

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>18 MARCH 2019</b>
<b>Heading:</b>	<b>WHISTLEBLOWING POLICY ANNUAL UPDATE</b>		
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>		
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

### **Purpose of Report**

To provide the Committee with an annual update in relation to the Whistleblowing Policy and how the policy has operated in the preceding 12 months.

### **Recommendation(s)**

- 1. To approve the amended Whistleblowing Policy as attached to the report;**
- 2. To note how the policy has operated in the preceding 12 months.**

### **Reasons for Recommendation(s)**

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the recommendation of CMAP in its audit report relating to Anti-Fraud and Corruption.

To ensure the policy remains up to date and fit for purpose.

### **Alternative Options Considered**

*(with reasons why not adopted)*

None.

## **Detailed Information**

The Standards and Personnel Appeals Committee last reviewed the policy at its meeting on 28 March 2018 and approved minor changes to the document.

Paragraph 8.1 of the current Whistleblowing Policy states that:

*“The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”*

## **Review of Policy**

A review of the policy has been undertaken. It is recommended that the policy is amended to note the details of the new s151 Chief Finance Officer.

Committee is asked to approve the revised policy, which is attached as Appendix 1. The revised policy will also be reported to the Audit Committee on 11 March 2019 for approval.

The Whistleblowing Policy is published on the website and on the internal intranet.

## **Application of Policy during the Preceding 12 Months**

During the past 12 months there have been 6 reported incidents of whistleblowing drawn to the Monitoring Officer's attention. Given the confidential nature of the complaints this report can only refer anonymously and in high level terms, especially in relation to those complaints which are ongoing. A summary of the complaints is set out below:

<b>COMPLAINT REFERENCE</b>	<b>NATURE OF COMPLAINT</b>	<b>STATUS OF COMPLAINT</b>	<b>OUTCOME/ACTION TAKEN</b>
2018-01	Anonymous complaint.  Alleged that a driver was driving at work whilst under the influence of alcohol/drugs.  Alleged that work items had been going missing.	Closed	Insufficient detail provided to follow up the complaints formally. An audit of stock was carried out. No further action.
2018-02	Complaints about the same alleged incident were received from two members of the public (one anonymous and one named).	Ongoing	An initial investigation was carried out which demonstrated there was some foundation to the complaints.

	The complaint related to alleged inappropriate comments.		Referred on for formal investigation under the grievance/disciplinary procedure.
2018-03	<p>Anonymous complaints received via a trade union.</p> <p>The Complaint related to alleged inappropriate comments and management conduct.</p>	Closed	<p>An initial investigation was carried out and the complaint was partially substantiated.</p> <p>Management and Leadership training required for the Head of Service, identified at PDR.</p> <p>The inappropriate comments were considered under the disciplinary procedure. The investigation concluded that inappropriate comments had been made and this was upheld at the hearing. A Management Instruction letter was issued regarding future behaviour.</p>
2019-01	<p>Anonymous complaints received via a trade union.</p> <p>Complaints related to alleged breaches of the agile working guidelines.</p>	Closed.	<p>An investigation was carried out. The complaint was not substantiated.</p> <p>Recommendations made in respect of:</p> <ul style="list-style-type: none"> <li>• time recording whilst agile working</li> <li>• clarifying some elements of the guidelines</li> <li>• communication of the guidance to employees.</li> </ul>
2019-02	Anonymous complaint alleging unfair	Closed.	Insufficient detail was provided to follow up

	treatment of staff and management conduct.		the complaint formally. No further action.
2019-03	Anonymous complaints received via a trade union.  Complaint alleged officers took annual leave instead of sick leave.	Closed.	An investigation was carried out. The complaint was not substantiated.

### Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy since 2010 to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY/GRIEVANCE INVESTIGATION
2010	4	1	2	1
2011	0	N/A	N/A	N/A
2012	3	0	2	1 (ACTION TAKEN)
2013	1	0	0	1 (ACTION TAKEN)
2014	4	1	1	3 (2 WITH ACTION TAKEN)
2015	2	1	1	0
2016	2	0	1	1
2017	3	1	1	1
2018	3	1	0	2
2019	3 (to date)	2	1	0

### Implications

#### Corporate Plan:

The Council is committed to treating its employees fairly and respectfully.

The Council aims to be an employer of choice and an organisation people want to work for.

#### Legal:

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
Failure to maintain integrity and confidence in the policy and its applications.	Annual reporting to the Audit Committee and Standards and Personnel Appeals Committee. Annual update on the application of the policy. Update reporting in accordance with the policy to the Whistleblower. Identification of trends in disclosure to inform Management.

**Human Resources:**

Regular review, maintenance and consistent application of the Whistleblowing Policy infer good employment practices. As such it is important to maintain the integrity of the policy.

**Equalities:**

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any whistleblowing investigation.

**Other Implications:**

None

**Background Papers**

None

**Report Author and Contact Officer**

Ruth Dennis

DIRECTOR OF LEGAL AND GOVERNANCE

MONITORING OFFICER

[r.dennis@ashfield.gov.uk](mailto:r.dennis@ashfield.gov.uk)

01623 457009