

Meeting:	Audit and governance committee
Meeting date:	Tuesday 16 June 2020
Title of report:	Confidential reporting code (Whistleblowing)
Report by:	Solicitor to the council (monitoring officer)

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To review and agree changes to the council's whistleblowing policy

Recommendation(s)

That:

- (a) the policy as attached at appendix 1 is reviewed and**
- (b) any changes agreed.**

Alternative options

1. To not review the policy, this is not recommended as it is a function of the committee to maintain an overview of this policy.
2. To not make any changes, this is not recommended as the policy can be improved.

Key considerations

3. This policy plays an important part in meeting the council's commitment to openness, honesty and ethical propriety and compliments the objectives of a number of other council policies for example the anti-fraud and bribery policy and the code of conduct for qualifying employees of the council.
4. The policy is intended to encourage and enable employees to raise concerns with the council without fear of victimisation, subsequent discrimination or embarrassment.
5. The policy was last reviewed in 2017 and was wholly rewritten. The wholesale review was undertaken by the constitution working group with comments from the employee improvement group.
6. A review of the use of the policy since 2017 and trends is set out below;

Municipal year	Total number of complaints	Risk identified				
		Staffing	Safeguarding	Reputation	Financial	Law & governance
17/18	5	1	1	1	1	1
18/19	11	3	3	3	2	0
19/20	8	2	0	0	3	3
20/21	0					

7. The current suggested changes are based upon the operation of the scheme from the view of the monitoring officer.
8. The proposed changes;
 - Detail what happens when a councillor discloses information that would ordinarily be classed as whistleblowing
 - Provides an external check and balance with all reports being discussed with internal audit, to ensure all concerns are not dealt with within the council
 - Provides suggested clarity in some areas of process.
 - Updates the contact details for the national whistleblowing charity.
9. The policy is well understood and the process is now streamlined and recorded. There have been no complaints about how the policy operates.
10. Once the new policy is agreed a communication with staff will be sent out to ensure that all staff are aware of the policy and how they can raise concerns. It is important to ensure that all staff are aware of these provisions.

Community impact

11. Herefordshire Council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, we can demonstrate the appropriateness of all our actions across all our activities and have mechanisms in place to encourage and enforce adherence to ethical values and respect the rule of law. The confidential reporting code is part of the council's governance arrangements. Periodic reviews to ensure the code remains current, fit for purpose and effective helps the council to meet the principles within its code of corporate governance

Equality duty

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The review of the code will seek to ensure that, the council fully complies with the public section equality duty.

Resource implications

14. None arising from the recommendations.

Legal implications

15. None arising from the recommendations.

Risk management

16. Failure to maintain a legally compliant whistle blowing policy could contravene employment law and leave the council open to challenge with associated financial penalties and bring the council into disrepute.

Consultees

17. Internal and external audit were invited to review the policy. External audit have to remain fully impartial from such consultations under their ethical rules and were therefore unable to provide any comment. Internal audit had no comments and no additional suggested changes.

Appendices

18. None.

Background papers

None identified