

AUDIT COMMITTEE
19 NOVEMBER 2020
WHISTLEBLOWING POLICY

Report from/Author: Chief Legal Officer, Perry Holmes

Summary

This report presents a draft “Speak Up” policy as a new whistleblowing policy for Members to consider and comment upon.

1. Budget and policy framework

- 1.1. The consideration of policies for staff are a matter for Employment Matters Committee. The reviewing of the effectiveness of the Whistleblowing Policy amongst others, is a matter for Audit Committee. The Whistleblowing Policy forms part of the Council’s Constitution, therefore, approval of any changes or approval of a new Policy is a matter for Full Council.
- 1.2. Following consideration by the Audit Committee, the draft Speak Up Policy will be submitted to the Employment Matters Committee for consideration on 2 December 2020, prior to submission to Full Council for consideration and approval on 21 January 2021.

2. Background

- 2.1. As referenced in the Whistleblowing, Anti-Bribery and Anti-Money Laundering Policies: Report on Instances September 2019 - September 2020 considered at the last meeting of the Audit Committee on 24 September 2020, the Council’s current Whistleblowing Policy is in need of a review. This report provides details of the review.

3. Advice and analysis

- 3.1. The Chief Legal Officer and colleagues from Human Resources have undertaken a desk top review of the way other organisations structure their whistleblowing policies as a learning exercise for Medway.

- 3.2. The Chief Legal Officer has also been able to access examples of good practice from an academic source. The learning from this is summarised in Appendix 1 Whistleblowing Policy Review.
- 3.3. This collaborative work has enabled the drafting of the attached policy at Appendix 2 for Members to scrutinise.
- 3.4. The current Whistleblowing Policy is attached at Appendix 3 for comparative purposes. Given the new Policy represents a fundamental redrafting of the Policy it was not practicable to merely make tracked changes to the current Policy.
- 3.5. A Diversity Impact Assessment has been undertaken on the proposed Policy, this is set out in Appendix 4. It will be reviewed as part of the review of the outcome of consultation.

4. Risk management

- 4.1. Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Leaving the policy as is could mean missing out on employee concerns	Malpractice occurs in the Council which is not dealt with.	Consider the good practice gleaned from elsewhere and the draft policy as a basis for a new policy.	C3

5. Consultation

- 5.1. A draft of the policy has been shared with the Trade Unions as well as the following staff groups: BAME Workers Forum; Gender Forum; LGBTQI Workers Forum; and the Disabled Workers Forum. Consultation is scheduled to end on 25 November 2020.
- 5.2. This work which will lead to consideration of the new policy by the Employment Matters Committee for recommendation to Full Council. The Audit Committee may also wish to suggest amendments and additions to the draft policy before approval.

6. Financial and Legal implications

- 6.1. Budget for new posters or a communication campaign to highlight the new policy would need to be identified. Costs could be minimised by the use of digital media.

6.2. The Legal implications of a whistleblowing policy are set out in the draft policy attached.

7. Recommendations

7.1. The Committee is asked to consider the draft Speak Up Policy and provide any comments to the Employment Matters Committee.

Lead officer contact

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Appendices

Appendix 1 – Whistleblowing Policy Review

Appendix 2 – Draft “Speak Up” Policy

Appendix 3 – Current Whistleblowing Policy

Appendix 4 – Diversity Impact Assessment

Background papers

None