

## **EMPLOYMENT MATTERS COMMITTEE**

**30 NOVEMBER 2021**

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

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#### 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 Whistleblowing Policy, Anti-Bribery Policy and Anti-Money Laundering Policy are set out within the Council's Constitution. The Whistleblowing Policy states that all instances of uses of that Policy must be reported to this Committee and also the Audit Committee. The Anti-Fraud and Corruption Policy states that regular reports will be made to the Audit Committee on the number, nature and status of all whistleblowing events. For the sake of completeness, any concerns reported under the Anti-Bribery or Anti-Money Laundering policies are also reported to this 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.

<b>Nature</b>	<b>Raised by</b>	<b>Outcome</b>
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:

<b>Year</b>	<b>Instances</b>
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

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
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

Risk	Description	Action to avoid or mitigate risk	Risk rating
Reputational, legal and financial	Money laundering or bribery offences are committed by members of staff or supplier or customer leading to liability for the council	The agreed Anti-Money Laundering Policy and the Bribery Policy, provide information to staff and Councillors via the internet and through training	C2
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. Audit Committee – 23 September 2021

- 6.1 This report was considered at the meeting of the Audit Committee held on 23 September 2021 and the discussion from that meeting is set out below:

### **Discussion:**

This report provided an annual update on 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. The Assistant Director, Legal and Governance, advised Members that the Speak Up Policy was approved in January 2021 and he referred to one matter raised under the Speak Up Policy. There were no matters raised under the other two policies.

Members then raised a number of questions and comments which included:

**Ongoing investigations** – in response to a question regarding an ongoing high profile investigation, the Assistant Director, Legal and Governance advised the Committee that he was reporting on the matters set out in the report. The Chief Finance Officer referred that the period in question related to the last 12 months. The Head of Audit and Counter Fraud Shared Service referred to other ways in which investigations could be triggered. The Assistant Director, Legal and Governance, undertook to look into whether the report could include some information relating to ongoing cases and the outcome of investigations.

**Process for speaking up** – in response to a question regarding the process in place for someone to speak up, the Assistant Director, Legal and Governance advised that the revised Policy was accessible on the intranet and website, that the Policy set a low threshold to enable someone to raise concerns with the briefest of details which would be referred to the relevant senior officer to take forward. He referred to a digital training guide on the process which was available to officers and that he would look into this being made available via the website outside the meeting.

**Covid** – In response to a question about the level of reporting in the context of home working and the impact on any other policies, the Assistant Director, Legal and Governance advised that he was aware that HR were considering the approach on hybrid working arrangements and that as this work progressed other policies would also be reviewed accordingly.

**Decision:**

The Committee noted the contents of this report.

- 6.2 As referred to above, at the meeting of the Audit Committee the Assistant Director Legal and Governance undertook to look into whether this annual report could include some information relating to ongoing cases and the outcome of investigations. This information will be included in next year's annual report to Members, i.e. September 2022.

**7. Financial and legal implications**

- 7.1 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 whistle-blowers.

- 7.2 There are no direct financial implications arising from this report.

**8. Recommendation**

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

**Lead officer contact**

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**Appendices**

None

Background papers

None