

Bolsover District Council

Standards Committee

8th April 2014

Whistleblowing Policy

Report of the Principal Solicitor/ Deputy Monitoring Officer

This report is public

Purpose of the Report

- To provide information to enable the Standards Committee to consider the Whistleblowing Policy as drafted.

1 Report Details

- 1.1 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 raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation.
- 1.2 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.
- 1.3 Key changes have recently been brought about by the Enterprise and Regulatory Reform Act 2013 and therefore the Policy has been updated to include the following:
- 1.4 Firstly, there is now an express requirement that whistleblowing by employees or workers is made in the public interest. Although the ERRA does not define the meaning of public interest it is implicit that disclosure of any wrongdoing by an employee must exclude those which can be characterised as being purely of a personal nature.
- 1.5 A disclosure no longer has to be made "in good faith" to be protected. Therefore, disclosures made purely out of malice or with the intention of personal gain will be protected as long as they are made with the reasonable belief that they are in the public interest.
- 1.6 Whistleblowers are now protected from suffering detriment, bullying or harassment from another employee. Previously, employees were protected from adverse treatment only in relation to their employer's activity. Employment tribunals will be able to hold employees or workers personally liable for victimising a whistleblower.
- 1.7 An employer can be held liable for any detriment inflicted on the whistleblowing employee or worker by his or her colleagues. The employer would have a defence if it can

demonstrate that it took all reasonable steps such as compliance with its whistle blowing policy to prevent such detriment being inflicted on the whistleblower.

2 Conclusions and Reasons for Recommendation

- 2.1 As part of best practice, the government expects all public bodies to have written whistleblowing policies. It is therefore necessary that the Council's Whistleblowing policy is up to date and fit for purpose.

3 Consultation and Equality Impact

- 3.1 The Policy has been approved by SAMT and UECC.

4 Alternative Options and Reasons for Rejection

- 4.1 N/A

5 Implications

None.

6 Recommendations

- 6.1 That the Whistleblowing Policy be recommended for approval to Council.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
1	Whistleblowing Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
Adele Wylie	01246242477