

Croydon Council
For General Release

REPORT TO:	ETHICS COMMITTEE 1 FEBRUARY 2017
AGENDA ITEM NO:	7
SUBJECT:	UPDATE ON WHISTLEBLOWING
LEAD OFFICER:	COUNCIL SOLICITOR, DIRECTOR OF DEMOCRATIC AND LEGAL SERVICES & MONITORING OFFICER
CABINET MEMBER:	
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics and to consider matters relating to the Code of Conduct.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report shall be contained within existing budgets	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

1. RECOMMENDATION

The Committee is asked to:

- 1.1 Note the contents of the report

2. EXECUTIVE SUMMARY

- 2.1 The Whistleblowing legislation under the Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees, or subjecting them to any other detriment because they have made a protected disclosure ("whistleblowing"). Whistleblowing occurs when an employee or worker draws attention to a concern or concerns of wrongdoing in their organisation.

3. DETAIL

- 3.1 The Council uses Public Concern at Work, a third sector provider, (PCaW) to provide independent advice to those who may wish to either raise a concern

with the Council to be considered under the Whistleblowing Policy or make a referral to another statutory body. This enables employees to call for confidential advice on whistle blowing and related issues.

- 3.2 A Whistleblowing situation occurs when an employee draws attention to a concern or concerns of wrongdoing in the organisation which pertains to matters of public interest often referred to as a *“protected disclosure”*.
- 3.3 In support of the Council’s statutory duties in this regard, the Council’s Whistleblowing policies are aimed at fostering a climate of openness and transparency in which individuals in the workplace do not feel that they will be victimised if they raise concerns about wrongdoing in their organisation to an appropriate officer within the organisation and also provides the facility to raise these with PCaW an independent organization from whom advice could be sought.
- 3.4 A copy of the Council’s Whistleblowing policy is attached as Appendix 1. Member’s may wish to note the following sections of the policy which set out its aims and method of operation, as well as the safeguards for employees, who may wish to make use of its provisions; sections:

2. Aims of the Policy

5. Designated Assessors

6. Making a Disclosure

9. Safeguards and Confidentiality

- 3.5 A distinction is drawn between a situation where Council employees may wish to raise a grievance or a complaint of bullying and/or harassment which can be dealt with under the Employee Complaints Procedure. In order to make a protected disclosure, which would bring concerns specifically within the ambit of the Whistleblowing procedure rather than the Employee Complaints Procedure, the disclosure must be one which is made in the public interest. As such, it is likely that the appropriate route for some complaints which may in the past have been raised under the Whistleblowing procedure, is now via the Employee Complaints Procedure.
- 3.6 For the calendar year 2015, three disclosures were formally investigated under the Whistleblowing policy. For two, there was no case to answer, while the remaining investigation resulted in a member of staff being dismissed and is the subject of a pending prosecution.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

4.1 There are no direct financial implications arising from this report.

5. LEGAL CONSIDERATIONS

5.1 There are no additional legal considerations arising from the contents of this report which are not set out in the body of the report.

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BACKGROUND DOCUMENTS: None