

Committee:	Date:
Audit and Risk Management Committee	13 th May 2014
Subject:	Public
Replacement Whistleblowing Policy	
Report of:	For Decision
Chamberlain and Director of Human Resources	

Summary

The City's Whistleblowing Policy is an essential mechanism in the organisations armoury against wrongdoing, such as fraud, theft, corruption, safeguarding, health & safety and malpractice. Whilst the City of London is confident that it has a management regime in place that seeks to ensure that most concerns can be raised through normal line management channels; the City's Whistleblowing Policy provides an alternative mechanism for employees to raise serious concerns that they may have in order that they may be swiftly resolved, and where such concerns cannot be raised through the existing management channels.

The existing Whistleblowing Policy was published on 7th December 2004, with only minor alterations since its implementation. There have been a number of recent changes to whistleblowing regulations, most importantly to The Public Interest Disclosure Act 1998, which has been amended by other legislation, including the Enterprise and Regulatory Reform Act 2013. As a result a major re-write of the Policy was required.

This replacement Whistleblowing Policy incorporates the changes to whistleblowing regulations, brings the Policy up to date, and conforms to the British Standards Whistleblowing Arrangements Code of Practice.

The replacement Whistleblowing Policy covers all City of London Corporation staff, including Police civilian staff. City of London Police Officers and Police Community Support Officers will refer to the City of London Police - Professional Standards Reporting, Standard Operating Procedure.

The replacement Whistleblowing Policy has been reviewed by key stakeholders, including the Comptroller & City Solicitor, and has passed through a consultation stage with representatives from the GMB & Unite Unions, and with Chief Officers. Audit and Risk Management Committee endorsement and comments are sought on the Policy prior to seeking Establishment Committee approval of the updated Policy.

Recommendations

Members are asked to:

- Endorse the proposed replacement Whistleblowing Policy
- Recommend the Policy to the Establishment Committee for approval

Main Report

Background

1. The City of London is committed to maintaining the highest possible standards of openness, probity and accountability amongst its employees and as such takes very seriously any form of malpractice that is identified or discovered. The City of London's Code of Conduct for employees' sets out the standards expected from all of our employees and the City's core values. Likewise the City of London's Code of Conduct for Members sets out the standards expected from its elected representatives.
2. The City of London offers a number of avenues to employees to enable them to raise concerns they may have within the workplace, some of these are specialist, such as those outlined within the Corporate Anti-fraud & Corruption Strategy, whilst others offer channels to raise concerns across wider remits. The City's Whistleblowing Policy is an essential tool for employees to raise concerns that are in the public interest, without fear from any form of reprisal or discrimination.
3. Whilst the City of London is confident that it has a management regime in place that seeks to ensure that most concerns can be raised through normal line management channels; the City's Whistleblowing Policy provides an alternative mechanism for employees to raise serious concerns that they may have in order that they may be swiftly resolved, and where such concerns cannot be raised through the existing management channels.
4. Where concerns are raised in the public interest and when the employee reasonably believes the concern to be true, they will be protected from any reprisals or victimisation. Furthermore, if genuine concerns are raised under this Policy, the employee will not be at risk of suffering any form of retribution as a result.
5. The Whistleblowing Policy can also provide a mechanism for members of the public to raise similar serious concerns in relation to the City of London operations, if necessary.
6. The current Whistleblowing Policy has been in operation since 7th December 2004; only minor alterations have been made to this Policy since its introduction.
7. The table below details the number of Whistleblowing disclosures reported to Internal Audit, either directly or via colleagues in other departments, over the past four years.

Year	Number Recorded
2010/11	15
2011/12	5
2012/13	5
2013/14	7

8. Members will note a peak of whistleblowing disclosures in 2010/11. No underlying reason for this peak of reporting could be determined.
9. Any member of staff receiving a whistleblowing disclosure is required to report this to Internal Audit for recording purposes, as detailed within the replacement Whistleblowing Policy, however ensuring this always happens in all cases cannot be guaranteed.

Current Position

10. A review of the Whistleblowing Policy by Internal Audit found that although the Policy retained its key messages, it needed re-drafting in order to bring it up to date and to incorporate changes to The Public Interest Disclosure Act 1998, which has been amended by other legislation, including the Enterprise and Regulatory Reform Act 2013.
11. On 25th June 2013, the Government introduced a public interest test to whistleblowing disclosures so that only concerns which meet the test, and which are of relevance to the general populace will give the whistleblower legal protection. (Disclosures made before 25th June 2013 need only to have been made in good faith.)
12. The replacement Whistleblowing Policy provides employees with clear guidance on the type of matters that may be raised, along with guidance on how to raise a concern; it likewise provides a frequently asked question (FAQ's) section and guidance for managers who are notified of a concern. The Policy also provides employees with guidance on where they can seek advice, should they wish, prior to making a disclosure.
13. The replacement Whistleblowing Policy covers all City of London Corporation staff, including Police civilian staff. City of London Police Officers and Police Community Support Officers will refer to the City of London Police - Professional Standards Reporting, Standard Operating Procedure.
14. The replacement Whistleblowing Policy has been reviewed by Corporate Human Resources and the Comptroller & City Solicitor; it has likewise gone through consultation with both the GMB and Unite Unions. Chief Officers have also reviewed it and given feedback. Only minor alterations were required as a result of these reviews.
15. Ordinarily a tracked changes version would be provided in order to demonstrate the amendments made to the Policy, however owing to the number of changes necessary the Whistleblowing Policy has been completely re-written, and therefore a tracked changes version cannot be provided. The previous policy can be provided on request to Members.

Replacement Policy

16. The Corporation is confident that it has a management regime in place that ensures that most concerns can be raised through normal line management

channels. The proposed replacement Whistleblowing Policy, incorporates the recent changes to the Public Interest Disclosure Act, and conforms to best practice guidance and British Standards. The Policy has been reviewed by key stakeholders and has passed through a consultation stage with the Unions and Chief Officers. It provides clear guidance, and brings up to date a key Policy designed to encourage employees to raise any concerns they may have.

17. Once the policy is approved, the replacement Whistleblowing Policy will be highlighted in the all staff eLeader, via an all staff update e-mail, and the Policy updated on the relevant pages of the internet and intranet. The existence and use of whistleblowing procedures was included in the recent Fraud Awareness training undertaken by all staff.
18. Internal Audit will attend management team meetings as appropriate in order to explain the introduction of the replacement Whistleblowing Policy in greater detail, and to answer any questions colleagues may have.

Conclusion

19. The adoption of a Whistleblowing Policy which meets current best practice standards assists the organisation in demonstrating high Corporate Governance Standards. It encourages employees to raise concerns about wrongdoing within the workplace that may otherwise go unreported, or those that cannot be raised through normal line management channels; likewise it provides a channel for members of the public to raise similar concerns in a confidential manner.
20. It is essential that employees have confidence in the whistleblowing procedures in place across the organisation, and assurance that the City of London takes seriously all concerns raised.
21. The proposed replacement Whistleblowing Policy conforms to best practice and British Standards guidance.

Background Papers:

Appendices

Appendix 1: City of London Whistleblowing Policy (NEW)

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