

Broads Authority

29 July 2022

Agenda item number 19

Whistleblowing Policy for Members

Report by Senior Governance Officer

Summary

This report presents a draft Whistleblowing Policy for Members, for members' consideration.

Recommendation

To adopt a Whistleblowing Policy for Members (attached at appendix 1).

1. Introduction

- 1.1. The Broads Authority is committed to ensuring that it operates with high standards of openness, integrity and accountability. The accountability and transparency of public organisations is an essential part of maintaining trust. Whistleblowing, also known as “making a disclosure in the public interest” is an important part of that.
- 1.2. The Authority has had a whistleblowing policy in place for just over 10 years. As part of the ongoing review of the HR policies and procedures, the Authority's solicitors reviewed the policy in late 2021, following which the management team concluded that it could cause confusion having the same policy covering employees and members, and it would be appropriate for a separate policy be written for members. The main thrust of the policy would remain the same as that for staff: the main differences would be to reflect the terminology used (e.g. no references to grievance procedures, trade unions, line manager etc) and the person to whom concerns should be raised.
- 1.3. Copies of both policies were sent to Internal Audit for review. Overall, the auditor had no issues with the content of the policies but did raise a question on how the public should raise concerns, as neither policy specifically refers to the public. We have a page on our website called [“other complaints procedures”](#) which refers to whistleblowing and directs the public on how they should report any concerns they may have, on a range of issues. Therefore, we feel this point is adequately covered.
- 1.4. The Audit and Risk Committee will review the draft policy on 26 July 2022 and present any suggested amendments or recommendations to today's meeting.

2. The policy

- 2.1. A copy of the draft policy is attached at appendix 1.

- 2.2. The intention of such a policy is to provide clear guidance on how members should raise genuine concerns they may have within the Authority, without fear of reprisals, and what they should expect in response.
- 2.3. The policy will not override the role of the Monitoring Officer who has a duty to report to the Authority any proposal or decision of the Authority they believe has, or is likely to, give rise to any illegality or maladministration. In addition, matters relating to the conduct of members should be raised under the Code of Conduct for Members.
- 2.4. A separate policy for employees, volunteers, and those contractors working for the Authority on its premises will remain, as an organisational policy.
- 2.5. The policy will be reviewed every three years or more frequently where there are significant changes to legislation within which the Authority operates.

3. Conclusion

- 3.1. This report seeks the views of members on the draft policy, with a recommendation that it is adopted, subject to any agreed amendments.

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Date of report: 12 July 2022

Appendix 1 – Whistleblowing policy members v1.1

Whistleblowing Policy

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1. Introduction

- 1.1. The Authority is committed to ensuring that it operates with high standards of honesty, integrity and accountability. The Authority encourages all members to come forward and voice any suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate. The aim of this policy is to ensure members feel comfortable raising genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.2. The policy applies to all members appointed to any of the Authority's committees.
- 1.3. This policy does not form part of any other contract to provide services, and the Authority may amend it at any time.

2. Aim and Scope of this policy

- 2.1. This policy aims to:
 - provide a procedure in the event that members wish to raise concerns, together with the appropriate contact persons for them to approach for advice and guidance;
 - inform members of their ability to take the matter further if they are dissatisfied with the Authority's response; and
 - reassure members that they will be protected from reprisals if they raise genuine concerns in line with this policy.

What is whistleblowing?

- 2.2. "Whistleblowing" is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
 - Bribery;
 - Facilitation of tax evasion;
 - Failure to comply with any legal obligation;
 - Fraud or other criminal activity;
 - Miscarriages of justice;
 - Danger to health and safety;
 - Damage to the environment;
 - A breach of the Authority's Standing Orders or internal policies and procedures;

- Conduct falling below the Authority’s standards or practice which damages the Authority’s reputation; and
 - The deliberate concealment of any of the above.
- 2.3. A “whistle-blower” is a person who raises a genuine concern relating to any of the above. If members have any genuine concerns related to suspected wrongdoing or danger affecting any of the Authority’s activities, they should report it under this policy.
- 2.4. If members wish to make a complaint relating to a code of conduct issue, they should use the Authority’s Code of Conduct Complaints Procedure. If, however, their complaint also involves concerns regarding one of the bullet point reasons listed above, they should discuss their concern with the Chair of the Authority (or, if the concern is about them, the Monitoring Officer or other designated officer appointed by them). A full list of contacts is set out in section 9.
- 2.5. If members are uncertain about whether their concern falls within the scope of this policy, the Authority encourage members to seek advice from the Chair of the Authority.

3. Safeguards

Protection for Members

- 3.1. Members must not suffer any detrimental treatment as a result of raising a concern and the Authority will not tolerate any such conduct. Detrimental treatment includes disciplinary action, threats or other unfavourable treatment connected with raising a concern. If members believe that they have suffered any such treatment, members should inform the Chair immediately. If the matter is not resolved, members should raise it formally under the Authority’s Code of Conduct Complaint procedure.
- 3.2. Members must not threaten or retaliate against whistle-blowers in any way. The Authority will subject members to code of conduct action if they carry out such conduct.

Confidentiality

- 3.3. The Authority encourage members to feel able to voice any concerns openly. However, if members wish to raise the concern confidentially, the Authority will respect their wish and do its best to protect their identity. It may however be appropriate for the purpose of the investigation process to reveal the source of the information and include their statement of disclosure. If this is necessary, the Authority will discuss this with them in advance.

- 3.4. If members have any particular concerns about possible reprisals if their identity is revealed, they should report this to the Monitoring Officer. Appropriate measures can be taken to preserve members confidentiality. If members are in any doubt, they can seek advice from Protect (the independent whistleblowing charity) who offer a confidential helpline. Their contact details are at the end of this policy.

Anonymous Allegations

- 3.5. This policy encourages members to raise their concerns without the need to do so anonymously. The Authority will of course try to investigate any concerns raised (even those raised anonymously) however, concerns expressed anonymously may be more difficult or impossible to investigate if the Authority are unable to obtain further information. The following will be considered to determine whether the Authority can consider a concern raised anonymously:

- the seriousness of the issue(s) raised; and
- the credibility of the concern(s).

Untrue Allegations

- 3.6. If members raise an allegation in good faith, but it is not confirmed by the investigation, action will not be taken against them. If, however, members raise a malicious or vexatious allegation they know to be untrue, then the Authority will not investigate the case further and will instigate code of conduct action against them.

4. How to Raise a Concern

- 4.1. The Authority would encourage members to raise concerns with the Chair. This depends, however, on the seriousness and sensitivity of the issues involved and whether they feel comfortable raising it to them. Alternatively, members may prefer to approach the other officers listed in section 9.
- 4.2. The Authority will arrange a meeting with them to discuss the concern as soon as possible after the concern has been raised. Members may bring a companion, who may be a member, to any meetings under this policy. The companion must respect the confidentiality of the meeting and any subsequent investigation. The Authority want to ensure that members feel comfortable raising any concerns therefore, it may be possible for the meeting to be held at a 'neutral' venue (i.e. away from their normal office or other work base).
- 4.3. The Authority will take a written note of the meeting and will provide you with a copy after the meeting. The Authority will also aim to give you an indication of how the Authority propose to deal with the matter.

5. How the Authority will Respond

- 5.1. Once a concern is raised, the Authority will take action by carrying out an initial assessment to determine the scope of any investigation, if appropriate. The Authority will also consider whether any concerns or allegations fall within the scope of other procedures (for example discrimination issues).
- 5.2. The action taken by the Authority will depend on the nature of the concern. The matters raised may:
 - be investigated internally, in which case one of the designated officers will determine the appropriate investigatory measures. Staff with specialist knowledge of the subject matter may also be part of the investigation; or
 - be referred to an external party (for example, but not limited to, the Police or auditors).
- 5.3. The Authority aim to keep members informed of the progress of any investigation. Following the initial meeting, the Authority will write to them to:
 - acknowledge that the concern has been disclosed;
 - indicate how it proposes to deal with the matter;
 - advise them whether initial enquiries have been made;
 - advise them whether further investigations will take place, and if not, why not; and
 - give an estimate of how long it will take to provide an outcome.
- 5.4. Some concerns may be resolved by agreed action without further investigation. Alternatively, members may be required to attend additional meetings in order to provide further information.
- 5.5. At the conclusion of any investigation, a report will be produced highlighting the main findings. This will be shared with those who have a genuine and legitimate need to know. The designated officer will endeavour to keep members informed of the progress of the investigation, but will not necessarily be able to share either the final report or the conclusions of the investigation with them due to confidentiality. Members should treat any information about the investigation as confidential.

6. Other Action

If you are not satisfied

- 6.1. Whilst the Authority cannot guarantee the outcome members are seeking, it will try to deal with their concern fairly and in an appropriate way.
- 6.2. If members are not satisfied with how the concern has been handled, members may raise it to one of the contacts set out at the end of this policy.

External Disclosures

- 6.3. This policy is intended to provide members with an avenue within the Authority to raise concerns, start investigation and remedy any wrongdoing. The Authority hopes that members will be satisfied with any action taken and, in most cases, members should not find it necessary to alert anyone externally.
- 6.4. The law recognises that in some circumstances it may be appropriate for members to report their concerns to an external body such as a regulator. The Authority strongly encourages members to seek advice before reporting a concern to anyone external. An appropriate contact is the independent whistleblowing charity, Protect, who operate a confidential helpline and who also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 6.5. Whistleblowing concerns usually relate to conduct of members at the Authority however, they may sometimes relate to actions of a third party (such as suppliers). In some circumstances, the law will protect members to raise the matter with the third party directly. However, the Authority encourages members to report such concerns internally first. Members should contact one of the designated officers to discuss this.

7. Support for Whistle-blowers

- 7.1. The Authority wants to support members who raise concerns as much as possible and encourages members to be open and transparent if they feel they need extra support.
- 7.2. If members do not wish to speak internally at the Authority, a confidential support and counselling hotline is available to whistle-blowers who raise concerns under this policy. The contact details are set out at the end of this policy.

8. Responsibility for the success of this policy

- 8.1. The Chief Executive has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 8.2. The Director of Finance has day to day operational responsibility for this policy, and members should refer any questions about this policy to them in the first instance. The Director of Finance must ensure that regular and appropriate training is provided to all managers and other members who may deal with concerns or investigations under this policy.
- 8.3. All members are responsible for the success of this policy and should ensure that they use it to disclose any suspected wrongdoing or danger.

9. Contacts

Internal

Job Title	Contact Details
Chair	Bill Dickson Bill.Dickson@broads-authority.gov.uk
Vice-chair	Matt Bradbury Matthew.Bradbury@neneparktrust.org.uk
Chief Executive	John Packman 01603 756019 John.packman@broads-authority.gov.uk
Director of Finance	Emma Krelle 01603 756060 Emma.krelle@broads-authority.gov.uk
Director of Operations and Data Protection Officer	Rob Rogers 01603 756085 Rob.rogers@broads-authority.gov.uk
Director of Strategic Services	Marie-Pierre Tighe 01603 756027 Marie-pierre.tighe@broads-authority.gov.uk
Monitoring Officer	Chris Bing Monitoring.officer@broads-authority.gov.uk

Head of Internal Audit	Faye Haywood 01508 533873 Faye.Haywood@southnorfolkandbroadland.gov.uk
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External

Organisation	Contact Details
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 Online form: Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk) Website: www.protect-advice.org.uk
External Audit	Mark Hodgson 01223 394400 Ernst & Young LLP One Cambridge Business Park, Cowley Road, Cambridge CB4 0WZ

10. Review

- 10.1. This Strategy will be reviewed every three years, or more frequently where there are significant changes to legislation within which the Authority operates.