

EMPLOYMENT MATTERS COMMITTEE

20 NOVEMBER 2013

WHISTLEBLOWING REPORT ON INSTANCES SEPTEMBER 2012-SEPTEMBER 2013

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This report is to advise Members about the nature of concerns raised under the Council's Whistleblowing Policy between September 2012 and September 2013.

1. Budget and Policy Framework

- 1.1 Part 9 of the Council's Constitution sets out the Council's commitment to tackle all types of unlawful acts including fraud, bribery, corruption, unethical conduct and malpractice regardless of who commits them, or where in the Council they are committed.
- 1.2 As part of this commitment, reports are provided to the Audit Committee and Employment Matters Committee with details of the use of the Whistleblowing Policy.

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's 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 2012 and September 2013.
- 2.3 The Audit Committee considered this report on 25 September 2013. Members considered the whistleblowing reporting process and whether

the number of instances being raised under the policy was appropriate, given the size of the organisation. The Monitoring Officer assured Members that the Council's procedures appeared to be working appropriately and that employees may be raising issues through other mechanisms, such as directly with their line manager.

- 2.4 In response to questions as to how the policy applied to new forms of service delivery, such as the joint venture company established between Medway Council and the public-sector owned company Norse, the Monitoring Officer advised that non-council staff were able to raise issues under the Whistleblowing Policy and had done so previously. He would however ensure this was embedded in the new arrangements.
- 2.5 Following discussion as to whether it was necessary to provide a dedicated whistleblowing telephone line, the Monitoring Officer undertook to discuss with the Assistant Director, Organisational Services the feasibility of incorporating a whistleblowing number into the Care First service. As a result there are now ongoing discussions with Care First who have confirmed that this is possible at an additional cost.

3. Concerns raised from September 2012 to September 2013

- 3.1 The following table summarises the position of concerns raised under the Whistleblowing policy from September 2012 to September 2013.

Nature	Raised by	Outcome
The Council's relationship with a contractor.	Anonymous	Referral to Audit to consider an investigation. Investigation completed.
Bullying treatment by Manager "B"	Anonymous	Manager "A" alerted to be observant of the team and Manager B's conduct.
The Council's relationship with contractors and bullying of staff	Staff member	Member of staff spoke to the Audit team for investigation (currently ongoing) and Member of staff spoke to HR.

4. Risk management

- 4.1 The Council's Whistleblowing Policy sets out its commitment to tackling unlawful acts including fraud, corruption, unethical conduct and malpractice. The Whistleblowing Policy encourages all individuals to

raise serious concerns about practices by the Council. Whistleblowing officers have been identified to assist staff when raising concerns.

Risk	Description	Action to avoid or mitigate risk
Failing to tackle unlawful acts	Non-use or limited use of the Whistleblowing Policy is potentially an indication that staff are not aware of the Whistleblowing Policy.	Promote awareness of the Whistleblowing Policy and encourage staff to raise concerns.
Reputational risk: Staff members with concerns with Whistleblowing process may release information into the public domain	Failing to promote the Whistleblowing policy or inform staff of the protections under the Public Interest Disclosure Act 1998 potentially increase the reputational risk to the Council.	Promote awareness of the Whistleblowing Policy and encourage staff to raise concerns through the confidential process.

5. Financial and legal implications

- 5.1 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. 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.
- 5.2 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.

6. Recommendations

- 6.1 Members are recommended to note the contents of this report.

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Background papers

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