

Audit, Governance & Standards Committee

11 July 2016

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

Yes

Speaking Up Policy (Whistleblowing)

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. The Committee **approves** the Speaking Up Policy.
2. The Committee **adds to its work programme** appropriate periodic updates on matters raised through the Speaking Up 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
Managers' Meeting (officers)	18 July 2016

Speaking Up Policy (Whistleblowing)

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 with best practice issued by CIPFA and Public Concern At Work. The Policy has been reviewed and accepted by officer groups through the Council and now comes to Members for final comment and approval before adoption and publication.
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2. INTRODUCTION AND BACKGROUND

- 2.1 In September 2015 this Committee commissioned Mid Kent Audit to complete an overview of the Council's arrangements to support concerns raised by staff (formally known as 'whistleblowing').
 - 2.2 That work reported to Members in January 2016 (we include the full report here as Appendix II) and concluded that while arrangements were not fundamentally deficient there was sufficient scope for improvement. This scope not least because the existing arrangements preceded legal developments and best practice guidance issued by CIPFA and Public Concern At Work.
 - 2.3 The January 2016 report recommended that officers draw up a new policy in line with best practice and seek to publicise it across the Council. Following revisions to the Audit Charter in March 2016 by this Committee, responsibility for drawing up the policy could, and did, fall to Mid Kent Audit.
 - 2.4 Mid Kent Audit, with reference to current best practice across the public sector and with advice of the CIPFA Counter Fraud Centre, drew up the Policy shown at Appendix I in April 2016.
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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 (appendix II here) that Policy lags behind best practice in the sector and, potentially, limits the ability of staff to safely raise concerns.

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).
- 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.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Policy has been considered by officer groups (Corporate Governance and Wider Leadership Team). It has also been informally considered by Members of this Committee in 2015/16 via email to ensure Members who were on this Committee when the Policy was commissioned have opportunity to comment on the final result.
- 5.2 We also consulted with the Chair and Vice Chair of the Policy and Resources Committee on whether this document should go to that Committee. The conclusion was clear that Audit, Governance and Standards – having originally sparked the update and effectively commissioned the Policy – was the appropriate Member body to handle its approval and monitoring.
- 5.3 The Policy attached has been adapted for comments received from Officers and Members through this consultation.

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.
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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	The Policy has no risk management implications in itself.	
Financial	The Policy has no financial implications in itself.	
Staffing	The Policy has no staffing implications in itself.	
Legal	The Policy was considered by the Council's legal team on presentation at Corporate Governance Group and is amended for comments received.	
Equality Impact Needs Assessment	The Policy does not require an Equality Impact Needs Assessment.	
Environmental/Sustainable Development	The Policy has no environmental implications in itself.	
Community Safety	The Policy has no community safety implications in itself. Note that the Policy specifically advises individuals with concerns related to immediate matters of safety (including safety of children and vulnerable adults) to raise their concerns with police or through the Council's safeguarding policy as appropriate.	
Human Rights Act	The Policy has no Human Rights Act implications in itself.	
Procurement	The Policy has no procurement implications in itself.	
Asset Management	The Policy has no asset management implications in itself.	

8. REPORT APPENDICES

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

- Appendix I: Maidstone Borough Council Speaking Up Policy
 - Appendix II: Whistleblowing Report (January 2016)
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9. BACKGROUND PAPERS