

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 8 January 2024
<b>Report Subject</b>	Confidential Whistleblowing Procedure
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

The council has a “whistle blowing” procedure to enable concerns to be raised in a confidential manner with the authority for investigation. Although the procedure is born out of the Public Interest Disclosure Act 1998, that legislation applies only to employees and the council’s procedure is open to anyone for greater transparency.

The procedure is long standing. It has been reviewed a number of times since it was introduced. Whilst some small changes are recommended these are not issues of principle or substance, and reflect the need to fine tune the wording in response to experience of how the procedure works in practice.

This report is part of the committee’s regular review of policies to ensure that they remain up to date and pertinent.

### RECOMMENDATIONS

1	That the recommended changes are made to the procedure
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE WHISTLEBLOWING PROCEDURE</b>
1.01	The Council has a whistle blowing procedure to enable people to raise with it concerns about possible unlawful action, fraud etc. Ideally employees would raise any issues with their line manager for either assurance to be given or action to be taken. This procedure also gives employees a

	mechanism to raise concerns that they do not feel able to discuss with their line manager. Those concerns can be raised confidentially, and employees will not suffer detriment by raising their concerns using this procedure. This satisfies the requirements of the Public Interest Disclosure Act 1998 ("PIDA").
1.02	The procedure also extends to all contractors and indeed the public at large so anyone can raise issues with the Council for an investigation to take place. This is beyond the scope of PIDA and complicates the procedure slightly but that is felt to be justified by the public interest in learning of such issues. Again, concerns can be raised confidentially.
1.03	<p>Currently the procedure says that at our discretion we will accept anonymous allegations. The reason for that is because "we would prefer that you raised serious concerns anonymously than not at all". However, anonymous allegations</p> <ol style="list-style-type: none"> <li>1) are more difficult to investigate because we cannot seek further explanation or clarification; and</li> <li>2) are more time consuming to investigate because we have to investigate all possible options to address what we think might be the issue, rather than focussing on what might actually be quite a specific point; and</li> <li>3) might be raised for malicious reasons.</li> </ol> <p>For these reasons it suggested that we remove the ability to make anonymous complaints from the procedure.</p>
1.04	There are a number of minor changes such as phraseology or updates to be made to the procedure which are marked as tracked changes in Appendix 1.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Removing the ability to submit anonymous allegations would alleviate pressure on the Internal Audit service which carries out the investigations and which is losing a post in order to help balance the budget next year.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Senior officers have been asked for comment. The Governance and Audit Committee will also be asked for its views prior to reporting to the Constitution and Democratics Services Committee and, ultimately, Full Council.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The whistle blowing procedure is itself a mitigation measure against the risk of fraudulent, illegal or unethical behaviour. The council is unusual in

	extending its policy to everyone and not just employees. The Council is also one of very few organisations to have whistleblowing as a “report it” function on its website. Both factors serve to maximise the “reach” and impact of the policy
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<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Whistleblowing Procedure with tracked changes

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Public Interest Disclosure Act 1998</b> - An Act to protect individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation.