

Audit, Standards, and General Purposes Committee

Agenda Item 51

Brighton & Hove City Council

Subject: Update of the Council's Whistleblowing Policy

Date of meeting: 22nd April 2025

Report of: Elizabeth Culbert – Director Governance & Law

Contact Officer: Name: Victoria Simpson, Senior Lawyer – Corporate Law

Email: Victoria.Simpson@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The purpose of this report is to seek approval for an updated Whistleblowing Policy and to set out the process and data relating to whistleblowing complaints for information.
- 1.2 The report links directly to the Council Plan priority to be a responsive Council with well-run services. To achieve this, the Council has committed to listening to our customers and staff, regularly monitoring performance and embedding good governance throughout the organisation. A robust Whistleblowing process is a key part of ensuring this good governance.

2. Recommendations

- 2.1 That Committee notes the information in this report and agrees to receive an annual report on the Whistleblowing Policy, process and themes.
- 2.2 That Committee formally approves the updated Whistleblowing Policy attached as Appendix 1.
- 2.3 That Committee authorises the Council's Monitoring Officer to publish the updated Whistleblowing Policy on the Council's intranet and website, and to make any changes they consider to be necessary or incidental to ensure consistency with the Council's other complaints-related arrangements.

3. Context and background information

- 3.1 The Council has been operating a whistleblowing policy since its creation in 1997. That policy has been reviewed and updated incrementally over time.
- 3.2 The Council's whistleblowing arrangements provide a process for raising serious concerns about the way in which the Council or its officers have acted. They are a key part of the Council's ongoing commitment to maintain a culture of openness and accountability. They do this by providing a visible and accessible process for raising concerns, and ensuring those concerns are dealt with in a way which maintains confidence.
- 3.3 Anyone with relevant knowledge may raise a whistleblowing concern. However, the Policy's main focus is anyone who works for the Council in any capacity who seeks to raise a concern about wrongdoing, risk, malpractice or illegality which harms/ creates a risk of harm to others. There is specific legal protection afforded to employees to ensure they are not unfairly treated as a result of raising a whistleblowing complaint. The usual expectation is that any issues raised will affect people other than the individual whistleblower. There may be situations where a concern is more appropriately dealt with under (for instance) the Council's Grievance or Anti-Bullying, Harassment and Victimisation or Standards processes.
- 3.4 Whistleblowers are encouraged not to seek anonymity so that the information can be explored in detail. However, where preferred, it is possible to make an anonymous report (including via the Council's dedicated whistleblowing email address). All requests for anonymity are respected unless there is a legal obligation to disclose the information (for example in cases involving safeguarding or terrorism, where we may be under a duty to notify the police).
- 3.5 The Council's whistleblowing arrangements are overseen by the Council's Monitoring Officer, who keeps a central register of whistleblowing allegations. When first received, a whistleblowing complaint is acknowledged and progressed by officers. This may involve investigating it or by taking other remedial action. Whistleblowers are kept up to date regarding the progression of their concern and are informed of its outcome. Whistleblowers who are dissatisfied with the application of the process/ its outcome are provided with detailed information to signpost to external agencies should they feel this is necessary. Progress on investigations is reviewed every six weeks by an officer group with representation from the Council's Human Resources and Internal Audit functions.
- 3.6 To encourage the visibility and use of these processes, the Council publishes the Policy on the Wave and the Council's website and includes information on the Policy at staff inductions. Periodically the Council will undertake additional publicity to raise awareness, such as in Director's Blogs and employee payslips.

Updating the Council's Whistleblowing Policy

- 3.7 A detailed review of the Council's Whistleblowing Policy has been undertaken to consider whether the Policy reflected best practice. The review process had input from the Council's Internal Audit team, as well as members of the Council's Policy Consultative Group. The review considered the Policy against guidance from the Institute of Internal Auditors, with sight of other examples of similar policies at other organisations.
- 3.8 The draft updated Whistleblowing Policy at [Appendix 1](#) provides greater clarity regarding the interaction between this Policy and the Council's other complaints processes. It makes clearer who may raise complaints under the Policy (including members of the public and elected members). It provides more information about the process followed and about the actions that may be taken where the outcome is not considered to be satisfactory. It also provides information on such matters as confidentiality and the legal protections afforded to those whistleblowers who are 'workers', as well as signposting potential whistleblowers to independent sources of advice.
- 3.9 Committee is asked to approve the revised draft Policy. It is recommended that an annual report be brought to Committee to provide members with an update on the number and nature of whistleblowing concerns received during the previous calendar year.

Data on whistleblowing complaints

- 3.10 The table below provides data on the volume of whistleblowing concerns raised over the past 5 years and the themes of those concerns.
- 3.11 There has been an increase in complaints in 2024/2025. On reviewing these complaints, no theme or pattern that has emerged with identifiable trends or recurrent issues. Where a whistleblowing investigation identifies areas of practice which could be improved, these are communicated to the relevant Service and the implementation of recommendations is monitored.
- 3.12 It is considered to be a sign of a healthy, robust governance system for complaints to be made and an indication of a functioning framework that enables the detection and elimination of unlawful and improper practices.
- 3.13 Where whistleblowing relates to allegations of fraudulent behaviour or financial irregularity, Internal Audit and Counter Fraud will investigate. Alongside the investigation report, a control report is issued, highlighting required improvements to the control environment to help prevent recurrence. This work is summarised in the quarterly Internal Audit and Counter Fraud progress reports to this Committee and is also included in the Counter Fraud Annual Report to the June ASGP Committee. This work can also inform future internal audit activity planned on a risk-based approach.

Numbers of Whistleblowing Complaints 2020-2025 and themes

2020 - 21	2021- 22		2022 -23	2023 -24	2024 -25	Theme
3	1		4	3	9	Allegations against a staff member(s)
3	3		5	4	3	Fraud
3	6		4	5	8	Management/ processes
	1					Other
9	11		13	12	20	

4. Analysis and consideration of alternative options

- 4.1 The Council's whistleblowing arrangements are an important strand of its corporate governance framework and it is key to good governance to keep the Policy under review and up to date. Effective whistleblowing arrangements ensure that the Council takes seriously any issues which arise and deals with them appropriately.

5. Community engagement and consultation

- 5.1 While community input has not been sought, input and comments from key internal parties – including the Council's union representatives, via the Policy Consultative Group – were actively sought and acted upon.

6. Financial implications

- 6.1 There are no direct financial implications arising from this report. Effective whistleblowing arrangements helps strengthen the Council's control environment, assisting in protecting the Council from financial risk and loss due to unlawful or improper practices.

Name of finance officer consulted: Haley Woollard Date consulted : 10/04/25

7. Legal implications

- 7.1 This Committee has delegated powers for the Council's whistleblowing arrangements, including the power to formally approve its policy. As a result, it is the correct body to receive this Report.

Name of lawyer consulted: Victoria Simpson Date consulted 11/3/25

8. Risk implications

- 8.1 It is vital that clear and accessible channels exist for raising issues. A failure to maintain fit for purpose whistleblowing arrangements, which are transparent and ensure confidence in the organisation's willingness to

recognise and deal with serious issues, could impact adversely on the Council's discharge of any number of its key functions. That could jeopardise its management of any of its key strategic risks, for instance its discharge of its safeguarding duties and/or the risk that it fail to apply a co-ordinated approach, for example.

9. Equalities implications

- 9.1 There are no adverse equalities implications arising from the report. An effective whistleblowing policy assists in tackling discrimination by making it easier to report allegations in confidence, via a process which provides mechanisms for identifying and remedying any failures in this/ any area.

10. Sustainability and Other implications

- 10.1 No Sustainability or Other implications have been identified.

11. Conclusion

- 11.1 The updated Policy appended here is recommended for Committee approval along with an annual report in future, this for the reasons outlined in this Report.

Supporting Documentation

Appendices

Appendix 1 - Draft updated Whistleblowing Policy

