



Coventry City Council

# 7.3

## Public report

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### Report to

Standards Committee  
Council

16<sup>th</sup> October, 2008  
28<sup>th</sup> October, 2008

### Report of

Director of Customer and Workforce Services

### Title

Proposed Amendment to the Constitution – Monitoring of Council's Whistleblowing Policy

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## 1 Purpose

- 1.1 This report outlines a proposed change to the Constitution in respect of responsibility for monitoring the Council's Whistleblowing Policy, following consideration of this matter by the Constitution Working Group.

## 2 Recommendations

- 2.1 Standards Committee is requested to recommend that the City Council amend parts 2.9.6 and 3.7.1 of the Constitution relating to the functions of the Standards Committee as follows:-

To remove the following role / function from the terms of reference from the Standards Committee – "To monitor and review the City Council's Whistleblowing Procedure " in light of the fact that:

- It is already reflected in section 4.5.2.3 of the Constitution within the terms of reference of the Audit Sub Group; and
- The Audit Sub Group through its terms of reference and work plan is better positioned to monitor the Council's Whistleblowing Policy.

## 3 Information / Background

- 3.1 The City Council's constitution has been operating in its current form since May 2003, and the Standards Committee has approved various amendments during the course of the last five years.
- 3.2 The Monitoring Officer has also made some minor rewording / redrafting amendments in accordance with the authority delegated by the Standards Committee.

3.3 The Constitution Working Group, which has cross-party representation, meets during the municipal year to give consideration to any issues that arise in relation to the Constitution.

#### **4 Proposal to be Considered - Monitoring of Council's Whistleblowing Policy**

4.1 Whilst the Council has had Whistleblowing guidance in place for some years now, the Council has only had a Whistleblowing Policy in place since October 2007. This Policy allows individuals who wish to raise concerns in a confidential manner over any wrongdoing within the Council relating to unlawful conduct, financial malpractice, or dangers to the public or the environment. The Policy is intended to encourage and enable individuals to raise serious concerns within the Council, rather than overlook a problem. The Policy supports the Council's Fraud and Corruption Policy and complements other specific investigative procedures developed to support vulnerable groups i.e. Safeguarding Children and Vulnerable Adult Protection.

4.2 The Policy applies to:

- All employees of the Council, including temporary employees as well as agency workers and employees seconded to third party organisations.
- Contractors working for the Council.
- Teachers and School employees, subject to its adoption by Governing Bodies. In Voluntary Aided schools, the Governors are the employers of the staff and not the City Council. Employees based within such establishments could if they wished report concerns to the Diocesan authorities.

4.3 There are two reporting mechanisms available depending on the nature of the concern / allegation:

- For fraud and financial irregularity – Concerns should be raised with the Internal Audit Manager.
- For all other matters – Concerns should be raised with the Head of Legal Services, as the Council's Monitoring Officer.

4.4 In addition, employees can make initial contact with any of the following: Supervisor, Manager, Head of Service, Headteacher, Trade Union representative, or Human Resources. Additionally, Public Concern at Work (an independent charity) operates a confidential helpline to provide free impartial advice for persons wishing to express concern about fraud and other serious malpractice in the workplace. Any of the above will provide advice on how to take the issue forward and will ensure that the relevant key contact is notified that a Whistleblowing concern exists.

4.5 Whilst allegations can be made anonymously, there is an expectation that the person reporting a matter will disclose their identity to the relevant key contact, as this will facilitate the investigation. The Council will endeavour to maintain the person's anonymity wherever possible. The Council will not tolerate harassment or victimisation and will take action to protect individuals wherever possible provided that:

- The concerns are raised in good faith;
- The information provided is believed to be true, even if the allegation is not subsequently confirmed by the investigation;
- Allegations are not made for personal gain.

Individuals should be aware that actions taken as a result of their reporting a concern might lead to their identity being revealed, either by inference or as a result of disciplinary or legal proceedings. If this should happen, the Council will not tolerate any individual being victimised in any way.

4.6 The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- Investigated internally by an appropriately skilled and experienced employee, knowledgeable in the area concerned e.g. Manager, Internal Audit, Social Care Manager, Benefits Investigation Team, Human Resources, Chief Executive, the Council's Monitoring Officer, Vulnerable Adults Protection Coordinator, the Safeguarding Children Officer etc.
- Referred to the Police, Health and Safety Executive, External Auditors, Ombudsman and / or the National Standards Board.
- The subject of an independent enquiry.

4.7 Given the importance placed upon the Whistleblowing Policy within the Council, monitoring is a critical part of the overall Council arrangements. The role for monitoring this policy is reflected in the Constitution. However, the monitoring role for Whistleblowing is included in the terms of reference of two different groups – the Standards Committee and the Audit Sub Group.

4.8 The Constitution Working Group considered this issue at its meeting on the 9<sup>th</sup> September 2008. Whilst there is no definitive guidance in place over who should undertake this monitoring role, the Constitution Working Group's view is that responsibility for monitoring the Council's Whistleblowing Policy should be solely within the remit of the Audit Sub Group given that :

- There is a direct link between Whistleblowing and the Council's Policy and Strategy in respect of fraud and corruption, which is subject to monitoring and review by the Audit Sub Group.
- The Council's Internal Audit Service, whose activity is monitored by the Audit Sub-Group, currently investigates the majority of Whistleblowing allegations.
- Most allegations are a result of a breach in Council policy and / or procedures. The Audit Sub-Group is responsible for overseeing that management action is taken to address control weaknesses identified either as a result of audit or fraud work.

4.9 It is therefore proposed to amend the Constitution by removing responsibility for monitoring and reviewing the City Council's Whistleblowing Procedure from the terms of reference of the Standards Committee.

## 5 Other specific implications

5.1

	<b>Implications (see below)</b>	<b>No implications</b>
Best Value		✓
Children & Young People		✓

	<b>Implications (see below)</b>	<b>No implications</b>
Climate Change and Sustainable Development		✓
Comparable Benchmark Data		✓
Coventry Community Plan		✓
Corporate Parenting		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

## 5.2 Legal Implication

The City Council's Constitution is written in accordance with the provisions of the Local Government Act 2000.

## 6 Monitoring

- 6.1 The Constitution is continuously monitored through its regular use and through the Constitution Working Group.

## 7 Timescale and expected outcomes

- 7.1 If the Standards Committee agree the change to the Constitution, it is proposed that it is submitted to the Council meeting on the 28<sup>th</sup> October 2008, for approval.

	<b>Yes</b>	<b>No</b>
<b>Key Decision</b>		X
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>		X
<b>Council Consideration (if yes, date of Council</b>	✓ 28/10/08	

meeting)						
<p>List of background papers</p> <p><b>Proper officer:</b> Sue Iannantuoni, Acting Head of Human Resource(024-7683-3020)</p> <p><b>Authors:</b> Claire Campbell, Acting HR Manager (024-7683-3277)  Stephen Mangan, Internal Audit Manager (024-7683-3747)</p> <p>Other contributors:</p> <p>Helen Abraham, Head of Democratic Services (024-7683-2199)  Christine Forde, Head of Legal Services (024-7683-1587)  Suzanne Bennett, Democratic Support (024-7683-3072)</p> <p>Papers open to public inspection</p> <table border="0" data-bbox="325 712 1482 795"> <thead> <tr> <th data-bbox="325 712 1013 750"><b>Description of paper</b></th> <th data-bbox="1013 712 1482 750"><b>Location</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="325 750 1013 795">None</td> <td data-bbox="1013 750 1482 795"></td> </tr> </tbody> </table>			<b>Description of paper</b>	<b>Location</b>	None	
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