

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

7TH MARCH 2007

REVISED CONFIDENTIAL REPORTING CODE

Responsible Portfolio Holder	Councillor Mrs. C. J. Spencer
Responsible Head of Service	Head of Legal and Democratic Services

1. Summary

1.1 To present for approval the revised Confidential Reporting Code.

2. Recommendation

2.1 The Executive Cabinet is recommended to -

- consider and approve the revised Confidential Reporting Code.
- delegate to the Head of Legal and Democratic Services the authority to amend the Code following the necessary consultation with the Unions and any other relevant bodies.

3. Background

3.1 The Council is subject to an annual external audit assessment on its "Use of Resources". The assessment focuses on financial management and links to the strategic management of the Council. It looks at how financial management is integrated with strategy and corporate management, supports council priorities and delivers value for money. The assessment also informs decisions about possible CPA re-categorisation.

3.2 Section 4.3 of the "Use of Resources" assessment states "The council has arrangements in place that are designed to promote and ensure probity and propriety in the conduct of its business". Specifically, within this section the assessment requires the Council to maintain "a whistleblowing policy which has been communicated to staff and those parties contracting with the Council".

3.3 The Council has previously adopted a Confidential Reporting Code, however, the document has not been revised or updated since 2004.

3.4 The Council has existing procedures in place for workers to lodge grievances relating to their own employment. The Confidential Reporting Code is intended to cover concerns that fall outside the scope of other procedures. Such concerns may be:

- something that is unlawful;
- against the Council's Constitution or policies;
- falls below any approved code of practice; or
- amounts to improper conduct.

3.5 The Code does not replace the Corporate Complaints Procedure.

4. Revised Confidential Reporting Code

4.1 The Council should develop a culture where individuals are confident enough to raise concerns and to question and act upon those concerns without fear of subsequent disadvantage. A clear framework outlining procedures and safeguards enable employers to tackle individual concerns quickly and effectively. The aim of the Council's Confidential Reporting Code is to:

- Encourage workers to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide an avenue for workers to raise those concerns or make allegations and receive feedback on any action taken;
- Ensure that workers receive a response to their concerns or allegations and to make them aware how to pursue them if they are not satisfied; and
- Reassure workers that they will be protected from possible reprisals or victimisation if they have a reasonable belief that the disclosure is made in good faith.

4.2 The main areas included in the Confidential Reporting Code are:

- An introduction to the Code and who it applies to.
- The aims and scope of the Code.
- The Public Interest Disclosure Act and how this is applied within the Council.
- Safeguards to deal with:
 - Harassment or Victimisation of Workers;
 - Confidentiality;
 - Anonymous Allegations;
 - Rights and Responsibilities of Workers; and
 - Untrue Allegations.
- The process workers should follow when raising a concern.
- Details on how the Council will respond and deal with the concern.
- Information on how the matter can be taken further.

4.3 Adoption of the revised Confidential Reporting Code is subject to the necessary consultation with the Unions and any other relevant bodies.

5. Financial Implications

5.1 None outside existing budgets.

6. Legal Implications

6.1 None.

7. Corporate Objectives

7.1 Council Objective 04: Improvement.

8. Risk Management

8.1 There are a number of risks associated with not having a Confidential Reporting Code in place. The Public Interest Disclosure Act 1998 sets out a framework for raising genuine concerns about malpractice and guarantees full protection to workers who raise such issues responsibly. The Code will ensure the Council complies with its obligations under the legislation and prevents any subsequent claims of harassment or victimisation. There is no qualifying period of protection for workers making a disclosure and no upper limit of the level of compensation that can be awarded. If a worker makes a protected disclosure and is dismissed as a result, the dismissal is automatically unfair.

8.2 A clear procedure for raising issues will help to reduce the risk that serious concerns are mishandled, whether by the individual or by the organisation.

8.3 The policy encourages individuals to raise concerns initially with the Council, rather than making a public disclosure. The policy will help the Council to resolve concerns at an early stage and to limit any potential damage to the Council's reputation in the wider community as a result of a public disclosure. The existence of a policy, together with evidence that the Council is concerned to deal effectively with any malpractice, will make it less likely that a tribunal will find that a worker was behaving reasonably by making disclosures to an outside body or person.

9. Customer Implications

9.1 No customer implications.

10. Other Implications

10.1

Procurement Issues	None
Personnel Implications	None
Governance / Performance Management	Improved standards of openness, probity and accountability.
Community Safety including Section 17 of the Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

11. Others Consulted on the Report

11.1

Portfolio Holder	No
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	No

12. Appendices

Appendix 1 - Confidential Reporting Code.

Background Papers

- Executive Cabinet 22nd February 2006 (Agenda item 9) - Anti Fraud & Corruption Strategy.
- Executive Cabinet 6th September 2006 (Agenda item 23) - Financial Regulations.

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