

Birmingham City Council

Cabinet

20th March 2024



Subject: New Whistleblowing Policy and Procedure
Report of: Marie Rosenthal, City Solicitor and Monitoring Officer
Report author: Debbie Carter-Hughes, Assistant Director Law and Governance (Commercial)

Does the report contain confidential or exempt information? Yes No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

1 Executive Summary

- 1.1 It was recommended that the Council's current Whistleblowing Policy was reviewed under the compliance check of the constitution project being undertaken by the Council. It was identified that the current policy could be clearer and suggested that two documents should be created. One to deal with whistleblowing disclosures from an employee and one for whistleblowing disclosures from third parties.
- 1.2 It was also identified that the whistleblowing procedure had not been documented and a new Whistleblowing Procedure has been produced to assist whistleblowers in understanding how any disclosures would be dealt with by the Council.

2 Recommendation(s)

- 2.1 To recommend to Council that the two new whistleblowing policies and the new whistleblowing procedure are adopted and published on the Council's internet and intranet;
- 2.2 That a communication strategy for the new Whistleblowing Policy and Procedure is agreed with the Deputy Leader for the launch of the new process.

3 Background

- 3.1 At the end of 2023, it was recommended that the Councils current Whistleblowing Policy was reviewed. The current policy has been considered against other local authority whistleblowing policies.
- 3.2 It was identified that the current policy could be clearer in terms of legal protections and support available for whistleblowers and suggested that two documents should be created. One to deal with whistleblowing disclosures from an employee and one for whistleblowing disclosures from third parties
- 3.3 In addition, a new Whistleblowing Procedure has been developed to create a triage process when considering any concerns raised and identify suitable next steps to be taken.
- 3.4 The Whistleblowing Procedure provides guidance on how the Council will consider any “whistleblow” received and provides reporting lines within the Professional Services Team and Whistleblowing Panel to review whistleblowing concerns that are raised, how any accepted whistleblowing is to be dealt with, monitor the progress of any whistleblowing investigation and any lessons learnt following the outcome of any investigation.
- 3.5 Application of the Whistleblowing Policy for member concerns will also be considered as part of the Member/Officer relationship work which is taking place at the moment.
- 3.6 Work will be undertaken to increase staff awareness of the Whistleblowing Policy through internal communications to relaunch the Policy. This would include a new intranet page, member briefings etc. It is recommended that this communication strategy is agreed with the Deputy Leader once prepared.

4 Options considered and Recommended Proposal

- 4.1 Consideration was given to making small amendments to the whistleblowing policy only. Whilst work could have been undertaken to make the whistleblowing more concise it was not felt that this went far enough to provide clarity on legal obligations and protections that the process offered. It also would not have seen the creation of the Whistleblowing Procedure which aims to make the process more transparent and accountable.

5 Legal Implications

- 5.1 These are contained within the report and reflect the requirements of the Public Interest Disclosure Act 1998. Human Rights implications are considered in the conduct of all investigations. For example if directed surveillance is felt necessary this will be carried out in accordance with the Regulation of Investigatory Powers Act 2000. In addition the Whistleblowing Policy provides a mechanism where concerns regarding the welfare of clients can be raised and therefore helps protect their Human Rights. Investigations will take into consideration Equality and Diversity implications. Investigations may reveal weaknesses in financial management and other monitoring systems, e.g. ethnic monitoring. Ensuring

action is then taken in respect of these weaknesses plays a role in ensuring that Council Resources are used to enable fair access to quality services

6 Financial Implications

6.1 There are no financial implications arising from this report.

7 Public Sector Equality Duty

7.1 There are not equality impacts arising from this report.

8 Other Implications

8.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

The City Council aims to be transparent in its policies and procedures and compliant with its statutory duties. The introduction of the new Policies and Procedure is consistent with the City Council's aims.

9 Background Papers

9.1 None

10 Appendices

10.1 Whistleblowing Policy for Employees

10.2 Whistleblowing Policy for Third Parties

10.3 Whistleblowing Procedure