

**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – People & Technology****Corporate Services Committee: 2 November 2022**

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**Subject: The Public Interest Disclosure Policy amendments and additions****1.0 Purpose**

- 1.1** To provide an update to Committee on amendments made to The Public Interest Disclosure Policy.

**2.0 Recommendations**

- 2.1** The Committee is asked to:
- (1) Note the contents of the report, and
  - (2) Agree the revisions to the policy.

**3.0 Background**

- 3.1** A review of the current policy was undertaken as a result of recommendations made following an investigation carried out by Internal Audit into a Public Interest Disclosure concern. The policy was reviewed to ensure it remains fit for purpose, provides a clear and legally compliant framework and facilitates the reporting of an employee's concern about a danger, illegality or malpractice that has a public interest aspect to it; usually because it threatens others such as the local community, service users or other employees.
- 3.2** The relevant legislation that was considered in reviewing the policy is The Employment Rights Act 1996, Part IVA (Protected Disclosures) and section 103A; the Public Interest Disclosure Act 1998; the Enterprise and Regulatory Reform Act 2013, sections 17 and 18; GDPR Regulations and the Data Protection Act 2018.

**4.0 Main Issues**

- 4.1** The changes are set out in summary below:
- 4.1.1** Section 8.2 of the Procedure has been changed as new protocols have been introduced to further ensure the confidentiality of Public Interest Disclosure emails and attachments sent to Chief Officers/Chief Executive. Emails sent directly from the Public Interest Disclosure Inbox will be marked as Private to ensure they are visible to the recipient only and not accessible to Leadership Support Personal Assistants. A further failsafe has been introduced, namely

that Leadership Support Personal Assistants are instructed to not open Public Interest Disclosure emails.

- 4.1.2 Some minor changes have also been made to update job titles and contact details.

- 4.2 Once approved, the new protocols will be communicated to all Chief Officers, the Chief Executive and Leadership Support team members in the usual manner. The changes will also be communicated to the workforce through the intranet, Trickle and information cascades through managers. The Trade Unions have already been made aware of the changes.

## **5.0 People Implications**

- 5.1 The revised policy ensures that the framework to report and investigate disclosures made in the public interest is clear, robust and compliant with legislative changes. A transparent process will support a culture where employees feel able to make a public interest disclosure without fear of sanction and in line with legislation, their confidentiality will be maintained. The revised policy will be communicated to employees via the usual mechanisms and will be available on the Intranet.

## **6.0 Financial and Procurement Implications**

- 6.1 There are no financial or procurement implications associated with this report. An opportunity to address any malpractice or wrongdoing at an early stage could mitigate the extent of financial losses to the Council.

## **7.0 Risk Analysis**

- 7.1 A robust internal procedure is required to minimise the risk of external disclosures and damage to the Council's reputation and to ensure risks are identified early and addressed to minimise any service disruption or financial costs.

## **8.0 Equalities Impact Assessment (EIA)**

- 8.1 An Equality Impact Assessment has been carried out and is provided as an attachment to this report. The policy promotes equality of opportunity across all equality strands and protected characteristics and encourages employees to report any potential unlawful practice which would include any breach of the Equality Act 2010.

## **9.0 Consultation**

- 9.1 A number of key stakeholders were consulted during the development of the new policy. This included HR, Internal Audit; Legal; and the Trades Unions.
- 9.2 The revised draft of The Public Interest Disclosure Policy was submitted to the Trades Unions by email on 13<sup>th</sup> September 2022 for comment by 30<sup>th</sup>

September 2022. As at 6<sup>th</sup> October agreement had been confirmed by all Teaching and SJC Unions.

## **10.0 Strategic Assessment**

- 10.1** The Public Interest Disclosure Policy contributes to Council's strategic priorities by ensuring that early warnings of malpractice may mitigate the extent of financial losses to the Council, contributes to better asset management by utilising employees to manage risks to the organisation's reputation and supports fit for purpose services through the continuation and promotion of robust employment practice.

**Victoria Rogers**  
**Chief Officer – People and Technology**  
**Date: 7 October 2022**

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**Appendices:** Appendix 1 –Public Interest Disclosure Policy

**Background Papers:** EIA

**Wards Affected:** None

**End of Document**