

Audit, Governance & Standards Committee

19 September 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Whistleblowing Policy

Final Decision-Maker	Audit, Governance & Standards Committee
Lead Head of Service	Rich Clarke – Head of Audit Partnership
Lead Officer and Report Author	Rich Clarke – Head of Audit Partnership
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. This Committee **approves** the Whistleblowing Policy.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

The Policy relates to governance of the Council and so supports each priority.

Timetable

Meeting	Date
Corporate Governance Group (officers)	26 April 2016
Wider Leadership Team (officers)	10 May 2016
Audit, Governance & Standards Committee	11 July 2016
Audit, Governance & Standards Committee	19 September 2016

Whistleblowing Policy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The attached policy (at appendix I) sets out a refreshed policy and approach for supporting staff who want to raise concerns at Maidstone BC. It conforms to best practice issued by CIPFA and Public Concern at Work.
- 1.2 The attached policy is adapted following initial presentation to Members at this Committee on 11 July 2016 and for subsequent discussions with officers and Members. We provide details on the changes within the report.

2. INTRODUCTION AND BACKGROUND

- 2.1 The original impetus to refresh the whistleblowing policy came from an audit review completed at the request of this Committee in late 2015 and reported in January 2016. Following changes to the internal audit Charter approved by this Committee in March 2016, internal audit took on responsibility for refreshing the policy and approach to support staff raising concerns.
- 2.2 The initial draft of this policy came to Members in July prompting an engaging and informed discussion that sought adaptations and improvements to the policy. These comments shared the clear aim of ensuring the Policy does everything possible in pursuit of an essential policy goal; ensuring staff have sufficient confidence their concerns will be listened to and dealt with appropriately in a way that offers them support and protection alongside delivering tangible improvement to the Council.
- 2.3 The table below summarises some of the main comments raised and how the Policy now shown at Appendix I is adapted in response (note that comments are as recorded in the minutes).

Comment	Response
Place greater emphasis in the document to the Council's commitment to protecting and supporting whistleblowers (by making specific reference in the introduction) and to clearly establish overall responsibility for whistleblowing at an Officer level.	The Policy now features a personal introduction from Alison Broom, the Chief Executive, asserting the Council's and her personal support for whistleblowers
Make people aware of the protection given to whistleblowers by the Public Interest Disclosure Act 1998 and to provide assurance that the Council values staff who raise their concerns, will give those concerns proper consideration and will protect confidentiality.	Direct reference to the legislation now on front page of the policy. Additional assurance on support provided within Chief Executive's introduction.

Comment	Response
The new Policy should be called the "Whistleblowing Policy" rather than the "Speaking Up Policy".	Revised title
There was a possible requirement for an Equality Impact Needs Assessment to be undertaken in respect of the new Policy (the Head of Audit Partnership indicated that he would give further consideration to this).	After further discussion with Policy, the Head of Audit Partnership is satisfied that an EIA is not required for the policy itself. However, we completely accept that individual issued raised as a consequence could have EIA implications and so propose making this a consideration of the regular reporting to Members requested in the recommendation accepted in July.
The sentence in section five of the new Policy stating that "It will never be appropriate to alert the media." should be deleted. However, staff should be strongly encouraged to seek advice before reporting externally, especially before contacting the media, and avoid divulging confidential or personal sensitive information.	Sentence deleted encouragement to consider confidential and personal information remains.

2.4 Aside from the above, we have also made minor consequential amendments and taken the opportunity to reconsider some layout and phrasing but these adaptations make no material change to content.

2.5 As a final note, a key theme of the July discussion was the need to ensure staff have confidence that their concerns will be taken seriously and their status and standing in the workplace not threatened as a result. While the revised policy does go further in asserting the Council's aspirations and intentions in that regard it is, ultimately, just words on a page which is all that it can be. The real proof for people, and what I suggest will do most to instil that confidence, will be evidence in practice. The aim is that this will come once the Policy is operating in practice, with the regular reporting to Members being just one forum to give people evidence of how the Council supports whistleblowers and deals effectively with their concerns.

3. AVAILABLE OPTIONS

3.1 Although the Council has duties under the Public Interest Disclosure Act 1998, there is no specific requirement to have a Policy. So Members could decide not to have a Policy at all. However, it is acknowledged as best practice (including by the Value For Money criteria produced by the National Audit Officer, for example). Aside from external requirements, supporting people who wish to raise concerns is a mark of a well governed organisation and, done right, brings significant benefits in allowing an organisation to identify and respond to emerging problems before they become serious issues.

- 3.2 Currently, the Council has a Policy which could continue in force. However, as noted by the January 2016 report that Policy lags behind best practice in the sector and, potentially, limits the ability of staff to safely raise concerns.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The attached Policy (Appendix I) meets the best practice standards of CIPFA and Public Concern At Work. It also resolves a significant issue of the previous Policy in clearly establishing a route for reporting, ownership of the Policy and integration with other developing policy approaches (such as Safeguarding) and is adapted for further Member comments.
- 4.2 We recommend Members approve the Policy so we can set about raising its profile within the Council and encourage staff with concerns to speak up.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Section 2 of this report summarises and responds to previous Committee feedback. As suggested at that meeting, the Policy attached at Appendix I was circulated to all Members (not just this Committee) on 31 July inviting feedback and comments. Comments received were positive and did not suggest any further changes, and therefore Appendix I is as Members will have seen it previously on 31 July.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If approved, the Policy will then become the centrepiece of a drive to raise awareness with the Council's Managers (who, according to research conducted in January 2016, will be the first port of call for staff 90% of the time). We will then consider further training and dissemination of the Policy as required.
- 6.2 We will report to Members of this Committee on matters raised through the Policy initially as part of our standard Mid Kent Audit reporting (November/December and June/July). However, we will keep this under review if the volume and nature of matters raised suggests alternative reporting cycles and means would be more beneficial in raising matters to the attention of Members.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Policy has no impact on Corporate Priorities of itself. However, the nature of issues that are subsequently raised by staff may have impact, but these will be considered in subsequent outcome reports.	Rich Clarke, Head of Audit Partnership (and all below)
Risk Management	N/A	
Financial	N/A	
Staffing	N/A	
Legal	The Policy was considered by the Council's legal team on presentation at Corporate Governance Group and is amended for comments.	
Equality Impact Needs Assessment	See section 2	
Environmental/Sustainable Development	N/A	
Community Safety	No direct implications. The Policy specifically advises those with concerns on immediate matters of safety (including safety of children and vulnerable adults) to go to police or through the Council's safeguarding policy.	
Human Rights Act	N/A	
Procurement	N/A	
Asset Management	N/A	

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Whistleblowing Policy

9. BACKGROUND PAPERS

None noted