

By: Stephen Fuller – Deputy HR&OD Manager
Frances Killick - Senior HR Business Adviser

To: Governance and Audit Committee – 19th March 2024

Subject: **Policy Review:
Whistle Blowing Policy and Procedure**

Classification: Unrestricted

Summary:

This report details:

- Updates to the Whistle Blowing Policy and Procedure following a review against changes in legislation and guidance.

Recommendation: To agree amendments to the Policies

Introduction

- 1.1 As part of Internal Audit & Counter Fraud corporate service, the biennial review of key Policies has been conducted.
- 1.2 The following provides a summary of changes to the Whistle Blowing Policy and Procedure, with the actual amended documents attached as Appendixes:

Policy	Key updates
Whistle Blowing Policy Appendix 1	<p><u>Introduction (page 1)</u></p> <p>The wording in the introductory sectioned has been amended to provide greater clarity regarding who the policy applies to. The policy now more clearly reflects that, in addition to KCC employees, it applies to agency workers, those who are on work placements and work experience, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and partners.</p> <p>Additional wording has been added about raising concerns on a confidential basis.</p> <p><u>Aim (Page 1)</u></p> <p>Additional wording has been added regarding concerns that are raised will be taken very seriously.</p> <p>Wording has also been added to reflect the changes made in the introductory wording regarding who the policy applies to.</p> <p><u>What is Whistleblowing (page 2)</u></p> <p>This section has also been amended to reflect the revised wording from the introductory section.</p>

	<p><u>Scope (page 2)</u></p> <p>As above, this section has also been amended to reflect the wording from the Introduction section regarding who the Policy applies to.</p> <p>Wording has been added regarding criminal offences and ‘waste/frivolous expenditure’.</p> <p>Revised wording regarding how to raise issues relating to health & safety matters.</p> <p><u>Protection of the whistle-blower (page 3)</u></p> <p>Correction made with regard to the reference made to the Public Interest Disclosure Act 1998 (PIDA) and additional wording has been included regarding the purpose of this legislation.</p> <p><u>Limitations (page 3):</u></p> <p>Additional wording included which identifies:</p> <ul style="list-style-type: none"> • The act of making a disclosure grants no valid claim of immunity from unrelated or pre-existing disciplinary proceedings. • Nor can a person making a disclosure which reveals their own complicity in misconduct claim immunity in their own case.
<p>Whistle Blowing Procedure Appendix 2</p>	<p><u>Introduction (page 1)</u></p> <p>This section has been amended to provide greater clarity regarding who the policy applies to.</p> <p>Wording has been added regarding criminal offences and ‘waste/frivolous expenditure’.</p> <p>Additional bullet point included regarding matters that could lead to raising a concern:</p> <ul style="list-style-type: none"> • Information relating to any concerns that is being or likely to be deliberately concealed. <p><u>Other Complaint’s Procedures (page 1)</u></p> <p>Revised wording regarding how to raise issues relating to health & safety matters.</p> <p><u>Step Two – How KCC will respond (page 3)</u></p> <p>Additional wording included which identifies:</p> <ul style="list-style-type: none"> • The act of making a disclosure grants no valid claim of immunity from unrelated or pre-existing disciplinary proceedings. Nor can a person making a disclosure which reveals their own complicity in misconduct, claim immunity in their own case. <p><u>Support (page 5)</u></p> <p>Additional wording has been added regarding concerns that are raised will be taken very seriously.</p>

	<p><u>False or Malicious Allegations (page 6)</u></p> <p>Amended wording regarding disciplinary action against individuals who make false, malicious or vexatious allegations.</p>
--	---

Recommendations

1.3 To agree and approve the updates to the Policies.

Stephen Fuller – Deputy HR&OD Manager

03000 416118, stephen.fuller@kent.gov.uk

March 2024