

Personnel Committee - 19 April 2022

Confidential Reporting (Whistleblowing) Policy

1. Purpose of the report

- 1.1 To gain Personnel Committee approval for the revised Confidential Reporting (Whistleblowing) Policy (Appendix 1).

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the Confidential Reporting (Whistleblowing) Policy (summary detailed below), previously endorsed by CMT at its meeting of 07 April 2022.

3. Background Information

Aim

- 3.1 The Council is committed to maintaining the highest standards of openness, honesty and accountability. The Whistleblowing Policy plays a key part in maintaining those standards by requiring everyone to report appropriate concerns, a specific obligation for all employees in line with the Code of Conduct for Employees/Workers.
- 3.2 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of. This policy enables staff and members to raise concerns about any financial or other malpractice in the council without fear of being subject to victimisation or discrimination for whistleblowing.

Know

- 3.3 The Confidential Reporting Policy was last reviewed in 2019 and its application and controls have since been subject to an audit report (March 2021) which found limited assurance in system design and controls.
- 3.4 Following feedback from the audit and stakeholder consultation the policy has been revised and the main changes proposed in this policy review are outlined below:
- Updated wording throughout the policy and form to include non-employees (suppliers/contractors) - (audit recommendation).
 - Updated wording in the policy to confirm that where there are employment/disciplinary concerns HR must be contacted (5.2.4)
 - Addition of a process flowchart (new appendix 1 as part of the policy)

- Inserted reference to covering up wrongdoing, is itself a disciplinary offense (5.1.6)
- An additional phase at the start of the process whereby managers are encouraged to actively consider the disclosure in accordance with the policy before confirming progress of investigation under the Confidential Reporting Policy (5.2.1)
- Clarification on process if the disclosure concern relates to a Director, Executive Director or the Chief Executive (5.2.9 & 5.2.12)
- The process for appointment of external investigators (5.2.10) – (audit recommendation).
- Inserted reference to raising matters with statutory bodies (5.3.2)
- Monitoring of concerns and actions agreed by CMT was raised in the audit report and following further discussion was deemed to be an excessive requirement. Therefore a more specific and controlled process (using a CRP logging sheet) has been introduced to improve the controls regarding the logging of disclosures to the Monitoring Officer and the introduction that a summary of disclosures (numbers, types and outcomes) be regularly reported through to Audit Committee, providing both Audit Committee and CMT with an overview of Whistleblowing concerns and the ability to identify and investigate what might appear to be either major concerns or systemic issues (5.2.8 & 6.4).

Council corporate plan priorities

- 3.5 The policy is directly aligned to the internal focus priority within Our Council Plan, delivering services that are efficient and effective and supports the delivery of the council's Equality, Diversity and Inclusion action plan.

Response

- 3.6 Subject to approval, HR will finalise all associated guidance/forms (where relevant) and prepare communications and implementation plan for publication of the revised policy.

Review

- 3.7 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier.

4. Financial Implications

- 4.1 There are no financial implications arising from this report.

5. Legal Considerations

- 5.1 There are no specific legal issues anticipated from this report.

6. Risk Management

6.1 An equality impact assessment is attached (Appendix 2).

7. People

7.1 Employment policies include a scope section (where applicable) and each policy clearly sets out who the policy applies to and who it does not (appendix 1 section 2).

8. Consultation

8.1 The Confidential Reporting (Whistleblowing) Policy was formally consulted upon with senior managers and trade unions colleagues across the council between 02 November and 25 November 2021.

8.2 In addition further meetings were held with key stakeholders including legal and audit.

8.3 The Confidential Reporting Policy was endorsed by CMT at its meeting of 07 April 2022.

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Sponsoring Director

AUTO SIG

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(Date)