

AUDIT COMMITTEE

23 SEPTEMBER 2021

SPEAK UP, ANTI-BRIBERY AND ANTI-MONEY LAUNDERING POLICIES: REPORT ON INSTANCES SEPTEMBER 2020 – SEPTEMBER 2021

Report from/Author: Bhupinder Gill, Assistant Director, Legal and Governance

Summary

This report informs Members about the number and nature of concerns raised, between September 2020 and September 2021, under the Council's Speak Up, Anti-Bribery and Anti-Money Laundering Policies.

1. Budget and policy framework

- 1.1. The Council's Speak Up Policy, Anti-Bribery Policy and Anti-Money Laundering Policy are set out within the Council's Constitution. These policies require annual reports on the number and nature of instances raised to be provided to the Audit Committee. This report is also submitted to the Employment Matters Committee.

2. Background

- 2.1. The Council has agreed a number of policies to tackle unlawful acts, including fraud, bribery, corruption, unethical conduct and malpractice regardless of who commits them, or where in the Council they are committed. These can be summarised as follows.

- **Speak up policy:** This new policy, which was agreed by Full Council in January 2021 and replaced the previous Whistleblowing Policy, covers the procedure for anyone wishing to raise a concern relating to any illegal, unethical or unprofessional conduct within the council, including malpractice, and or abuse. It is designed to enable concerns to be raised without fear of reprisals or victimisation where disclosure is made in good faith.
- **Anti-bribery policy:** This policy sets out the Council's commitment to the prevention and detection of bribery and the arrangements in place to ensure compliance by Councillors and employees, including contractors, volunteers and consultants.

- Anti-money laundering policy: This policy sets out the Council's commitment to ensuring there are appropriate and proportionate anti-money laundering safeguards to prevent, where ever possible, the organisation and its staff being exposed to money-laundering.

3. Speak Up

3.1. The following table summarises the one concern raised under the Speak Up policy during this period.

Nature	Raised by	Outcome
Allegation of inappropriate VAT treatment used by Council contractor.	External company, not a contractor of the Council.	Investigated, no case to answer found at the initial stage.

3.2 For comparison purposes, the table below sets out the number of concerns raised under the previous Whistleblowing policy for the last three years:

Year	Instances
2017/18	3
2018/19	2
2019/20	2

4. Anti-Bribery and Anti-Money Laundering

4.1. Members are advised that there were no concerns raised under policies during this period.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Staff, members or contractors, or the public with concerns may not know what to do.	Failing to promote the Speak Up policy	Promote awareness of the Speak Up Policy and encourage staff, members, contractors to raise concerns through the confidential process.	C2
Reputational, legal and financial	Money laundering or bribery offences are committed by members of staff or supplier or customer leading	The agreed Anti-Money Laundering Policy and the Bribery Policy, provide information to staff and Councillors via the internet and through training	C2

Risk	Description	Action to avoid or mitigate risk	Risk rating
	to liability for the council		
Failure to comply with the statutory Speak Up legislation.	Concerns that are raised under the scope of the policy are not managed appropriately and the whistle-blower may not be protected as allowed for under the statutory legislation	Speak Up officers have received training. All documents that refer to Speak Up officers have a link directing the reader to the correct page	C2

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. The Speak Up 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 issues and to express its commitment to the legal protection offered to whistleblowers.

6.2. There are no direct financial implications arising from this report.

7. Recommendation

7.1. Members are recommended to note the contents of this report.

Lead officer contact

Bhupinder Gill, Assistant Director, Legal and Governance, Gun Wharf
 Tel: 01634 33 21 33,
 Email: bhupinder.gill@medway.gov.uk

Appendices

None

Background papers

None