

EMPLOYMENT MATTERS COMMITTEE

6 DECEMBER 2023

SPEAK UP, ANTI-BRIBERY AND ANTI-MONEY LAUNDERING POLICIES: REPORT ON INSTANCES SEPTEMBER 2022 – SEPTEMBER 2023

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 2022 and September 2023, under the Council's Speak Up, Anti-Bribery and Anti-Money Laundering Policies.

1. Recommendation

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

2. Budget and policy framework

2.1 The Council's Speak Up Policy, Anti-Bribery Policy and Anti-Money Laundering Policy are set out within the Council's Constitution. The Speak Up Policy (Appendix 1) 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.

3. Background

3.1. 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:** This 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, wherever possible, the organisation and its staff being exposed to money-laundering.

4. Speak Up Policy

4.1. There have been 8 concerns raised under this policy during this period.

	Whistle-blower	Nature of concerns	Outcome
1.	Unknown	Allegations of unethical conduct of senior leaders	Investigation was commissioned and allegations were found to be unsubstantiated
2.	Former employee	Allegations of bullying within the team	Response group reviewed and determined it was a complaint/grievance not a matter of Whistleblowing
3.	Former employee	Allegations of unethical conduct of senior leaders	Investigation was commissioned and allegations were found to be unsubstantiated
4.	Service User	Allegations of unethical conduct by employee and contractors	Investigation was commissioned. Conduct on the part of the employee and contractor was found to be unsubstantiated.
5.	Employee	Allegations of unethical conduct of senior leaders	On-going
6.	Provider	Allegations of unethical conduct of employee	On-going
7.	Service User	Allegations of unethical conduct by employee and contractors	On-going
8.	Former employee	Allegations of unethical conduct of senior leaders and peers	On-going

- 4.2. For comparison purposes, the table below sets out the number of concerns raised under the Speak Up policy for the last three years:

Year	Instances
2019/20	2
2020/21	1
2021/22	2

5. Anti-Bribery and Anti-Money Laundering.

- 5.1. Members are advised that there were NO concerns raised under policies during this period.

6. 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.	CIII
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	CIII
Failure to comply with the statutory whistleblowing 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	Whistleblowing Officers have received training. All documents that refer to Whistleblowing Officers have a link directing the reader to the correct page	CIII

Likelihood	Impact:
A Very likely	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

6. Audit Committee – 28 September

- 6.1 This report was considered at the meeting of the Audit Committee held on 28 September 2023 and the discussion from that meeting is set out below.

Discussion:

The Assistant Director, Legal and Governance introduced the report and highlighted there were no complaints relating to Anti Bribery and Anti-Money Laundering Policies during the period. There were eight Whistleblowing (known locally as Speak Up policy) concerns raised between September 2022 and September 2023. This represented a rise from two concerns raised last year. Three concerns were found to be unsubstantiated, one concern was a grievance matter rather than whistleblowing and in the other four instances investigations were ongoing.

He added the report provided more information as to who raised the concern and its nature without providing too much detail whilst matters were under investigation.

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

Number of Concerns – in response to a question why there had been a rise in the number of concerns raised, the Assistant Director, Legal and Governance stated that he could not provide causes for the rise in number, however, the number of concerns raised in previous years may have been unusually low. Covid-19 may have been a factor for the low numbers in previous years, but eight concerns raised for an organisation the size of Medway Council was not unusual. He added that Members should be reassured that officers were aware of the whistleblowing policy and the outcome of investigations undertaken.

Policy name – a Member commented that the name of the policy had previously been changed to Speak Up to make it easier for officers to raise concerns. The Assistant Director, Legal and Governance noted the policy was referred to as Speak Up locally, whilst Whistleblowing was more common nationally and undertook to refer to the policy as Speak Up to ensure consistency in future reports.

Decision:

1. The Committee noted the contents of this report.
2. The Committee agreed the policy should be referred to as Speak Up in future reports.

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 whistleblowers.

7.2. There are no direct financial implications arising from 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

Appendix 1 – Speak Up Policy

Background papers

None