

## **EMPLOYMENT MATTERS COMMITTEE**

**30 NOVEMBER 2022**

### **SPEAK UP, ANTI-BRIBERY AND ANTI-MONEY LAUNDERING POLICIES: REPORT ON INSTANCES SEPTEMBER 2021 – AUGUST 2022**

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#### Summary

This report informs Members about the number and nature of concerns raised, between 1 September 2021 and 31 August 2022, 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 (whistleblowing policy):** This 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 covers 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, wherever possible, the organisation and its staff being exposed to money-laundering.

### 3. Speak Up

3.1. The following table summarises the two concerns raised under the Speak Up policy during this period.

<b>Nature</b>	<b>Raised by</b>	<b>Outcome</b>
Allegations of unethical conduct by employees in a relatively small team	Former employee.	Investigation was commissioned and allegations were founded to be unsubstantiated.
Allegations of unethical conduct by employee and contractors	Service user.	Investigation was commissioned. Conduct on the part of the employee and contractor was found to be short of the expected standards. Management intervention in respect of the employee and the contractor was requested to raise concerns with their employee.

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>
2019/20	2
2020/21	1

### 4. Anti-Bribery and Anti-Money Laundering

4.1. 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	Failing to promote the Speak Up policy	Promote awareness of the Speak Up Policy and encourage staff, members, contractors to	C2

Risk	Description	Action to avoid or mitigate risk	Risk rating
concerns may not know what to do.		raise concerns through the confidential process.	
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

Likelihood	Impact:
A Very high B High C Significant D Low E Very low F Almost impossible	1 Catastrophic (Showstopper) 2 Critical 3 Marginal 4 Negligible

## 6. Audit Committee – 5 October 2022

6.1 This report was considered at the meeting of the Audit Committee held on 5 October 2022 and the discussion from that meeting is set out below:

### Discussion:

This report provided Members with an annual update about the number and nature of concerns raised, between 1 September 2021 and 31 August 2022, under the Council's Speak Up, Anti-Bribery and Anti-Money Laundering Policies.

The Assistant Director, Legal and Governance highlighted there had been two complaints under the Speak Up Policy. Upon investigation, one was found to be unsubstantiated and in the other complaint the conduct of an employee

and a contractor was found to have fallen short of the standards the Council would expect and management action was taken.

The number of complaints was in line with previous years. There were no complaints relating to Anti Bribery and Anti-Money Laundering Policies.

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

**Council's website** – it was commented that some old information relating to the Whistleblowing Policy was still accessible on the Council's website. The Chief Finance Officer advised that this may have related to a previous Committee decision to approve the document, which would remain accessible on the website. However, work was underway to review the Council website regarding archived documents.

**Council response to allegations** – In response to a question whether the Speak Up policy states how the Council responds to allegations found to be not accurate, the Assistant Director, Legal and Governance advised it was standard practice for the policy to include a statement that complaints would be dealt with as long as they are made in good faith. The Council has to be mindful that there are some people who may make complaints in bad faith.

**Comparative information** - In response to comments that it would be helpful to have numbers of complaints for other authorities for benchmarking, the Assistant Director, Legal and Governance undertook to include numbers of complaints from peer authorities in future reports. It was also commented that the report may benefit from having more than 3 years' worth of the number of complaints made under the Council's three policies.

**Third party complaints** – In response to a question about complaints to third parties such as Kyndi where the Council is the primary source of funding, the Assistant Director, Legal and Governance explained that the Council would investigate if the complaint was made to the Council. However, if the complaint was made to the third party there was no formal process for it to be reviewed under the Speak Up policy but it could be taken up as part of contract management. However, third parties were private companies and should have their own policies.

**Risk rating** – In response to a comment by a Member relating to risk ratings, the Assistant Director for Legal and Governance advised that officers were undertaking work to review report templates to link to guidance on how the Council assessed risk.

It was commented that the Human Resource department communicated the policy well across the Council.

**Decision:**

The Committee noted the contents of the report.

## 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 The Committee is asked to note the contents of the report.

### Lead officer contact

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### Appendices

None

### Background papers

None