

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	18 MARCH 2020
Heading:	WHISTLEBLOWING ANNUAL UPDATE		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The report provides the Committee with an annual update in relation to how the Whistleblowing Policy has operated in the preceding 12 months and some minor proposed changes to the policy.

Recommendation(s)

Committee is asked to:

- 1. Approve the minor revisions to the Whistleblowing Policy as attached at Appendix 1;**
- 2. Note how the Whistleblowing Policy has operated during 2019.**

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 Committee's Terms of Reference as set out in the Constitution.

Alternative Options Considered

(with reasons why not adopted)

To not approve the revised policy is not recommended as the Council's policies and procedures should be reviewed regularly and kept up to date. The recommended changes are minor.

Members may make suggested amendments to the policies and procedures provided these are in line with legislation and best practice.

Detailed Information

Whistleblowing Policy

The Council has in place a Whistleblowing Policy which sets out a process for people to confidently report concerns, such as fraud. This policy makes it clear that people can report their concerns without fear of reprisals.

Paragraph 8.1 of the 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.”

The Policy had minor amendments made by in March 2019. A review of the policy has been undertaken. It is recommended that the policy is amended to include the details of the Head of Law and Governance (Monitoring Officer) at Mansfield District Council as an external contact for whistleblowing complaints. This Council's Monitoring Officer provides reciprocal arrangements for Mansfield District Council.

The revised policy was reported to the Audit Committee on 10 February 2020 for approval. The Audit Committee approved the proposed changes.

Application of Policy during the Preceding 12 Months

Since the last report to Committee there has been 1 reported incident of whistleblowing drawn to the Monitoring Officer's attention. During the whole of the 2019 period, 4 whistleblowing complaints were received in total. Given the confidential nature of the complaints this report can only refer anonymously and in high level terms. A summary of the complaints received during 2019 are set out below:

COMPLAINT REFERENCE	NATURE OF COMPLAINT	STATUS OF COMPLAINT	OUTCOME/ACTION TAKEN
2019-01	Anonymous complaint received via a Trade Union. Complaint related to alleged breaches of	Closed.	An investigation was carried out. The complaint was not substantiated.

	the agile working guidelines.		Recommendations made in respect of: <ul style="list-style-type: none"> • Time recording whilst agile working • Clarifying some elements of the guidelines • Communication of the guidance to employees
2019-02	Anonymous complaint alleging unfair treatment of staff and management conduct.	Closed.	Insufficient detail was provided to follow up the complaint formally. No further action.
2019-03	Anonymous complaint 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.
2019-04	Anonymous complaint via an Elected Member. Complaint related to alleged inappropriate use of Council resources.	Closed.	A high level review was undertaken in conjunction with the CEO based on the limited information provided. There was no justification for carrying out a detailed investigation. Based on the content and tone of the complaint there is a possibility the complaint was vexatious.

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	4	3	1	0
2020 (TO DATE)	0	N/A	N/A	N/A

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focused; Honest; Proud; Ambitious.

It is important that the Council has the most effective infrastructure and support to enable:-

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

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 (if identified). Identification of trends in disclosure to inform Management.

Human Resources:

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

Environmental/Sustainability

There are no Environmental/Sustainability issues identified in the report or the policies reviewed.

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.

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