



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

Wards Affected: **None**

To: **Audit Committee**

On: **19th December 2012**

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1. Key points and Summary

Changes to Torbay Council's Whistleblowing Policy are required to clarify process and accountability for action. An interim change to the policy is required until the policy has been fully reviewed and amended.

This report is intended to inform the Audit Committee about this interim change and that a new, amended policy is expected to be put forward for approval at the next Committee meeting in March 2013.

2. Introduction

The Council's Whistleblowing Policy is due for review as it was last reviewed and amended in October 2008. Recent whistleblowing cases have also brought to light ineffectiveness with the process and accountability within the policy, therefore, it must be changed to ensure that the policy is effective and fit for purpose.

3. Interim Changes to the Policy

Within the Council's current whistleblowing policy at Stage 1 the individual is advised to raise their concern with their manager, Executive Head or Commissioner (Director), alternative contacts are also suggested to ensure enough options are available.

The following stages of the policy are not clear in regard to who then takes responsibility for taking the matter forward and responding appropriately to the complaint:-

Stage 2 – How the Complaint will be dealt with

Step 3 – Investigation Process

Step 4 – Responding to Concerns Raised

The policy is to be reviewed by Human Resources, Devon Audit Partnership and Legal Services in light of the current and previous whistleblowing cases that have occurred. The Finance, Ethics and Property Group will oversee this review.

A whistleblowing case is currently ongoing and once concluded it will also form part of the review. The Council is also undergoing a change process, which may also have an impact upon the job titles and responsibilities referred to within the policy.

Until the current case is concluded and a full review has taken place, an interim change to the current Whistleblowing policy has been necessary to ensure accountability for action. The change has been added to the existing policy at Stage 2, as follows:-

Step 2: How the complaint will be dealt with

“This policy is currently under review and is subject to the following interim change with effect from 1st December 2012:-

Once a complaint is raised, it must be referred to the Chief Operating Officer by the recipient of the complaint. The Chief Operating Officer will notify the Finance, Ethics and Proberty Group of the matter in order for initial investigations to take place and recommendations for action. The Finance, Ethics and Proberty Group is made-up of members from the Council’s Finance, Human Resources, Audit and Legal Services departments, including the Council’s Monitoring Officer.

The Chief Operating Officer will take overall responsibility for action in regard to the complaint, including the Council’s formal written response to the matter”.

4. Conclusion

The above change will provide clear accountability for action whilst the current policy is subject to review. The amended policy is expected to be submitted to the Audit Committee in March 2013.

Name of Head of Business Unit

Mark Bennett

Title of Head of Business Unit

Executive Head of Business Services

Appendices

Appendix 1

Current Whistleblowing Policy.