

Whistleblowing Policy	
Executive Summary	<p>The updated Whistleblowing Policy is attached to this report at Appendix 1.</p> <p>Whilst not a legal obligation, Councils are expected to have and maintain a Whistleblowing Policy. Our policy requires that it is endorsed by councillors at least every three years.</p>
Options considered	<ul style="list-style-type: none"> To adopt the revised Whistleblowing Policy. <p>Although not a legal obligation, it would place the Council at risk to be without a Whistleblowing Policy</p>
Consultation(s)	Head of Internal Audit and CLT
Recommendations	<p>That Members:</p> <ul style="list-style-type: none"> review and approve the revised Whistleblowing Policy
Reasons for recommendations	The purpose of the Whistleblowing Policy is to promote a culture that actively encourages the challenge of inappropriate behaviour. The policy provides all councillors and staff with an awareness of their rights and obligations under the legislative framework.
Background papers	None

Wards affected	All
Cabinet member(s)	Cllr Lucy Shires
Contact Officer	Cara Jordan Assistant Director – Finance Assets Legal Cara.Jordan@north-norfolk.gov.uk

Links to key documents:	
Corporate Plan:	A strong, responsible, and accountable Council
Medium Term Financial Strategy (MTFS)	No Links
Council Policies & Strategies	This policy is to be read in conjunction with the council's Anti-Fraud and Anti-Corruption Policy.

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	The Item is not exempt

Details of any previous decision(s) on this matter	None
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1. Purpose of the report

- 1.1 North Norfolk District Council has a Whistleblowing Policy which is reviewed every three years. The current version is July 2021. The policy has been reviewed and shared with Internal Audit. In accordance with paragraph 8.6, Unison and the Corporate Leadership Team have been consulted prior to submitting this amended policy to GRAC.

2. Introduction & Background

- 2.1. The Whistleblowing Policy provides a framework to enable members of staff, and others, to disclose public interest concerns in a safe way within the Council. The policy sets out who the key people are in this framework and how a concern can be reported. Some minor changes have been made to the policy, including change of details where an individual has come into post.
- 2.2. A principal aim of the policy is to promote a culture that actively encourages the challenge of inappropriate behaviour. Having a suitable Whistleblowing Policy has benefits for the Council, as it:
- Encourages concerns to be reported internally, and at an early stage, enabling the Council to address the concern and thereby avoid serious regulatory breaches, financial loss and reputational damage
 - Avoids external disclosures, such as a concern being reported directly to the media
 - Reduces the risk of litigation as it informs officers and others that the Council recognises the importance of raising concerns and the protections available under the policy
 - Promotes a positive reporting culture, contributing to a safe working environment, protection of finances and the effective delivery of public services
- 2.3 Even though the changes made are minor, Members still need to be satisfied that the Whistleblowing Policy, and the procedures contained therein, are suitable before approval.

3. Future considerations

- 3.1. In March 2023, the Government announce a review of the UK's whistleblowing framework with the aim of developing and reviewing the existing regime, to look at, in particular, whether the aims of the Public Interest Disclosure Act 1998 are still being met. [Government reviews whistleblowing laws - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/reviews/whistleblowing-laws). This review is gathering evidence from whistleblowers, employers, regulators and charities and follows the sharp increase in whistleblowing disclosures received by the Care Quality Commission and the Health and Safety Executive during the Covid-19 pandemic. Its conclusions are expected shortly.
- 3.2. The review is timely as EU member states have implemented the EU Whistleblowing Directive (to which the UK is not subject, following Brexit),

which imposes more stringent obligations than those imposed by UK legislation. Some UK employers are already implementing these more stringent obligations into their policies and procedures.

- 3.3. The UK's current whistleblowing framework was established around 25 years ago by the Public Interest Disclosure Act 1998. There has been criticism as to whether this framework may be out-dated and complex. In particular, gaps cited in the current regime include the limited legal protections afforded to whistleblowers where they are subject to a detriment or dismissed as a result of their disclosure. Further criticism aired is that there is no protection for people who do not meet the category of worker or employee, leaving individuals, such as job applicants, trainees, trustees and volunteers unprotected. The outcome of the Government's review [Review of the whistleblowing framework: terms of reference - GOV.UK \(www.gov.uk\)](#), once announced, will be considered in the context of the Council's own Whistleblowing Policy and supporting arrangements, and further changes considered.

4. Proposals and Options

- 4.1. The purpose of this report is for Members to consider the amendments and the policy in general. Where they are satisfied that the Whistleblowing Policy, and the procedures contained therein, are suitable, to approve the policy.

5. Corporate Priorities

- 5.1. A Strong, Responsible and Accountable Council – This policy ensures that North Norfolk District Council is ensuring strong governance is at the heart of all that we do.

6. Financial and Resource Implications

- 6.1. There are no direct financial or resource implications of this policy.

Comments from the S151 Officer:

As stated in paragraph 6.1 there are no direct financial or resource implications of this policy.

7. Legal Implications

- 7.1. There is no legal obligation to have a Whistleblowing Policy. However, the Council would be placed at risk in not having a process in place for reporting concerns as set out at 2.2 above.

Comments from the Monitoring Officer

The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.

There are no significant changes to the current Whistleblowing Policy. It is important that the Council has procedures in place (as set out in the policy) for the reporting of concerns, in the public interest, by members of staff and others. Without such a process the Council may not be aware of a concern at an early stage, and would be more at risk of external disclosure. It is noted that there is a current review by the Government, the result of which may require changes to the present policy.

8. Risks

- 8.1. Without a suitable Whistleblowing Policy and mechanism to report concerns, the Council may be at greater risk of harm of wrongdoing by others which includes risk to matters in the public interest, including financial loss and health and safety breaches.

9. Net ZeroTarget

- 9.1. None as a direct consequence of this report.

10. Equality, Diversity & Inclusion

- 10.1. None as a direct consequence of this report.

11. Community Safety issues

- 11.1. None as a direct consequence of this report.

12. Conclusion and Recommendations

- 12.1. The purpose of this policy is to make all councillors and staff aware of the procedures and protections available to individuals reporting a public interest concern. Some minor amendments have been made to the policy.

- 12.2. **It is recommended that members review and approve the revised Whistleblowing Policy.**