

Meeting:	Audit and governance committee
Meeting date:	Wednesday 29 November 2017
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 and summary

To agree the process and timetable for undertaking the scheduled biennial review of the confidential reporting (whistleblowing) code .

A function of this committee is to maintain an overview and agree changes to the council policies on 'Raising Concerns at Work.' The last review took place on 23 September 2015.

Recommendation(s)

That:

- (a) the constitution working group be asked to consider any revised changes to the code.**

Alternative options

1. To not undertake a review in line with the constitutional design principles and simply update any typographical or out of date references; this is not recommended because the current code does not fit the same style as the rest of the constitution.

2. To defer a review of the current code to another time. This is not recommended because the current code has been in operation since September 2015.
3. To propose alternative or additional amendments to the recommendations; it is open to the committee to propose alternative or additional considerations.

Key considerations

4. The council's confidential reporting (whistleblowing) 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 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 and supports the council's anti-fraud and bribery policy and the code of conduct for qualifying employees of the council.
6. As the policy is one of the codes in the constitution it is considered that the content should reflect the design principles set out below and fits with the same style format as the rest of the constitution.
 - a) Members and officers perform effectively in clearly defined functions and roles
 - b) Member engagement and participation is maximised, including the involvement of all members in the development of key policies
 - c) Decision making is informed, transparent and efficient
 - d) The council welcomes public engagement and makes accountability real
7. It is therefore recommended that the constitution working group review the code as part of their terms of reference.

Community impact

8. 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

9. 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.
10. The review of the code will seek to ensure that, the council fully complies with the public section equality duty.

Resource implications

11. None arising from the recommendations.

Legal implications

12. None arising from the recommendations.

Risk management

13. 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

14. None

Appendices

15. None.

Background papers

None identified.