

Extract from Audit & Governance Committee Minutes

City of York Council

Committee Minutes

Meeting	Audit & Governance Committee
Date	6 February 2019
Present	Councillors Cannon (Chair), Steward (Vice-Chair), Lisle, Cuthbertson, Kramm, Williams (Items 6 - 16) and Mason Mr Mann (Items 10,11 & 13 - 16) and Mr Mendus (Independent Members)

52. Whistleblowing Policy

Members considered a report discussing whistleblowing activity in the current financial year. The report also included a proposed new whistleblowing policy, for comment.

The Head and Deputy Head of Internal Audit presented the report. They explained that the policy set out to reaffirm the Council's commitment to offer protection to employees who chose to use this process. In response to Member questions they stated:

- There was no complete record held of whistleblowing reports. Veritau and HR were sometimes unaware of instances when line management dealt with the issues themselves. It was agreed reporting arrangements needed strengthening and once there was a more accurate record this could be reported back to Statutory Officers and the Committee;
- This policy was specific to employees who wished to raise issues. There were other channels for Members and members of the public to report concerns, for example the Veritau fraud hotline;
- Investigations would always be undertaken in an expeditious manner, but this was sometimes challenging, given the complexity of some investigations. This made it very hard to set clear time limits; and
- They were happy for Joint Standards Committee to look at the policy, but reiterated that this was a policy for employees. The Deputy Monitoring Officer highlighted that there were separate mechanisms for Members to report issues;

During discussion Members made the following comments:

- Consultation could have included Members from the opposition, Scrutiny Chairs, Joint Standards Committee;
- Detail on best practice from elsewhere could have been looked at;
- Anonymous whistleblowing was no less powerful than other complaints. This judgement should be based on the complaint, not the source;
- 10 working days was too long to make contact with someone who was whistleblowing. An immediate acknowledgement (within 1 working day) should be given to the individual, even if it would take time to give a fuller response;
- The policy should be as accessible as possible, perhaps advertised via posters in the workplace. The previous policy contained the line 'If in doubt, raise it' which was effective and could be retained;
- The line 'disciplinary action may be taken...' (3.3, p. 124) could be changed to read 'disciplinary action *will* be taken...'
- Members should have some oversight of NDA's, perhaps via Staffing Matters & Urgency Committee;
- Where a whistleblowing report involved a Councillor, the Joint Standards Committee should be involved as soon as possible; and
- A key issue was for HR to now keep a full and accurate record of whistleblowing incidents. This figure should be reported to this Committee on a regular basis. The importance of this should be highlighted in the Manager's Whistleblowing Policy.

In relation to discussion on Non-disclosure agreements Officers stated they were unsure of the exact detail of Member involvement in Non-disclosure agreements, but would look into this for Members. It was suggested this be discussed under the Forward Plan (minute item 57).

Resolved: Members noted the whistleblowing activity during 2018/19 and provided comments on the proposed new policy and guidance.

Reason: In accordance with the committee's responsibility to assess the effectiveness of the council's counter fraud arrangements including the whistleblowing

policy and other relevant counter fraud policies and plans.

Councillor Cannon, Chair

[The meeting started at 5.30 pm and finished at 8.10 pm].