

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

23 June 2014

Report of the Chief Executive and Director of Finance & Transformation

Part 1- Public

Delegated

1 WHISTLEBLOWING CHARTER (CONFIDENTIAL REPORTING CODE)

This report presents a revised Whistleblowing Charter for Members' consideration and endorsement.

1.1 Introduction

1.1.1 Tonbridge & Malling Borough Council has arrangements in place to enable all officers, Members and contractors to raise any concerns they may have about unlawful conduct, financial malpractice, dangers to the public or environment or avoidable losses.

1.1.2 The Whistleblowing Charter sets out how concerns can be raised, who they should be raised with and how the Council will respond.

1.2 2014 Review of the Whistleblowing Charter

1.2.1 The Whistleblowing Charter was reviewed by the Audit Committee in January 2014 where paragraphs 5.2 and 5.4 were amended to include the Audit Manager and Fraud Manager as points of contact and more recently the following minor amendments have been identified:

1.2.2 In paragraph 1.3 of the charter the legal reference has been changed to the Enterprise & Regulatory Reform Act 2013.

1.2.3 In paragraph 4.1 the first sentence has been expanded to apply to the "actions or behaviours of" all employees.

1.2.4 In paragraph 4.2 the word reasonably has been added and reference is made to "in the public interest".

1.2.5 In paragraph 4.3 a sentence has been added to clarify the Council position: "It recognises that co-workers are personally liable for acts of victimisation, and will take all reasonable steps to prevent this happening."

1.2.6 In paragraph 5.4 the name of Katey Durkin has been changed to Katey Arrowsmith.

1.2.7 These amendments have been incorporated into the version of the Charter presented to Members of General Purposes for endorsement at **[Annex 1]**.

1.3 Legal Implications

1.3.1 The Enterprise & Regulatory Reform Act 2013 includes reference to disclosures and this Charter reflects those changes and the duty that the Council has to protect those making disclosures.

1.4 Financial and Value for Money Considerations

1.4.1 The Charter gives staff a framework for raising concerns. 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 Charter 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 Charter 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.

1.6.2 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

1.7.1 Members are asked to review the draft, and subject to any amendments required, to endorse the Whistleblowing Charter for the Council.

Background papers:

contact: David Buckley

Nil

Julie Beilby
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	No	The Charter is designed to ensure consistent treatment of concerns raised.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
impact or discriminate against different groups in the community?		
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

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.