

## **Employment Matters Committee**

**4 December 2024**

### **Speak Up, Anti-Bribery, Anti-Money Laundering and Regulation of Investigatory Powers (RIPA) Policies: Report on Instances September 2023 – September 2024**

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#### Summary

This report informs Members about the number and nature of concerns raised, between September 2023 and September 2024, under the Council's Speak up (whistleblowing), Anti-Bribery, Anti-Money Laundering and Use of Regulation of Investigatory Powers policies.

#### 1. Recommendation

- 1.1. The Committee is asked to note the comments of the Audit Committee set out at section 8 of this report.
- 1.2. The Committee is 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 contained within the Council's Constitution and the Regulation of Investigatory Powers (RIPA) policy, which is approved by the Cabinet, is on the intranet (MedSpace). These policies require annual reports on the number and nature of instances raised to be provided to the Employment Matters Committee. This report was also submitted to the Audit 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 (whistleblowing) policy: 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
- RIPA policy. This policy sets out how and when the council will use covert surveillance to aid its performance of enforcement functions for the prevention and detection of criminal activity.

#### 4. Speak Up

- 4.1. In December 2023 the Committee received its [annual update](#), similar to this report, on several policies. Paragraph 4.1 therein provided details of disclosures made under the Speak Up policy and noted that four matters were still being investigated by the counter fraud team. An update to those disclosures is set out below (using the same numbering).

	<b>Whistle-blower</b>	<b>Nature of concerns</b>	<b>Outcome</b>
5.	Employee	Allegations of unethical conduct of senior leaders	Investigation was commissioned and allegations were found to be unsubstantiated (Highways)
6.	Provider	Allegations of unethical conduct of employee	Investigation was commissioned and allegations were found to be unsubstantiated (Children's Commissioning)
7.	Service User	Allegations of unethical conduct by employee and contractors	Investigation was commissioned and allegations were found to be unsubstantiated (Building Control)
8.	Former employee	Allegations of unethical conduct of senior leaders and peers	Investigation was commissioned and allegations were found to be unsubstantiated (Crematorium)

4.2. There have been 0 concerns raised under the Speak Up policy during this period.

4.3. 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
2020/21	1
2021/22	2
2022/23	8

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

5.1. Members are advised that there were 0 concerns raised under policies during this period.

## 6. Regulation of Investigatory Powers

6.1. Powers to undertake covert surveillance were requested and approved on one occasion in the last twelve months. The matter related to an insurance claim against the Council where the insurers believed the claimant was feigning the nature/extent of their injuries.

## 7. 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	CII
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	CII
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	Whistleblowing Officers have received training. All documents that refer to Whistleblowing Officers have a link directing the reader to the correct page	CII

Risk	Description	Action to avoid or mitigate risk	Risk rating
	protected as allowed for under the statutory legislation		

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

## 8. Audit Committee – 26 September 2024

### 8.1. Discussion:

8.2. The Assistant Head of Legal Services - Place introduced the report, she reported there had been no concerns raised in relation to any of the Speak Up, Anti-Bribery, Anti-Money Laundering and Regulation of Investigatory Powers (RIPA) Policies.

8.3. The following issues were discussed:

8.4. Number of Concerns raised – Members welcomed the lack of concerns raised under the policies, following a request for further information it was confirmed there had been no change in how the policies were applied or in personal applying the policy.

8.5. Staff Awareness and Training - in response to a question about what training was available to staff, the Assistant Head of Legal Services Place explained that the policies were provided to staff when they joined the Council. The Chief Operating Officer added consideration could be given to reminding staff of policies and process that were in place regarding the policies.

8.6. Investigations – in response to a question requesting further information about how investigations are undertaken the Head of Internal Audit and Counter Fraud explained his team undertook independent investigations on behalf of the Council and reached conclusions on the balance of probabilities.

8.7. A Member asked whether there were concerns raised informally which did not progress to investigations or were dealt with by other means. The Head of Internal Audit and Counter Fraud explained that some concerns raised as whistleblowing related to matters that needed to be investigated under other policies, such as the disciplinary policy.

8.8. Benchmarking – it was asked if future reports could include benchmarking data with authorities of similar size to provide additional assurance. The Chief Operating Officer undertook to consider this with colleagues.

8.9. Decision:

- a) The Committee noted the contents of this report.
- b) The Committee requested consideration of benchmarking information with authorities of similar size be considered for inclusion in future reports.

## 9. Financial and legal implications

9.1. 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.

9.2. Local authorities are required to have policy which details how and when covert surveillance may be undertaken and who can authorise such activity. The council was inspected by the Investigatory Powers Commissioner's Office in January 2024, who were content with the Council's approach subject to some " ..minor inaccuracies and grammatical errors". Those matters were addressed, and a revised policy was approved by [Cabinet on 30 April 2024](#).

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

### Lead officer contact

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### Appendices

None

### Background papers

None