

Recommendation from the Audit Committee: Revised Confidential Reporting ("Whistleblowing") Code

Report of Cllr Mike Blair, Chairman of Audit Committee
(mike.blair@centralbedfordshire.gov.uk)

Advising Officers: Charles Warboys, Director of Resources
(charles.warboys@centralbedfordshire.gov.uk)

Kathy Riches, Head of Internal Audit and Risk
(kathy.riches@centralbedfordshire.gov.uk)

Leslie Manning, Committee Services Officer
(leslie.manning@centralbedfordshire.gov.uk)

Purpose of this report

1. This report sets out a recommendation from the Audit Committee with regard to a revised version of the Council's Confidential Reporting ("Whistleblowing") Code.

RECOMMENDATION

It is recommended that full Council:

approves the revised Confidential Reporting Code as set out at Appendix A.

Overview and Scrutiny Comments/Recommendations

1. This matter has not been considered by overview and scrutiny as it is the responsibility of the Audit Committee to maintain an overview of the Confidential Reporting Code and to recommend to Council any amendments that are required.

Background

2. The Public Interest Disclosure Act 1998 encourages individuals to raise concerns about malpractice in the workplace. The Council's Confidential Reporting Code makes it clear that employees can raise serious concerns without fear of victimisation, subsequent discrimination or disadvantage

and it is intended to encourage individuals to raise concerns within the Council.

3. The Code, which was originally approved in 2012, is included within the Ethical Framework section located at the end of the Constitution although the Framework does not form part of the Constitution. To ensure that the Code is up to date and reflects current legislation and reporting channels within the Council it has been reviewed against Government guidance and benchmarked against other local authorities. Arising from the review a draft, updated version of the Code was put before the Audit Committee on 9 January 2017. The draft Code had been updated to:
 - make reference to the recently updated list of prescribed persons and bodies
 - expand the section on confidentiality to make it clearer
 - make specific reference to “qualifying disclosures”, and
 - reflect current roles and responsibilities
4. During discussion at the meeting Members indicated their full support for the proposed updates. They also welcomed additional revisions suggested by the Chairman. Appendix A to the report sets out the revised version of the Code which incorporates all of these changes.

Maintaining the Confidential Reporting Code

5. It was noted by the Committee that it would be necessary to make occasional, minor updates to the Code so that it remained fully applicable at all times. Debate ensued as to the appropriate means of achieving this. Subsequent to the meeting, the Monitoring Officer confirmed that suitable authorisation was already provided for within paragraph 9 of the Code and at paragraphs 4.2.74 and 4.2.76 of Part H3 of the Constitution, enabling the Monitoring Officer to authorise and implement minor amendments to maintain the Code as up to date.

Reason for decision

6. To ensure that the Confidential Reporting Code is up to date and complies with current legislation and reporting channels.

Council Priorities

7. The implementation of a robust anti fraud culture supports all the Council’s key priorities by encouraging probity and accountability across the Council.

Corporate Implications

Legal Implications

8. The Confidential Reporting Code is a key part of the Council's Ethical Governance Framework and provides an element of assurance in respect of the Council's fiduciary duty to Council Tax payers.
9. The Code ensures that the Council complies with the obligations and requirements in respect of protected disclosures under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013).

Financial and Risk Implications

10. There are no financial implications.

Equalities Implications

11. There are no implications for equalities.

Implications for Work Programming

12. There are no implications for work programming.

Conclusion and next Steps

13. Full Council is asked to approve the revised Confidential Reporting Code which falls within the Ethical Framework section at the end of the Constitution. Once approved by full Council the revised Code will be published on both the Council's intranet and website and will be promoted as part of raising fraud awareness.

Appendices

Appendix A shows the revised Confidential Reporting Code.

Background Papers

The following background papers, not previously available to the public, were taken into account and are available on the Council's website:

None