

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

27 June 2011

Report of the Director of Finance

Part 1- Public

Delegated

1 CONFIDENTIAL REPORTING CODE

Summary

This report asks Members to consider and approve the revised Confidential Reporting Code as recommended by Audit Committee on 20 June 2011.

1.1 Background

- 1.1.1 Members will be aware that the Council has had a Confidential Reporting Code (“Whistleblowing”) in place for some years in order to ensure that this Council meets the requirements of the Public Disclosure Act 1998.
- 1.1.2 The Act was introduced to protect “whistleblowers” and to encourage the raising of concerns without fear of recrimination. These concerns are not restricted to fraud but cover a whole host of areas that could be considered malpractice.
- 1.1.3 This Code is designed to ensure compliance with the Act and set out a framework for dealing with individuals and any concerns that they raise in a fair and consistent manner.
- 1.1.4 The Code is part of the overall Corporate Governance framework that together with other policies such as Anti-Fraud supports the culture of the organisation. This framework requires individuals not to “turn a blind eye” to any concerns that they have. The consistent approach of using a Code will give confidence to individuals to report concerns and reduce risks.
- 1.1.5 The Chief Internal Auditor has a responsibility to report any concerns raised using this Code to Members of the Audit Committee. This authority very rarely receives concerns under this Code which suggest that staff are confident to raise concerns with their managers under normal reporting procedures.
- 1.1.6 Members will also be aware that the Council has a partnership agreement for the provision of Internal Audit. The partnership aims to identify best practice from both authorities and to standardise policies etc as part of the process to achieve this. As a result this year the review of the Confidential Reporting Code compared

the documents of both authorities and revised them to mirror each other as much as possible taking account of local reporting differences.

- 1.1.7 The result of this review was presented to Members of the Audit Committee on 20 June 2011. A copy of the draft Code is attached at **[Annex 1]**. Any amendments requested by the Audit Committee will be reported to this Committee verbally.

1.2 Revision

- 1.2.1 The content of the document has not changed significantly although it has been reformatted and includes a greater amount of guidance and explanation of the reporting process.
- 1.2.2 Once the Code has been finalised it will be circulated to staff using "Netconsent" and will be displayed on the Council website and intranet.

1.3 Legal Implications

- 1.3.1 There is not a direct legal requirement to have a "whistleblowing" code in place but there is a requirement to protect individuals under the Public Disclosure Act 1998. The Code ensures that all of the requirements of the Act are covered.

1.4 Financial and Value for Money Considerations

- 1.4.1 The objective of the Code is to encourage "whistleblowers" to come forward and raise concerns without fear of recrimination. The existence of an anti-fraud culture will encourage individuals to raise concerns and to correct any malpractice at an early opportunity. Early correction of fraud or error minimise the potential financial cost incurred by the Council.

1.5 Risk Assessment

- 1.5.1 The existence of a Code will give individuals the certainty of how their concerns can be raised and what the process is to investigate and act upon them. In doing so any risk can be assessed at the earliest opportunity and mitigated if necessary.

1.6 Equality Impact Assessment

- 1.6.1 The use of a Code sets out how individuals will be treated when raising concerns irrespective of equality issues and it is therefore considered that there are no equality issues arising from this Code.

1.7 Policy Considerations

- 1.7.1 The Code will assist in Crime & Disorder Reduction by giving staff confidence to raise concerns, however, it does not apply purely to criminal concerns.

1.8 Recommendations

- 1.8.1 Members are **RECOMMENDED** to consider the review taking into account any comments from the Audit Committee and approve a revised Confidential Reporting Code.

Background papers:

contact: David Buckley

Public Disclosure Act 1998

Director of Finance
Sharon Shelton

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 sets out protection for whistleblowers irrespective of equality issues
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	For reasons above this should not have any equality issues.
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.