



Title: **Torbay Council's Whistleblowing Policy**

Wards Affected: **None**

To: **Audit Committee**

On: **20th March 2013**

Contact Officer: **Mark Bennett**

☎ Telephone: **01803 207360**

✉ E.mail: **Mark.bennett@torbay.gov.uk**

1. Key points and Summary

Changes have been made to Torbay Council's Whistleblowing policy to avoid inappropriate use of the policy, to signpost to other Council policies that are available, to make clear accountability for action and to reflect legal changes taking effect in April 2013.

2. Recommendation;

- i) That the Whistleblowing Policy set out in Appendix 1 to the report be approved; and
- ii) that minor changes to the Whistleblowing policy, arising as a result of changes to the Council's top tier structure be delegated to the Executive Head of Business Services in consultation with the Chairman of the Audit Committee.

3. Introduction

The Council's Whistleblowing Policy is due for review as it was last reviewed and amended in October 2008.

4. Changes to the Policy

The current policy has been reviewed in light of forthcoming legal changes and best practice recommendations.

The legal definition of a whistle blowing case and what is regarded as a 'protected disclosure' under the law have been referred to in the amended policy. Other legal changes taking effect in April 2013 have also been referred to in the amended policy.

Summary of changes to the policy:-

- Amendments to procedure – Step 1 - Raising a concern – to be reported to either Chief Operating Officer or Devon Audit Partnership.
- Amendments to procedure – Step 2 – How concern will be dealt with – reference to Chief Operating Officer and Finance, Ethics and Probity

Group for dealing with the concern.

- Definition of a whistleblowing concern and differences between whistleblowing and other types of concern.
- Referral Form introduced for individual to use for outlining details of the concern.
- Removal of reference to Public Concern at Work Advice line – lack of use.
- Inclusion of Equality Statement.
- Inclusion of external contacts and new Government guidance (January 2013) for guidance on raising a complaint externally.
- Legal changes 6th April 2013 incorporated:-
 - Enterprise and Regulatory Reform Bill (2012) – introduces changes to Employment Rights Act – to be protected against automatically unfair dismissal, whistleblowers must make their disclosure "in the public interest".
 - Enterprise and Regulatory Reform Bill – introduces change to protect whistleblowers from suffering a detriment, bullying or harassment from another employee for raising a concern.

5. Conclusion

In summary, the above changes will ensure compliance with legislation changes in April and also reflect current best practice guidance.

Please note, further amendments may be necessary to the policy to reflect changes to the Council's top level structure.

Mark Bennett
Executive Head of Business Services

Appendices

Appendix 1 Amended Whistleblowing policy.