

<b>Meeting:</b>	<b>Audit and governance committee</b>
<b>Meeting date:</b>	<b>Wednesday 14 October 2020</b>
<b>Title of report:</b>	<b>Confidential reporting code (Whistleblowing)</b>
<b>Report by:</b>	<b>Solicitor to the council (monitoring officer)</b>

## **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) Following recommendations from the working group the policy as attached at appendix 1 is reviewed and agreed for adoption.**

## **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 and the working group was specifically set up to undertake this task.
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. It also provides a check and balance with the involvement of another local authority. Several local authorities were asked and Buckinghamshire Council offered to support this new policy and provide a facility for anonymous complaints and to be informed of all complaints received.
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 trade unions and 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	Report concerned				
		Make you feel uncomfortable in terms of known standards	In breach of the officer or councillor code of conduct	Fall below established standards of practice that the council subscribes	Are not in keeping with the council's constitution and policies	Improper
17/18	5	1	0	2	1	1
18/19	10	2	1	5	2	0
19/20	8	2	1	3	2	0
20/21	2	1	0	0	1	0

7. The policy is well understood and the process is now streamlined and recorded. There have been no complaints about how the policy operates.
8. The new policy is based upon the feedback from this committee in June 2020, the trade unions and review by the working group.
9. The new policy;
  - Uses new tone and language
  - Provides an external check and balance with support from another local authority.
  - Simplifies the process into 4 clear steps for an employee to follow.
  - Details support available.

1. Once the new policy is agreed a communication with staff will be sent out to ensure that all staff and councillors are aware of the policy and how they can raise concerns. It is important to ensure that all are aware of the new policy.

## **Community impact**

2. 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**

3. 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.
4. The review of the code will seek to ensure that, the council fully complies with the public section equality duty.

## **Resource implications**

5. The role for the Monitoring Officer from Buckinghamshire Council, will require a service level agreement detailing the support to be provided and will be charged on an hourly rate. By law the Monitoring Officer is required to hold their own budget to discharge their functions and this cost will be charged to this existing revenue budget as and when the services are used.

## **Legal implications**

6. None arising from the recommendations.

## **Risk management**

7. 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**

8. 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.
9. The trade unions were also consulted and were happy with the content.

## **Appendices**

Appendix 1 draft whistleblowing policy

## **Background papers**

None identified