

Report of the Chief Officer (Financial Services)

Report to Corporate Governance and Audit Committee

Date: 16 March 2018

Subject: Review of the Whistleblowing and Raising Concerns Policy

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. To ensure that the council can be responsive to any suspected instances of wrongdoing in its work, a Whistleblowing Policy and a Raising Concerns Policy exist to set out the means by which serious concerns can be brought to the attention of Internal Audit. These two policies exist separately, the former policy enables serious issues to be appropriately escalated from within the organisation, while the latter provides guidance and direction to the wider public.
2. The council's existing Whistleblowing Policy has been refreshed to ensure it remains fit for purpose and offers clear and relevant guidance on how and when concerns should be raised around any aspects of the council's work.
3. Effective whistleblowing procedures are a key component of good governance, establishing a culture of openness, probity and accountability across all aspects of the council's work. To ensure consistency in approach across all whistleblowing channels, the Raising Concerns Policy has been reviewed and updated alongside the Whistleblowing Policy.
4. The existing Whistleblowing Policy is available on the intranet and encourages council employees who have serious concerns about any aspect of the council's work, to come forward and voice those concerns without fear of reprisal.
5. The Raising Concerns Policy is published on the council website and offers guidance to members of the public that may have concerns around aspects of the council's work.

6. The promotion and accessibility of these policies helps the council to be responsive to emerging risks that are identified.
7. The Whistleblowing Policy has been updated to provide clear, consistent guidance and direction in accordance with best practice. Legal and HR advice has been sought on these policies. The draft Whistleblowing Policy has also been sent to the Trade Union officials and the leads from the staff networks for comment.
8. The revised Whistleblowing Policy and Raising Concerns Policy are attached with this report at Appendix A and B respectively.

Recommendations

9. Members are requested to note the contents of this report, and provide comment on the updated Whistleblowing Policy and Raising Concerns Policy. Having taken into account Corporate Governance and Audit Committee comments, the Chief Officer (Financial Services) will take a delegated decision to approve the revised policies prior to publication.

1 Purpose of this report

- 1.1 The purpose of this report is to inform the Corporate Governance and Audit Committee of the revisions to the Whistleblowing Policy and Raising Concerns Policies and to provide an opportunity to comment on the updated policies prior to them being published.

2 Background information

- 2.1 The Public Interest Disclosure Act 1998 is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation. The Act seeks to safeguard the public interest by providing protection for individuals who fear workplace reprisal when raising a genuine concern.
- 2.1 Effective whistleblowing procedures are a key part of good governance, establishing a culture of openness, probity and accountability across all aspects of the council's work. Ensuring that employees, workers, members and the wider public feel empowered to raise concerns through the correct channels allows the council to address any risks as early as possible.
- 2.2 The council's Whistleblowing and Raising Concerns Policies are published on the intranet and internet respectively, and aim to provide reassurance around the probity of the procedures in place, offering clear guidance on how and when concerns may be brought to the attention of Internal Audit.
- 2.3 The Terms of Reference of the Corporate Governance and Audit Committee establish the authority of the committee to:
- Review the adequacy of policies and practices to ensure compliance with statutory and other guidance
 - Review the adequacy of the council's Corporate Governance arrangements (including matters such as internal control and risk management)

3 Main issues

- 3.1 To ensure that the council can be responsive to any suspected instances of wrongdoing in its work, a Whistleblowing Policy and a Raising Concerns Policy exist to set out the means by which serious concerns can be brought to the attention of Internal Audit. These two policies exist separately, the former policy enables serious issues to be appropriately escalated from within the organisation, while the latter provides guidance and direction to the wider public.
- 3.2 Internal Audit has reviewed the Whistleblowing Policy and updates have been proposed in line with best practice. Taking these amendments into account, alongside advice and guidance provided by the Legal and HR Service, the Whistleblowing Policy has been revised and is attached with this report at Appendix A.

- 3.3 Whilst undertaking this review, several sources of best practice and guidance have been utilised including The Whistleblowing Commission Code of Practice and the Department for Business Innovation & Skills Whistleblowing Guidance for Employers and Code of Practice.
- 3.4 The following amendments and insertions have been made to the Whistleblowing Policy:-
- The provision of clearer direction on what constitutes a concern. This seeks to guide employees and workers when distinguishing whether their particular concerns will fall under the scope of the Whistleblowing Policy.
 - The Policy gives clear contact points for where concerns can be raised. This now also includes reference to line management. This has been included to make it clearer that this route is open to staff within the council, although it is recognised that it is often someone outside of the service with whom people feel comfortable raising their concerns.
 - A new section on independent advice which includes the Unions, and the independent charity Public Concern at Work.
 - A new section on external contacts. The law recognises that in some circumstances it may be appropriate to report concerns to certain prescribed people and bodies.
 - A new section on whistleblowing by individuals in schools. We recognise that schools should have their own Whistleblowing Policies in place, however we wanted to set out clearly the interaction between the schools policy and the council policy. Schools based staff are encouraged to raise their concerns in accordance with the Schools Policy. However the council Policy recognises that an employee may not feel that they are able to raise their concerns with management, the Head or the Chair of Governors at the school and therefore provides an alternative reporting route.
 - Under the section 'How the Council will respond', we have included that details of all referrals received by managers should be notified to Internal Audit to allow a central record to be maintained.
 - A new section on 'Monitoring of whistleblowing referrals' has been included. This states that all referrals received by managers should be notified to Internal Audit and that Internal Audit will maintain a central log of all concerns raised and the action taken. This is to ensure that all referrals received are addressed on a consistent basis.
 - How to take the matter further – this section has been updated to include the contact details for prescribed persons/bodies, Trade Unions and an additional section for further contact points which includes ACAS, Citizen's Advice and Legal Advice.

- 3.5 Minor wording alterations have been made throughout the document aimed at providing stronger guidance and direction to those that have legitimate concerns under the policy. This ensures that the final version is clear and relevant in its purpose to encourage a culture of openness, probity and accountability across all aspects of the council's work.
- 3.6 The opportunity has also been taken to review the Raising Concerns Policy (which offers guidance to members of the public that may have concerns that something is seriously wrong with the council) alongside the Whistleblowing Policy. This has resulted in minor changes to wording to ensure consistency and relevance. There have been no material alterations to the overall coverage or direction of the policy. The revised Raising Concerns Policy is attached at Appendix B.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The updates to the policies do not raise any issues requiring consultation or engagement with the public, Ward Members or Councillors. Consultation with Legal services, HR, Trade Union officials and staff network representatives on the Whistleblowing Policy has taken place and will continue prior to approval and publication.
- 4.1.2 There are plans to provide training across directorates, including training on the recognition of fraud risks and the publication of the current policy coverage in order to promote whistleblowing arrangements.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Whistleblowing Policy carries a positive impact on equality and fairness in respect of the potential repercussions of raising a whistleblowing concern. The policy is very clear in outlining that the council will not tolerate harassment or victimisation and will take action to protect those raising concerns which they have reasonable belief to be true and to be in the public interest. This seeks to underpin a positive message in terms of empowering individuals to raise legitimate concerns without fear of reprisal.

4.3 Council policies and Best Council Plan

- 4.3.1 The council takes a zero tolerance approach to fraud and corruption and the Whistleblowing and Raising Concerns Policies are a key driver of this culture.

4.4 Resources and value for money

- 4.4.1 There are no implications upon resources or value for money.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Updates to the policies take account of advice provided by Legal Services. The report does not require a key decision and is therefore not subject to call in.

4.6 Risk Management

- 4.6.1 There are no risk management implications.

5 Conclusions

- 5.1 There are no issues identified by Internal Audit in the January to February 2018 Internal Audit Update Report that would necessitate direct intervention by the Corporate Governance and Audit Committee.
- 5.2 The review of the overall content of both the Whistleblowing Policy and Raising Concerns Policy has been undertaken to ensure that the policies are up to date and fit for purpose in accordance with best practice, offering clear, consistent and relevant guidance upon how and when concerns should be raised around any aspects of the council's work.
- 5.3 Once approved, the Whistleblowing and Raising Concerns policies will be published on the intranet and internet respectively, and effective communication is to be strengthened through the provision of training across directorates. Assurances that the policies are routinely complied with will continue to be gained through regular reporting of the policy outcomes delivered through the update reports provided to Corporate Governance and Audit Committee. This, in turn, will drive periodic monitoring and review of the policy content to ensure that they continue to underpin the principles of good governance throughout the organisation.

6 Recommendations

- 6.1 Members are requested to note the contents of this report, and provide comment on the proposed Whistleblowing Policy and Raising Concerns Policy. Having taken into account Corporate Governance and Audit Committee, and following consultation with Legal Services and HR, the Chief Officer (Financial Services) will take a delegated decision to approve the revised policies prior to publication.

7 Background documents

- 7.1 None.