

EMPLOYMENT MATTERS COMMITTEE

29 NOVEMBER 2012

WHISTLEBLOWING REPORT ON INSTANCES - SEPTEMBER 2011 – SEPTEMBER 2012

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Summary

This report is to advise Members about the nature of concerns raised under the Whistleblowing policy between September 2011 and September 2012.

1. Budget and Policy Framework

- 1.1 The Council's Constitution requires that a report of instances of all uses of the Whistleblowing Policy shall be provided to the Audit Committee and Employment Matters Committee.

2. Background

- 2.1 The Council's Anti-Fraud and Corruption Policy states that regular reports will be made to this committee on the number, nature and status of whistleblowing events. The requirement to report to Members is repeated within the Council's Whistleblowing Policy. Both of these policies are contained within the Council Constitution.
- 2.2 As part of the regular reporting arrangements, this committee receives reports on the outcomes of major irregularity investigations, whatever the source of the information. This report summarises the position of all whistleblowing concerns received between September 2011 and September 2012.

3. Concerns raised from September 2011 to September 2012

- 3.1 The following table summarizes the position of concerns raised under the Whistleblowing policy from September 2011 to September 2012.

Nature	Raised by	Outcome
The failure of a contractor to comply with funding terms	Employee of the Contractor	Investigation is ongoing

4 Audit Committee – 26 September 2012

- 4.1 The Audit Committee considered this report on 26 September 2012 where the Head of Legal Services advised Members of one concern raised under the Whistleblowing Policy between September 2011 and September 2012. This had been raised by an employee of a contractor and the outcome would be reported to the Audit Committee in due course.
- 4.2 It was reported that the Council's Whistleblowing Policy set out its commitment to tackling unlawful acts including fraud, corruption, unethical conduct and malpractice. The policy also encouraged all individuals to raise serious concerns about practices by the Council. The requirement to report to the Audit Committee on the number and nature of concerns raised was set out within the Anti-Fraud and Corruption Policy and the Whistleblowing Policy, both of which were set out within the Council's Constitution.
- 4.3 The Head of Legal Services advised Members that the Whistleblowing Policy had been publicised within The Headlines, Medway Council's internal newsletter, and also published on Medway Council's intranet. It was noted that employees may however raise issues through other mechanisms, such as directly with their line manager, under the Dignity at Work Policy or through the Council's grievance procedures.
- 4.4 Members were advised that 'Public Concern at Work', an independent authority which sought to ensure that concerns about malpractice were properly raised and addressed in the workplace, had offered to review Medway's whistleblowing systems. This proposed health check was supported by the Audit Committee.
- 4.5 The Audit Committee noted the report and supported the independent health check of Medway Council's whistleblowing systems and requested a report back on the findings at the earliest opportunity.

5. Risk management

- 5.1 The Council's Whistleblowing Policy sets out its commitment to tackling unlawful acts including fraud, corruption, unethical conduct and malpractice.
- 5.2 The Whistleblowing Policy encourages all individuals to raise serious concerns about practices by the Council.

6. Financial and legal implications

- 6.1 The Public Interest Disclosure Act 1998 protects a worker from victimisation or detriment following a disclosure made in accordance with the provisions of this act.
- 6.2 This policy has been developed in line with the provisions of the Public Interest Disclosure Act 1998. A written policy is indicative of good corporate governance practice. The policy also gives the council an opportunity to give prominence to the issue and to express its commitment to the legal protection afforded to whistle-blowers.

5.3 There are no direct financial implications arising from this report however a successful claim brought under the Public Interest Disclosure Act 1998, against the Council may result in a substantial financial award as compensation for a person who has suffered detriment under the act.

7. Recommendation

7.1 Members are recommended to note the contents of this report

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Background papers

Whistleblowing Policy
Medway Council's Constitution
Anti-fraud and Corruption Policy

These documents are available on the council's website:

<http://www.medway.gov.uk/pdf/5.09%20-%20Whistleblowing%20policy.pdf>

<http://www.medway.gov.uk/councilanddemocracy/council/constitution.aspx>

<http://www.medway.gov.uk/pdf/5.08%20->

[%20Anti%20Fraud%20and%20Corruption%20Policy.pdf](http://www.medway.gov.uk/pdf/5.08%20-%20Anti%20Fraud%20and%20Corruption%20Policy.pdf)