

Item 5

REPORT TO STANDARDS COMMITTEE

21 OCTOBER 2004

REPORT OF DIRECTOR OF RESOURCES

All Portfolios

REVIEW OF CONFIDENTIAL REPORTING POLICY

1 SUMMARY

- 1.1 This report provides details of the findings of a review of the Council's Confidential Reporting Policy.

2. RECOMMENDATIONS

It is recommended that the Standards Committee:

- 2.1 Notes the findings of the review of the Confidential Reporting Policy outlined at paragraphs 3.10 to 3.12.

3. DETAIL

Background Information

- 3.1 It is a constitutional obligation upon the Standards Committee to annually review the Council's policy in respect of confidential reporting arrangements.
- 3.2 An important element in the maintenance of probity in Local Government is the ability for individuals to be able to raise concerns where they perceive malpractice. The Employers Organisation published a Model Code on Whistleblowing (Confidential Reporting Code) shortly after the enactment of the Public Interest Disclosure Act 1998. The Act seeks to protect staff from being penalized by employers for raising concerns about serious misconduct or malpractice that threatens the public interest.
- 3.3 The Council is committed to the highest possible standards of openness, probity and accountability. Section 7 of the staff Code of Conduct outlines the Council's commitment to encourage and protect staff who disclose information in relation to matters which they feel breach the high standards expected within the Council. The Confidential Reporting Policy at Appendix 1 was introduced in April 2001 in accordance with the Employers Organisation model code and builds on the commitment and intention to encourage and enable concerns to be raised within the Council rather than overlooking a problem or "blowing the whistle" outside.

Current Position

- 3.4 The Confidential Reporting Policy applies to all employees, contractors working for the Council on Council premises, suppliers and those providing services under a

contract with the Council. The procedures are in addition to the Council's complaints procedure and other statutory reporting procedures applying to some departments.

3.5 There are other policies and procedures in place to enable employees to lodge a grievance relating to their employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside of the scope of other procedures. Examples of such concerns include:

- ❑ Conduct which is an offence or a breach of law
- ❑ Disclosures relating to miscarriages of justice
- ❑ Health and Safety risks
- ❑ Damage to the environment
- ❑ The unauthorised use of public funds
- ❑ Possible fraud and corruption
- ❑ Sexual or physical abuse, or
- ❑ Other unethical conduct

3.6 In addition, serious concerns about any aspect of service provision or the conduct of officers or members of the Council can be reported under the Confidential Reporting Policy.

Confidential Reporting Procedure

3.7 In accordance with the procedure, minor issues are dealt with by an immediate manager or supervisor, and more serious issues are reported to the Chief Executive Officer, Director of Resources or Monitoring Officer.

3.8 The Chief Executive Officer has overall responsibility for the maintenance and operation of the policy.

3.9 In the event that an employee is dissatisfied with action taken they have a right to refer the matter elsewhere, for example: to an external auditor, trade union, Citizens Advice Bureau, the Police, the Standards Board for England or the Audit Commission.

Review of Current Policy

3.10 The policy has only been invoked on one occasion to deal with a major issue since its introduction in April 2001. In this case the policy operated effectively and the stages within it were found to be appropriate. A number of minor confidential reporting issues have been dealt with at a supervisory/managerial level.

3.11 Minor amendments have recently been made to the policy to reflect changes in the Council's organisation structure and the constitutional requirement that the Standards Committee reviews the policy on an annual basis.

3.12 Following comparisons of the policy with other partner organisations and with best practice guidance it is concluded that the policy remains appropriate and relevant and does not require amendment at this point in time.

4. RESOURCE IMPLICATIONS

None

5. OTHER MATERIAL CONSIDERATIONS

None

6. CONSULTATION

None

7. OVERVIEW AND SCRUTINY IMPLICATIONS

Not Applicable

8. LIST OF APPENDICES

Appendix 1 - Sedgefield Borough Council - Confidential Reporting Policy

Contact Officer: Helen Darby
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Ward(s) Contents are not ward specific.

Key Decision Validation Will not involve expenditure which exceeds current budget.
Will not directly impact on more than two wards in the Borough.

Background Papers

Employers Organisation – Model Code on Whistleblowing (Confidential Reporting Code)
Public Interest Disclosure Act 1998
Sedgefield Borough Council – Code of Conduct for Employees

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council’s Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

