

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

16 OCTOBER 2008

CONFIDENTIAL REPORTING CODE

Responsible Portfolio Holder	Cllr Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

1. SUMMARY

1.1 The Standards Committee is responsible for monitoring and reviewing the Council's Confidential Reporting Code on an ongoing basis. The Committee is requested to undertake such a review.

2. RECOMMENDATION

2.1 That Members either:

2.1.1 recommend to Council that the Articles of Constitution be amended so as to transfer responsibility for reviewing and monitoring the Confidential Reporting Code to the Audit Board;

or alternatively

2.1.2 identify the role to be performed by the Standards Committee in reviewing and monitoring the Confidential Reporting Code to enable officers to prepare a suitable report for the next meeting of the Standards Committee.

3. BACKGROUND

3.1 The Confidential Reporting Code ("the Code") is essentially a "whistle-blowing" code which allows officers to report concerns or allegations about, for example:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other workers;
- damage to the working environment;
- the unauthorised use of public funds;
- misappropriation of money, materials and equipment, or other irregularities;
- possible fraud and corruption;

- sexual or physical abuse of clients; or
- other unethical conduct.

3.2 The Code is designed to allow officers to report such matters secure in the knowledge that their concerns will be investigated properly and that they will not be victimised, harassed or marginalised because of the fact that they have reported the conduct in question. A copy of the Code is at Appendix 1. The current Confidential Reporting Code was introduced in March 2007. The draft Code, prepared by the Council's Audit Team, was considered by the Standards Committee at its meeting on 21 February 2007 at which it made recommendations to Council.

The role of the Standards Committee

3.3 The Council's Articles of Constitution state, and indeed have for some time stated, that it is the role of the Standards Committee to monitor and review the Confidential Reporting Code. This is the first occasion on which the Standards Committee has been requested to monitor or review the Code.

3.4 However, Members will note that the Code itself anticipates that the operation of the Code should be reported to the Audit Board (paragraph 7.1 of the Code) and Members are requested to consider whether the Audit Board is in fact better placed to consider this. The Code does not relate to Members' conduct and indeed the key issues covered by the Code, for example the unauthorised use of public funds, misappropriation of money, possible fraud and corruption and health and safety risks fall within the remit of the Audit Board.

3.5 Members are therefore asked to consider making a recommendation to Council that the Articles of Constitution be revised to transfer this responsibility to the Audit Board.

3.6 If Members are minded not to do so, the Committee is requested to consider and identify the role it should perform in relation to the Code; is it concerned with reviewing the wording of the document, whether complaints made are being properly processed and investigated, whether it has contributed to good practice, whether it is adequately publicised or other roles. This will enable officers to prepare an appropriate report for the next meeting of the Committee.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. LEGAL IMPLICATIONS

5.1 The Public Interest Disclosure Act 1998 provides the statutory basis for the Code.

6. COUNCIL OBJECTIVES

6.1 This item does not link directly to any of the Council's objectives.

7. RISK MANAGEMENT

There are no significant risks associated with this report.

8. CUSTOMER IMPLICATIONS

8.1 None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS:

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	No
Executive Director - Services	Yes
Assistant Chief Executive	No

Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All

14. APPENDICES

Appendix 1 The Code

15. BACKGROUND PAPERS

None

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