EAST SURREY SHADOW AUDIT & GOVERNACE COMMITTEE

MEETING DATE: 2 September 2026

REPORT OF: Daniel Bainbridge, Interim Monitoring Officer

SUBJECT: Proposed Speak Up Policy

Purpose of the Report:

For the Audit & Governance Committee to consider and adopt a 'Speak Up Policy' (to include whistleblowing arrangements) for the shadow period and for East Surrey Council beyond Vesting Day on 1 April 2027. The policy will provide a safe route for staff, contractors and others for the reporting of serious wrongdoing or risks within the organisation.

Recommendations:

It is recommended that the Audit & Governance Committee resolves to adopt the Speak Up Policy attached at Appendix 1 to this report.

Reason for Recommendations:

1. Having a suitable speak up policy will provide a safe route for concerns to be raised and set out a process for ensuring those concerns are properly dealt with, and that the Committee has oversight of those concerns and outcomes

Options, including alternatives (if any)

2. Adopt the Speak Up Policy (recommended).

3. Propose changes to the Speak Up Policy and adopt the policy.

4. Not to adopt a policy. This option is not recommended because it would leave the Shadow Authority and East Surrey Council without sufficient safeguards, protections and processes in place for addressing concerns.

Summary:

5. As a new authority, it is important that appropriate governance arrangements are established from the outset to support high standards of governance and provide clear and accessible routes for concerns about wrongdoing or improper conduct to be raised and addressed.

6. An effective whistleblowing framework is an important element of the authority's governance and internal control arrangements. It enables individuals working for or with the authority to raise serious concerns in the public interest and provides assurance that those concerns will be considered appropriately and that those individuals who speak up will be supported and protected from detrimental treatment.

7. The establishment of the shadow authority provides an opportunity to adopt a single, modern policy rather than replicate the different arrangements of the existing councils. The proposed policy has therefore been developed following consideration of existing policies, and wider good practice.

8. The title 'Speak Up' has been adopted deliberately. The intention is to encourage an open culture in which individuals feel able to raise concerns at an early stage, without first having to determine whether the matter falls within the definition of a whistleblowing or protected disclosure. Where a concern is raised, the authority can consider its nature and determine the most appropriate route for dealing with it.

9. The policy will compliment but not replace other procedures for dealing with matters, such as individual employment grievances, complaints, safeguarding concerns or allegations of misconduct.

10. The proposed approach is intended to create a framework which is accessible and proportionate while providing appropriate safeguards for both those raising concerns and those who may be the subject of allegations.

11. This policy will form part of the authority's wider governance and assurance framework and should be kept under review as the organisational structures, HR policies and working arrangements develop.

Consultation:

12. No consultation has been undertaken with any staff group as the shadow authority only has statutory officers at this stage.

13. There will be a need to keep this policy under review as the organisation begins to develop its staffing structure.

Risk Management and Implications:

14. An effective policy reduces the risk that:

15. Concerns are not raised or are raised too late. Staff may be uncertain where to go, or fear repercussions, allowing fraud, misconduct, safeguarding issues, health and safety concerns or other wrongdoing to continue undetected.

16. Inconsistent handling of concerns. Without an agreed framework, managers may deal with similar concerns differently, including incorrectly treating a whistleblowing concern as a grievance or routine service issue.

17. Failure to recognise protected disclosures. Workers have statutory protections under the public Interest Disclosure Act 1998. Poor identification or handling of a protected disclosure can expose the authority to employment claims, including claims arising from detriment or dismissal.

18. Inadequate protection of confidentiality. In the absence of clear arrangements, information may be shared inappropriately, potentially identifying the person who raise the concern and undermining confidence in the process.

19. Weak governance and assurance. The authority will not have a consistent mechanism for recording, monitoring and identifying themes arising from concerns. This reduces the ability of senior management, the Monitoring Officer and the Audit & Governance Committee to obtain assurance that significant concerns are being addressed.

20. Increased fraud and financial risk. Speak up arrangements are an important component of an effective counter-fraud and internal control environment.

21. External escalation. Individuals who do not have confidence in internal arrangements may go directly to regulators, prescribed persons, the media or other external bodies when an issue might otherwise have been identified and addressed internally.

22. Reputational Risk. A serious issue where staff had concerns but lacked a clear means of raising them could significantly undermine public and workforce confidence.

Financial and Value for Money Implications:

23. There are no direct financial implications from the adoption of the policy. However, it forms an important part of the financial controls and anti-fraud & corruption policies of the authority.

Section 151 Officer Commentary:

24. East Surrey Council will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. East Surrey Council will be increasingly reliant on Council Tax as the primary source of income.

25. Decisions made by the sovereign councils in East Surrey and the East Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect service delivery.

26. An effective whistleblowing framework is an important element of the authority's governance and internal control arrangements, protecting financial integrity, supporting accurate financial reporting and providing an early indication of potential emerging financial or operational risks.

Legal Implications (Monitoring Officer Commentary):

27. The statutory framework for whistleblowing is principally contained within the Public Interest Disclosure Act 1998. This provides protection for workers who make qualifying disclosures which meet the statutory requirements for a protected disclosure.

28. There is no statutory requirement for a council to have a standalone whistleblowing policy. The statutory rights apply irrespective of whether a policy is in place. However, adopting a policy provides an important framework by which the authority can support compliance with its legal obligations and ensure that disclosures are consistently identified and handled appropriately.

29. The Speak Up Policy is intentionally available more widely than the categories of individuals who may qualifying for statutory protection. This supports a wider commitment to openness and accountability. However, use of the policy does not of itself confer statutory protection on an individual who would not otherwise qualify for protection under the legislation.

30. The Surrey (Structural Changes) Order 2026 provides that the shadow authority must take all reasonable steps to commence and sustain their running as a shadow authority. A whistleblowing policy forms an important part of the governance framework of the shadow authority.

31. The Policy will need to be considered again once the staffing establishment has become more developed, and additional policies are in place, but it is good practice to have a whistleblowing policy as part of the assurance framework at the earliest stage.

Workforce Implications (People/Human Resources Commentary)

32. As a new policy, appropriate engagement will need to be undertaken with recognised trade unions and relevant employee representatives prior to implementation

33. The Policy has been designed to complement developing employment policies, including grievance and disciplinary procedures. It will be important that managers and HR staff are able to identify where a concern should be properly considered under the Speak Up Policy and whether another employment procedure may be more appropriate.

34. There are no immediate staffing implications for the adoption of this policy.

Equality and Diversity:

35. The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
    - Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes. discrimination etc. on the grounds of a protected characteristic unlawful
    - Advance equality of opportunity between people who share a protected characteristic and those who do not.
    - Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

36. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for second and third points in the above paragraph, although it is relevant for the first.

37. This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

Climate Change and Sustainability:

38. There are no direct climate change and sustainability implications

What Happens Next:

39. The approval of a whistleblowing policy is within the terms of reference of the Audit & Governance Committee. If the Speak Up Policy is approved, it will be published on the website and staff and others will be made aware of it.

Report Author: Daniel Bainbridge, Interim Monitoring Officer

Annex:

Appendix 1 – Proposed ‘Speak Up Policy’

Sources/background papers:

None.
