

TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

17 June 2013

Joint Report of the Chief Executive and the Director of Finance & Transformation

Part 1- Public

Delegated

1 WHISTLEBLOWING CHARTER

Summary

This report presents a draft Whistleblowing Charter that has been drafted to comply with recognised best practice. Members are asked to consider the draft and recommend it for endorsement by the General Purposes Committee.

1.1 Introduction

- 1.1.1 The latest version of the “whistleblowing” Confidential Reporting Code was approved in June 2011. The British Standards Institute have provided guidance on policies for raising concerns that have been adopted by Public Concern at Work and the format of a “Whistleblowing Charter” is now considered best practice.
- 1.1.2 The review of this charter coincides with an update of the Council web pages dealing with fraud as well as an e-learning fraud awareness package that will be distributed to staff in the near future.
- 1.1.3 The revised draft is based upon the guidance supplied by Public Concern at Work and is intended to give concise information of how concerns can be raised and dealt with. **[Annex 1]**

1.2 “Whistleblowing”

- 1.2.1 Members will be aware that all cases of “whistleblowing” are investigated and the outcomes of investigations are reported to this Committee. The level of concerns raised at this Council have been very low. There was only been one concern raised in 2012/13, the outcome of this has already been reported to Members.
- 1.2.2 Historically, the level of fraud and error investigated has also been low. This can be the result of many factors including the possibility that the culture of this organisation reduces the incidence of such events.

- 1.2.3 It is recognised by organisations such as the National Fraud Authority that research suggests that the incidents of fraud and error will increase during times of recession. Therefore, the Council can use this opportunity to remind staff of the fact that they are the most likely people to identify concerns and how they can raise concerns without fear of recrimination.

1.3 Legal Implications

- 1.3.1 There are no legal requirements to have a Code in place but it does comply with the legal protection required under the Public Disclosure Act 1990.

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.

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 required amendments to **RECOMMEND** that it is endorsed by the next General Purposes Committee.

Background papers:

contact: David Buckley

Concern at work website

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Chief Executive

Sharon Shelton
Director of Finance & Transformation

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.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	It is a code for setting out the process for dealing with concerns raised.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

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.