



Report To:	Governance and Audit Committee
Date:	29 January 2026
Subject:	Whistleblowing Policy
Purpose:	To update the Whistleblowing Policy for the Council and align the document so the Policy is the same across the S&ELCP.
Key Decision:	N/A
Portfolio Holder:	Councillor Astill – Portfolio Holder for Corporate, Governance and Communications
Report Of:	John Medler – Assistant Director, Governance
Report Author:	Rebecca James – Policy & Scrutiny Officer
Ward(s) Affected:	None
Exempt Report:	No

Summary

As part of its governance arrangements South Holland District Council must ensure that an effective Policy for Whistleblowing is in place. This report provides an overview of the proposed implementation of a revised Whistleblowing Policy and seeks approval and adoption of a revised and updated Policy with the intention being to align this for the Councils within the S&ELCP.

Recommendations

- That the Whistleblowing Policy is approved by the Governance & Audit Committee.
- That authority be delegated to the Monitoring Officer to review and make minor amendments to the Whistleblowing Policy to reflect changes in legislation, statutory guidance or contact details.

Reasons for Recommendations

To ensure the Council has suitable whistleblowing arrangements in place.

Other Options Considered

None

1. Background

- 1.1 As part of its governance arrangements South Holland District Council must ensure that an effective Policy for Whistleblowing is in place. The Policy was due a review and update, and as part of this, the intention is to align the Policy across the Partnership, so staff are working to the same arrangements.
- 1.2 The Council maintains a Whistleblowing Policy which outlines the legal obligations the Council is under pursuant to the Employment Rights Act 1996. The Policy provides information, guidance, and a procedure by which a “worker” (a term that covers council employees and former employees, contractors, and agency workers) can make a “protected disclosure” – a “whistleblow.”
- 1.3 A “protected disclosure” is made where a worker raises concerns, which in the reasonable belief of the worker are in the public interest, and which tend to show:
- That a crime has been committed, is being committed, or is likely to be committed.
 - That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject – including contractors providing goods and services on behalf of the council.
 - That a miscarriage of justice has occurred, is occurring, or is likely to occur.
 - That the health and safety of an individual has been, is being, or is likely to be endangered.
 - That the environment has been, is being or is likely to be damaged.
 - That information tending to show any of the above has been concealed or is likely to be deliberately concealed.

2. Report

- 2.1 Workers who “blow the whistle” enjoy certain legal protections. A worker making a “protected disclosure” has the legal right not to be subjected to any detriment by any act, or any deliberate failure to act, by their employer done on the ground that the worker has made a protected disclosure. An employer may also be vicariously liable for any mistreatment the worker receives from others as a result of having made a disclosure. An employer is also prevented from seeking to impose a contractual term that prevents a worker blowing a whistle, for example in a “non-disclosure agreement.”
- 2.2 Not all disclosures will be protected. The worker has to have a reasonable belief that the disclosure is made “in the public interest.”
- 2.3 The draft Whistleblowing Policy at **Appendix 1** will, if adopted, replace the Council’s existing Whistleblowing Policy, and would apply to all staff, consultants, partners, agency staff and contractors of the Council and across the Partnership.

2.4 The policy seeks to:

- a. encourage employees and/or their representatives to feel confident in raising concerns or allegations in the public interest about suspected serious wrongdoing in the Council and its services without fear of reprisals or victimisation even where the concern or allegations are not subsequently confirmed by the investigation;
- b. give a clear message that allegations of serious wrongdoing or impropriety are taken seriously;
- c. ensure that where the disclosure proves to be well founded, the individuals responsible for such serious wrongdoing will be held accountable for their actions;
- d. set out what employees can expect by way of confidentiality and protection when making a whistleblowing disclosure; and
- e. identify independent support for employees who wish to make a whistleblowing disclosure.

3. Conclusion

3.1. It is recommended that the draft Whistleblowing Policy is approved and adopted to ensure that Council's Policy remains fit for purpose and compliant with the law and best practice. It also contributes to the overriding principle of demonstrating openness and transparency in the way that the authority responds to concerns raised.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

Efficiency and Effectiveness – accelerating the alignment of service provision and policies where it makes sense to do so.

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The statutory basis for whistleblowing is contained in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle.'

The legislation does not require an employer to adopt a Whistleblowing Policy. However, the Secretary of State has published best practice Guidance for Employers on Whistleblowing that provides that the existence of a Policy shows an employer's commitment to listen to the concerns of its workers. Such concern is also demonstrated by

responding to concerns when they are raised, and by monitoring and reporting on the operation of the policy as this report does.

The revised Whistleblowing Policy confirms the employee's statutory rights and aims to create an organisational culture where employees feel safe to raise a concern in the knowledge that they will not be victimised if they raise their concerns.

Data Protection

None

Financial

None

Risk Management

A failure to maintain and monitor this process will expose the Council to risk by having inadequate arrangements which offer necessary protection to employees or the Council when disclosures are made.

Stakeholder / Consultation / Timescales

Internal Audit and Counter Fraud Team at LCC, Monitoring Officer, S151 Officer, Portfolio Holder, Senior Leadership Team, HR and the Joint Consultative Committee.

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environmental Implications

None

Acronyms

None

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Draft Whistleblowing Policy

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

Report author:	Rebecca James, Scrutiny & Policy Officer
Signed off by:	John Medler, Assistant Director, Governance & Monitoring Officer
Approved for publication:	Councillor Astill