding or terrorism where we may have to notify the police. Depending on the nature of the subject, it is usually dealt with by HR under our disciplinary procedures or referred to Internal Audit for investigation or to the service manager. In serious cases suggesting criminality, the matter may be referred to the police.
- 3.3 The arrangements are monitored and overseen by the Executive Lead Officer for Strategy, Governance & Law, who keeps the central register of whistleblowing allegations. All cases are reviewed at least every quarter a review panel that

meets every quarter. The Panel consists of the Monitoring Officer, the Head of HR and Organisational Development and by the Internal Audit Manager.

3.4 A publicity campaign is undertaken periodically to raise awareness of the policy. This includes information on the council's website about whistleblowing, messages in employees' pay-slips and blogs by Directors. More work is planned over the coming weeks with the Council's Communications Team

3.5 The number of whistleblowing cases received over the last 6 years has been as follows:

2014/15	8
2015/16	22
2016/17	10
2017/18	11
2018/19	8
2019/20 (2 quarters)	4

3.6 It should be noted that the system records only cases that are registered in the central register. Many cases of whistleblowing are dealt with as business as usual and the manager dealing with it may not necessarily recognise or register the case as whistleblowing. The figures are therefore likely to understate the number of whistleblowing cases.

3.7 The issues raised so far included allegations of fraud (e.g. overcharging by contractors,) nepotism, bullying and harassment and discrimination. Some of the allegations were vexatious, some revealed serious cases of potential criminality and were referred to the police. The overwhelming majority of cases are dealt with by the service manager with the support of HR as necessary. The whistleblower is kept informed of progress and notified of the outcome. Many of whistleblowing cases received are anonymous delivered by post, which means we are unable to make contact with the whistleblower.

3.8 Although the current whistleblowing policy refers to employees, contractors and members of the public as coming within the scope of the policy, it does not mention Members of the Council. A recent Internal Audit review recommended that they should be added to the category of persons mentioned in the policy. Although not mentioning them would not, in itself, preclude Members from using the policy, it would be useful to expressly include them within the scope of the policy and make sure they are aware that this facility exists.

3.9 A second recommendation came from the review of the implementation of the Global HPO report on race equalities within the workforce. The officer body overseeing the work recommended that, where employees face or witness cases of racial discrimination or harassment, rather than being limited to using the HR disciplinary or grievance procedures, they should have the option of using the whistleblowing policy. This would, for example, enable them to raise issues anonymously. It is recommended that this is agreed but, rather than limiting it to cases of racial discrimination, it be expanded to include discrimination or harassment based on, or related to, the victim's protected characteristics.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council has the option of keeping the policy as it is, but we would miss the opportunity to improve the policy.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There has been no specific consultation with residents on this matter. Colleagues in HR and Internal Audit were engaged (the proposed changes came from those services.)

6. CONCLUSION

- 6.1 The whistleblowing policy has been useful in bringing to the Council's attention a variety of cases, which have been dealt with effectively. There is however more work needed to raise awareness of the policy and the proposed changes will help by extending the policy to Members and including cases of discrimination within the workforce within the ambit of the policy.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from the report. Any work resulting from the changes to the policy can be dealt within existing resources.

Finance Officer Consulted: Peter Francis

Date: 09/09/2019

Legal Implications:

- 7.3 The proposals will assist the Council in complying with its duty under the Equality Act and in tackling unlawful behaviour.

Lawyer Consulted:

Abraham Ghebre-Ghiorghis

Date: 21/08/19

Equalities and Sustainability Implications

- 7.4 The proposals will help the Council in complying with its equalities duties by making it easier for employees to raise issues of discrimination. There are no adverse sustainability implications arising from the report.

