

# TONBRIDGE & MALLING BOROUGH COUNCIL

## AUDIT COMMITTEE

18 June 2012

### Report of the Director of Finance

#### Part 1- Public

#### Delegated

### 1 CONFIDENTIAL REPORTING CODE “WHISTLEBLOWING”

#### Summary

**This report requests Members to review the Confidential Reporting Code and subject to any proposed changes to recommend the Code for endorsement by the General Purposes Committee.**

#### 1.1 Introduction

- 1.1.1 Members will be aware that the Council has had a Confidential Reporting Code in place for a number of years. The Code is designed to meet legal requirements and to encourage anybody to raise concerns with the knowledge of how it will be dealt with.
- 1.1.2 The code requires an annual review by the Audit Committee and subject to any proposed changes being proposed, to be recommended for final approval by the General Purposes Committee.
- 1.1.3 Following a meeting of the Heads of Audit from Gravesham and Tonbridge and Malling new codes were drafted to mirror each other and these were approved by Members at both authorities. The Tonbridge and Malling version was approved by this Committee in June 2011. **[Annex 1]**

#### 1.2 Review

- 1.2.1 A review of the Code has been carried out by the Chief Internal Auditor and no amendments have been identified as necessary. There were two concerns raised during the year using the Code and these have been reported to the Audit Committee. The Code was found to be fit for purpose when dealing with these concerns.
- 1.2.2 Once approved the Code is put on the Council Intranet and website as well as being circulated to staff using the distribution software “Netconsent”. This requires staff to acknowledge that they have read and understood it.

### 1.3 Legal Implications

- 1.3.1 Although the Public Interest Disclosure Act 1998 does not require the Council to set up an appropriate mechanism for dealing with whistleblowing, it does set out how “whistleblowers” must be protected. Having a Confidential Reporting Code demonstrates how the Council will comply with the requirements of the Act.

### 1.4 Financial and Value for Money Considerations

- 1.4.1 The early reporting of any concern may enable prompt action to be taken minimising any potential financial cost to the Council.

### 1.5 Risk Assessment

- 1.5.1 Having a sound “whistleblowing” code in place enables staff to be confident of how concerns will be dealt with and encourages staff to raise concerns. It also reduces the risk of failure to comply with the Public Interest Disclosure Act 1988.

### 1.6 Equality Impact Assessment

- 1.6.1 This code is available to all irrespective of any equality issues and is designed to ensure a consistent approach to dealing with any concern raised. It has provision for dealing with any vexatious allegations.

### 1.7 Recommendations

- 1.7.1 Members are asked to review the draft code and subject to any proposed amendments to **recommend** that the Code endorsed by the next General Purposes Committee.

Background papers:

contact: David Buckley

Audit Files

Sharon Shelton  
Director of Finance

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The code is designed to ensure consistent treatment of concerns raised.

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The Code sets out a method whereby all concerns can be raised without recrimination.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*