

AUDIT COMMITTEE

24 NOVEMBER 2011

WHISTLEBLOWING REPORT ON INSTANCES SEPTEMBER 2010 – SEPTEMBER 2011

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Summary

This report is to advise Members about the nature of concerns raised under the Whistleblowing policy between September 2010 and September 2011.

1. Budget and Policy Framework

- 1.1 The Council's Constitution requires that a report of instances of all uses of the Whistleblowing Policy shall be provided to the Audit Committee.

2. Background

- 2.1 The Council's Anti-Fraud and Corruption Policy states that regular reports will be made to this committee on the number, nature and status of whistleblowing events. The requirement to report to Members is repeated within the Council's Whistleblowing Policy. Both of these policies are contained within the Council Constitution.
- 2.2 As part of the regular reporting arrangements, this committee receives reports on the outcomes of major irregularity investigations, whatever the source of the information. This report summarises the position of all whistleblowing concerns received between September 2010 and September 2011.
- 2.3 Members should note that whistleblowing arrangements within the Council cover a wide range of areas. The policy now includes IT and data protection breaches.
- 2.4 The policy was revised and approved by Council 15 April 2010 to ensure that it is sufficiently robust to provide protection for the employee as well as the employer.

3. Concerns raised from September 2010 to November 2011

3.1 The following table summarises the position of concerns raised under the Whistleblowing policy from September 2010 to September 2011.

Nature	Raised by	Outcome
Financial irregularities at a School concerning cleaning contracts	Employee	Guidance and advice provided to rectify any financial irregularities and strengthen internal controls
Employee conducting private work (internet business) during work time on Council computer	Employee	No evidence to support claim. The matter was not progressed.
Personal data of three individuals inadvertently disclosed to another individual	Employee	Guidance and advice sought from Legal. Documents returned and risk of the inadvertent disclosure was minimised.
Member of staff manipulated a staff restructure to safeguard their position and secure a contract with which there was a close family connection	Employee	Matter investigated.
Personal data of two individuals inadvertently disclosed to another individual on three separate occasions	Members of the public	Guidance and advice sought from Legal. Risk of the inadvertent disclosure was minimised.

4. Risk management

4.1 The Council's Whistleblowing Policy sets out its commitment to tackling unlawful acts including fraud, corruption, unethical conduct and malpractice. The Whistleblowing policy encourages all individuals to raise serious concerns about practices by the Council.

5. Financial and legal implications

5.1 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.

5.2 This 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 issue and to express its commitment to the legal protection afforded to whistle-blowers.

- 5.3 There are no direct financial implications arising from this report however a successful claim brought under the Public Interest Disclosure Act 1998, against the Council may result in a substantial financial award as compensation for a person who has suffered detriment under the act.

6. Recommendations

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

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Background papers

Anti-fraud and Corruption Policy
Whistleblowing Policy
Medway Council's Constitution

These documents are available on the council's website:

<http://www.medway.gov.uk/index/council/councilbody/6317.htm>