

# AUDIT COMMITTEE

29 June 2015



## Confidential Reporting Code (Whistleblowing)

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### Report of Don McLure, Corporate Director, Resources

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#### Purpose of the Report

1. The purpose of the report is to seek approval of the revised Confidential Reporting Code (Whistleblowing).

#### Background

2. The previous version of this code was agreed by Audit Committee on 20 May 2014.
3. The Department for Business, Innovation and Skills (BIS) has issued a new Code of Practice for Employers on Whistleblowing in March 2015 and this guidance has been taken into consideration for the annual review of this code.

#### Confidential Reporting Code (Whistleblowing)

4. The revised Confidential Reporting Code (Whistleblowing) together with the associated reporting form is attached as Appendix '2'. The main changes to the code are as follows:
  - Inclusion of the term whistleblowing in the title of the code;
  - Inclusion of the definition of whistleblowing and associated legislation;
  - Reference included that the code also applies to former employees;
  - The scope of the code has been revised to reflect the new BIS Code of Practice on Whistleblowing e.g. to be covered by whistleblowing law a worker who makes a disclosure must reasonably believe that they are acting in the public interest and that the disclosure tends to show past, present or likely future wrongdoing in one of the 6 categories listed;

- Inclusion of a link to a list of prescribed persons to which a worker may make an external disclosure if they feel unable to raise the matter internally. Prescribed persons are mainly regulators and professional bodies but include other persons and bodies such as MPs. The relevant prescribed person depends on the subject matter of the disclosure, for example a disclosure about wrongdoing in a care home could be made to the Care Quality Commission.
5. During 2014/15 there have been no cases referred via the confidential reporting code form, however the Protecting the Public Purse Annual Report, to be presented to Audit Committee later in the agenda highlights 32 potential cases of fraud and irregularity that have been investigated or are currently under investigation. Of these 32 cases, three were reported to Internal Audit from employees.

### **Consultation**

6. The revised code has been subject to appropriate consultation with the following key stakeholders:
- Internal Consultation – Human Resources, Legal Services, Internal Audit and Corporate Fraud, Corporate Procurement and Trade Unions.
7. Feedback has been received from all key stakeholders and where appropriate included in the code.

### **Implementation**

8. It is proposed that the code is publicised through the following mechanisms:
- HR Business Leads to raise with service management teams;
  - Intranet and Employee Update.
  - The policy is to be published on the Council's internet page to enable 'former' employees to access it. This is consistent with the approach taken by other authorities in the region.

## **Recommendations and Reasons**

9. Members are asked to agree:

- The revised Confidential Reporting Code (Whistleblowing).

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## **Appendix 1: Implications**

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### **Finance**

No direct implications as a result of this report.

### **Staffing**

None

### **Risk**

None

### **Equality and Diversity/Public Sector Equality Duty**

None

### **Accommodation**

None

### **Crime and disorder**

None

### **Human rights**

None

### **Consultation**

Internal stakeholders including the Trade Unions have been consulted as part of the process.

### **Procurement**

None

### **Disability Issues**

None

### **Legal Implications**

None