

Title of meeting:	Governance & Audit & Standards Committee
Date of meeting:	1 February 2019
Subject:	Whistleblowing
Report by:	City Solicitor
Wards affected:	Not applicable
Key decision:	No
Full Council decision:	No

1 Purpose of report

- 1.1 To update Members of the Committee on the nature and handling of any whistleblowing concerns which have been raised in the past year.

2 Recommendations

RECOMMENDED that Members of the Committee:

- 2.1 **note the report;**
2.2 **consider whether any further action is required by them.**

3 Background

- 3.1 The Public Interest Disclosure Act 1998 gives employees certain rights in relation to whistleblowing. An employee has a right to make a protected disclosure to prescribed persons where the employee reasonably believes:
- 3.1.1 A criminal offence has, or is going to be committed;
 - 3.1.2 There is a breach of a legal obligation;
 - 3.1.3 A miscarriage of justice;
 - 3.1.4 There is a danger to the health and safety of any individual;
 - 3.1.5 There will be damage to the environment; or
 - 3.1.6 There is deliberate concealment of information tending to show any of the above five matters.
- 3.2 The Act provides that employees shall suffer no detriment to their employment as a result of blowing the whistle, including disciplinary action.
- 3.3 The Policy applies to all Council staff, including employees, temporary workers, agency staff and any contractor remunerated by the Council.

- 3.4 The City Solicitor, as requested by the Governance & Audit & Standards Committee, produces a report each year in respect of whistleblowing concerns. This year's report is attached as "Appendix A".
- 3.5 After having considered "Appendix A" Members are asked to decide whether there is any cause for concern and to consider whether any further action is required by the Committee, or the City Solicitor.
- 3.6 Five investigations were commenced in 2018. Recommendations were made and action taken as appropriate, as noted on Appendix A.

4 Reasons for recommendations

- 4.1 To make Members of the Committee aware of the current position with regard to whistleblowing and ensure that any appropriate action is taken.

5 Equality Impact Assessment (EIA)

- 5.1 An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6 Legal implications

- 6.1 The City Solicitor's comments are included in this report.

7 Director of Finance's comments:

- 7.1 There are no financial implications arising from the recommendations set out in this report.

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 City Solicitor

Appendices: Appendix A - Schedule of Whistleblowing Concerns

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Whistleblowing Policy	https://www.portsmouth.gov.uk/intranet/documents-internal/fin-whistleblowing-revised0213.pdf