



framework for the identification of cases in which it is appropriate for employees to make disclosures internally, to an appropriate regulator, or otherwise externally to a third party and to obtain legal advice.

5.2 The Act applies to all workers including contract workers and trainees. Where a worker is dismissed or otherwise disadvantaged as a consequence of having made a protected disclosure they may claim unlimited compensation through an Employment Tribunal. Confidentiality clauses in contracts of employment are considered unenforceable to the extent that the clause will prohibit disclosures protected by the Act.

5.3 The Committee on Standards in Public Life has highlighted the role whistleblowing plays “both as an instrument of good governance and the manifestation of a more open culture.” It has gone on to say the following:-

*“The essence of a whistleblowing system is that staff should be able to bypass the direct management line because they may well be the area about which their concerns arise, and that they should be able to go outside the organisation if they feel the overall management is engaged in an improper cause.”*

5.4 That Committee has recommended that a whistleblowing policy should make the following points clear:-

- The organisation takes malpractice seriously giving examples of the type of concerns to be raised so distinguishing a whistleblowing concern from a grievance.
- Staff have the option to raise concerns outside of line management.
- Staff are able to access confidential advice from an independent body.
- The organisation will, when requested, respect the confidentiality of a member of staff raising a concern.
- When and how concerns may properly be raised outside the organisation (e.g. with a regulator).
- It is a disciplinary matter both to victimise a bona fide Whistleblower and for someone to maliciously make a false allegation.

5.5 The current Whistleblowing Policy and Procedure does reflect the best practice referred to above but has been reviewed to update the contact points (both internally and externally) and to give examples of what malpractice/wrongdoing is covered by the policy as opposed to the employment policies and procedures that the Council have adopted.

5.6 Members are asked to consider the revised Whistleblowing Policy and Procedure and to note that the draft will be widely publicised through the Trade Union representatives and will also be the subject of consultation with the Corporate Management Team, Corporate Consultative Forum and the Employment and Appeals Committee before being referred back to the Standards Committee for a final recommendation to Council.

**6. Conclusions**

- 6.1 Members are asked to review the revised draft Whistleblowing Policy and Procedure prior to consultation with the Trade Unions and other bodies within the Council.

**7. Background Papers**

Public concern at work publication entitled “Whistleblowing Best Practice”. The Institute of Chartered Accountants publication entitled “Guidance for Audit Committees – Whistleblowing Arrangements (March 2004)”.

**8. Appendix Attached**

Draft revised Whistleblowing Policy and Procedure.