

# Standards Committee

25 July 2013

**Time** 1.30pm                      **Public meeting?** Yes                      **Type of meeting** Oversight

**Venue** Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

**Room** Committee Room 1 (3<sup>rd</sup> floor)

## Membership

**Chair**                                      Cllr Bert Turner (Lab)

**Labour**  
Cllr Tersaim Singh  
Cllr Peter O'Neill

**Conservative**  
Cllr Andrew Wynne

## Information to the Public

If you have any queries about this meeting, please contact the democratic support team:

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# Agenda

## Part 1 – items open to the press and public

*Item No. Title*

### **BUSINESS ITEMS**

1. **Apologies for absence**
2. **Declarations of interest**
3. **Minutes – Meeting, 9 May 2013**  
[for approval]
4. **Matters Arising**  
[to consider as necessary]

### **DECISION ITEMS**

5. **Schedule of Outstanding Minutes**  
[to receive a report on outstanding issues and details of when reports on individual items will be presented]
6. **Review of the Constitution**  
[to recommend Council on 18 September 2013 to approve various changes to the Constitution, including the incorporation of an Index]
7. **Whistleblowing Policy**  
[to receive details of the Council's Whistleblowing Policy, endorsed by the Audit Committee on 24 September 2012]

## Part 2 – exempt items, closed to the press and public

Nil

# M MINUTES

meeting: **STANDARDS COMMITTEE**

date: **9 MAY 2013**

**PRESENT:-**

Councillors Turner (Chair), O'Neill, T Singh, and Wynne

**OFFICERS IN ATTENDANCE:-**

Delivery Directorate

L Banbury - Democratic Support Officer  
F Davis - Head of Service (Regeneration & Governance)

**BY INVITATION:-**

S Hill - Independent Person

**Wolverhampton**  
City Council



### **Declarations of Interest**

9. No interests were declared.

### **Minutes**

10. Resolved:-  
That the minutes of the meeting held on 13 September 2012 be approved as a correct record.

### **Honorary Alderman – Conferment of Title**

Pursuant to resolutions 7 and 8, a discussion took place regarding the Council's service criterion for the conferment of the Title of Honorary Alderman, which currently stood at twenty years. Councillors were of the opinion that the required length of service was extensive compared to other local authorities.

11. Resolved:-  
That a report be produced for the next scheduled meeting, comparing Wolverhampton's service criterion for the conferment of the Title of Honorary Alderman with neighbouring authorities.

### **Schedule of Outstanding Minutes (Appendix 8)**

The Democratic Support Officer submitted a report, which set out a schedule of outstanding minutes, together with an indication as to when it was expected that reports on individual items would be presented for consideration. She advised that the outstanding report on the revised Whistleblowing Policy would be presented to the next joint meeting with the Audit Committee.

12. Resolved:-  
That the report be received.

### **Comprehensive Review of the Constitution (Appendix 9)**

The Head of Service (Regeneration and Governance) drew attention to the summary of proposed changes, which were approved by the Special Advisory Group on 22 April 2013. She advised that the Councillor N A Patten had raised a question about the section in regard to delegations to employees, specifically in regard to the installation of telecommunications. However, following discussion after the meeting the Councillor had confirmed his endorsement of the amendment.

The proposed changes to the Constitution in regard to overview and scrutiny would not be revised in time for the Annual Council meeting. These changes were due to be considered by the Standards Committee in June for approval by full Council in September. However, there was one issue, not debated by the Special Advisory Group but arising from the review of scrutiny which required this Committee's

consideration, namely the call-in urgency procedures. The proposed amendment was tabled at the meeting which, in summary, deleted reference to the Mayor and Deputy Mayor and replaced it with Monitoring Officer and Deputy Monitoring Officer.

13.

Resolved:-

(a) That the Overview and Scrutiny Procedure Rules remain unchanged at the present time, pending consideration by the Standards Committee in June 2013 for approval by full Council in September.

(b) That the Call-in Urgency procedures be amended in accordance with the paper tabled at the meeting today.

(c) That, subject to (a) and (b) above, the summary of changes to the Constitution May 2013 be approved and arrangements made to present the changes to Annual Council on 15 May 2013 for approval.

**OPEN INFORMATION REPORT**

Date **25 JULY 2013**

Wolverhampton City Council

**STANDARDS COMMITTEE**

Originating Service Group(s) **GOVERNANCE**

Contact Officer(s)/ **LINDA BANBURY**

Telephone Number(s) **(01902) 555040**

Title/Subject Matter **SCHEDULE OF OUTSTANDING MINUTES**

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Set out in this report is a schedule of outstanding minutes. An indication is contained within the Schedule when it is expected that reports on individual items will be submitted for consideration.

## SCHEDULE OF OUTSTANDING MINUTES

<u>Subject</u>	<u>Date of Meeting and Minute No</u>	<u>Decision</u>	<u>Comments</u>
1. Whistleblowing Policy	17.11.11 35	Committee to receive report on revised Whistleblowing Policy following consideration of the annual review of fraud related policies by the Audit Committee.	Report to this meeting
2. Honorary Alderman – Conferment of Title	09.05.13 11	Report to be produced, comparing Wolverhampton's service criterion with neighbouring authorities	Considered at Leader's Business Management Group 10 July 2013 – verbal update at the meeting

Wolverhampton City Council

**OPEN DECISION ITEM**

**SPECIAL ADVISORY GROUP**

16 July 2013

**STANDARDS COMMITTEE**

**25 July 2013**

Originating Service Group(s)

**DELIVERY**

Contact Officer(s)/

**FIONA DAVIS**

**MARTYN SARGEANT**

Telephone Number(s)

**4932**

**5043**

Title

**REVIEW OF THE CONSTITUTION 2013/2014**

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**RECOMMENDATION**

1. That the changes set out in paragraphs three and four of the report including the incorporation of an Index to the Constitution be referred to Council on 18 September 2013, for approval.



## 1.0 PURPOSE

- 1.1 To consider revisions to the Constitution set out in the report and refer them to Council on 18 September 2013, for approval.

## 2.0 BACKGROUND

- 2.1 This report sets out changes to the Constitution required as at July 2013. The detailed changes set out paragraphs three and four of this report are required as part of the regular and on-going review of the Constitution to ensure it remains current, relevant and in line with Legislation and Best Practice.
- 2.2 The changes have been co-ordinated through the Constitution Review Group chaired by the Strategic Director for Delivery.
- 2.3 To enable Members to view the changes, marked up copies of the Constitution are available for review in the Member's area.

## 3.0 SUMMARY OF MINOR CHANGES TO THE CONSTITUTION – JULY 2013

- 3.1 The table below details the changes required to the Constitution as at July 2013.

Section	Description of change
Appendix 1, p15 – delegations to Cabinet (Resources) Panel	<ul style="list-style-type: none"><li>Replace 'Council Tax Benefit' with 'Localised Council Tax Support Scheme'. [multiple references]</li></ul>
Appendix 1, p93 – E31	<ul style="list-style-type: none"><li>Replace 'Independent Members of the Standards Committee' with 'Independent Persons'.</li></ul>
Appendix 2, p40 – Cabinet procedure rules	<ul style="list-style-type: none"><li>Reworded to reflect agreed decision-making arrangements (Cabinet member in consultation with officer'.</li></ul>
Appendix 2, p96 – financial procedure rules	<ul style="list-style-type: none"><li>Replace 'Head of Human resources Strategy' with 'Chief Human Resources Officer'.</li></ul>
Various but particularly sections on the Forward Plan and Access to Information Rules (appendix 2)	<ul style="list-style-type: none"><li>Amendments made to incorrect or defunct cross-references.</li></ul>

- 3.2 The Constitution is of necessity a large and complex document. An index would assist all users including the public, to navigate their way around it. Katherine Murray, a professional indexer appointed from the Society of Indexers has produced the index (available on request from the report authors). It is recommended this be incorporated into the Constitution.

## 4.0 OVERVIEW AND SCRUTINY RULES

- 4.1 Following the review of scrutiny undertaken last year, the scrutiny section of the Constitution has been reviewed, particularly in regard to the call-in provisions. The existing arrangements (for the exercise of call-in through a call-in group) have fallen into disuse, so the Constitution needed to be updated.

4.2 A marked-up copy of the proposed changes is attached as appendix 1 to the report. The particular changes are:

(1) A rewording around green decisions, to clarify that they are subject to review but not strict call-in (see sections 12.3/12.4).

(2) Details of who can effect a call-in (see paragraph 3.3), strengthening the provisions to allow the leader OR deputy leader of the main opposition group to effect a call-in, and separating out the role of vice-chair of the Scrutiny Board (in case, at some future point, that person is not the leader or deputy leader of the main opposition group.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 The Index has been prepared in accordance with the rate recommended by the Society of Indexers at a total cost of just under £1,000. This can be accommodated within existing Governance budgets.

[GE/03072013/T] *Special Advisory Group*

[GE/03072013/R] *Standards Committee*

## **6.0 LEGAL IMPLICATIONS**

6.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision making, finance and contracts. The Council is also required to keep its Constitution updated.  
[FD/04072013/L]

## **7.0 EQUALITIES IMPLICATIONS**

7.1 The Constitution is an essential part of the Council's Corporate Governance Framework, and has a crucial role in ensuring that the Council fulfils its Equalities responsibilities.

## **8.0 ENVIRONMENTAL IMPLICATIONS**

8.1 There are no direct Environmental Implications arising from this report

## **SCHEDULE OF BACKGROUND PAPERS**

The Constitution

File held in Future Practice – Legal - GP30/21



2726.12 Scrutiny and Call-in

12.1 Scrutiny of ~~Cabinet~~ Executive decisions will be undertaken by the Scrutiny Board and Scrutiny Panels (NB: this does not include decisions made by regulatory committees, such as Licensing and Planning, which are not subject to the call-in provisions). It has two principal elements:

- (a) scrutiny consideration of forthcoming Cabinet decisions, known as pre-decision scrutiny, through which the Scrutiny Board or Panel can scrutinise a decision yet to be made and, if appropriate, shape the final decision through comment and advice to the Executive before they are implemented by means of a call-in mechanism;
- (b) scrutiny of Cabinet decisions after they are implemented consideration of Executive decisions already made, whether by the Cabinet or an individual Cabinet member, through call-in or post-implementation review.

12.2 Pre-decision scrutiny

2.1 Although decisions made by the Executive must be open to scrutiny, the Council wishes the primary focus of its scrutiny process to be on shaping and informing decisions through pre-decision scrutiny.

2.2 The Scrutiny Board and Scrutiny Panels will have access to the Executive's schedule of forthcoming decisions and proposals for consultation. Often, the provision of additional or explanatory data and information can avoid the need for formal consideration of a decision or issue. The initial emphasis, therefore, will be on the free flow of information from Council employees in response to requests for clarification or elaboration from Councillors.

2.3 Thereafter, as part of its work programme, the Board or an individual Panel may request a report on any forthcoming decision that falls within its purview, in advance of its consideration by the Executive. Having considered a particular issue, the Board or Panel may require the decision-maker to have regard to its views as part of the decision-making process.

2.4 Subject to the proposals considered by the decision-maker being substantially the same as the information previously presented to the Scrutiny Board or Panel, matters that have been considered through pre-decision scrutiny may not be called in for post-decision scrutiny under the provisions outlined in paragraph 12.3.

### 12.3 Parameters for post-decision scrutiny (call-in or review)

3.1 An amber decision, made by the Cabinet or a Cabinet Panel, may be called in for scrutiny prior to its implementation. A green decision, made by an individual Cabinet member in consultation with an employee, can be reviewed by the Scrutiny Board or the relevant Scrutiny Panel, although this may be after implementation.

3.2 The following decisions may not be called in:

- (a) a red decision, made by the Council;
- (b) a red decision, approved by the Cabinet for consideration by the Council;
- (c) a decision made by an employee under delegated authority;
- (d) a green or amber decision made under the urgency provisions outlined in paragraph 26.13;
- (e) a green or amber decision, where it has previously been subject to pre-decision scrutiny (as outlined in paragraph 2.4).

3.3 The decision to effect a call-in can be made by any of the following:

- (a) the Chair of the Scrutiny Board;
- (b) the Vice-chair of the Scrutiny Board;
- (c) the Leader or Deputy Leader of the main opposition group.

### 12.4 Review of green decisions

4.1 Any decision to be made by an individual Cabinet member in consultation with an employee (known as a green decision) must be the subject of a written report, to which both the Cabinet member and employee should be signatories.

4.2 A copy of the report, including details of the decision made, will be posted on the Council's website and a schedule of such decisions reported at each meeting of the Cabinet (Resources) Panel.

4.3 The Scrutiny Board or relevant Scrutiny Panel can decide to review a green decision, considering whether it should have been made as a green decision, as well as reviewing the merits of the decision itself. Such reviews must be notified to the accountable Cabinet member and employee within three working days of the decision being reported to the Cabinet (Resources) Panel and will be incorporated into the Board or Panel's work programme.

## 12.5 Scrutiny of amber decisions

5.1 Decisions made by the Cabinet or a Cabinet Panel (known as amber decisions) will be summarised in the minutes of the relevant meeting and published on the Council's website, normally within five working days of the meeting occurring.

5.2 Within the parameters outlined in paragraph 12.3, call-in of an amber decision can be made within three working days of the decision being published. Once this period has expired, and if no call-in has been received, the decision can be implemented.

## 12.6 Arrangements for considering call-ins

6.1 If an amber decision has been formally called in under paragraph 12.5, the Scrutiny Board or appropriate Scrutiny Panel should convene to consider the matter within ten working days of the call-in being received. In the event that the relevant Scrutiny Panel cannot be convened within ten working days, or if the Councillor calling in the decision so requests, the Chair of the Scrutiny Board can determine that the call-in will be considered by the Board and convene a meeting accordingly. The Board meeting should still take place within ten working days of the call-in being received.

6.2 An amber decision that has been called in, may not be implemented until the call-in process is complete.

6.3 The Scrutiny Board or Panel will consider the called-in decision and supporting information, including receiving oral and written comments from both the appropriate Cabinet member(s) and Chief Officer(s). The Board or Panel will exercise one of the following options:

- (i) note the decision, which can then be implemented immediately;
- (ii) ask the Cabinet or Cabinet Panel to reconsider the decision (a decision can only be reconsidered once);

(iii) refer the decision to the Council's next meeting to see if it wishes the decision to be reconsidered.

6.4 The relevant Cabinet member(s) and Chief Officer(s), given reasonable notice, have a duty to attend the Scrutiny meeting to respond to questions and provide information about the call-in. In the event that they are unable to attend, they should ensure a nominated substitute (for Cabinet members) or appropriate representative (for Chief Officers) is able to attend in their place.

6.5 If the decision is referred to Council and the Council does not object to the decision, it can be implemented immediately. The Council may not substitute its own decision unless the original decision is contrary to the policy framework or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer the matter back to the next meeting of the Cabinet or Cabinet panel, detailing the Council's views on the decision. The Cabinet or Cabinet Panel will then choose whether to amend the decision or not, before reaching a final decision and implementing it.

~~Although every Cabinet decision must be open to scrutiny it would be detrimental to efficient decision-making if every individual decision has to be referred to the Scrutiny Board or a Panel before it can be implemented. These Rules seek to achieve a reasonable balance by categorising decisions into:~~

~~(a) those which can only be scrutinised **after** implementation i.e. **Green decisions** which are those decisions taken by a Designated Officer in consultation with a Cabinet Member;~~

~~(b) those which may be called in to allow scrutiny **before** implementation i.e. **Amber**. Amber decisions are those decisions which are delegated to the Cabinet or a Cabinet Panel.~~

~~12.3 There will be five Councillors drawn from the Scrutiny Board to be known as the Call-in Group. Political balance of Call-in Group will be in favour of the opposition. Any one Member of the Group may exercise the call-in and referral rights set out in paragraph 12.5. The role of the Call-in Group is to give consideration to decisions made by the Cabinet and to decide whether to refer them to the Scrutiny Board or a Scrutiny Panel for detailed consideration and debate.~~

~~The Call-in Group will assist the Scrutiny Board and Scrutiny Panel to discharge its scrutiny function in two ways:~~

~~(a) it will examine **Green decisions** after implementation and decide which, if any, should be referred to the Scrutiny Board or a~~

~~Scrutiny Panel and whether written or oral justification for the decision is necessary~~

~~(b) it will act as a filter by considering which Amber decisions need to be called in and scrutinised **before** implementation and which need only be scrutinised after implementation.~~

#### ~~12.4 Green decisions and consideration by the Scrutiny Board and Scrutiny Panels~~

~~A Schedule of **Green decision notices** is included for information on the agenda of the next available Cabinet (Resources) Panel. The reports referred to in the Schedule will be available in the Members' Room(s). The Call-in Group will consider the Schedule prior to the Cabinet Panel and decide whether to refer any Green decision for debate at the next Scrutiny Board or appropriate Scrutiny Panel. The Call-in Group will indicate whether additional oral or written justification for the decision should be provided by the Cabinet Member and Designated Officer(s).~~

~~**N.B.** A **Green decision** cannot be blocked and can be implemented in advance of any scrutiny consideration.~~

#### ~~12.5 Amber decisions and consideration by the Call-in Group~~

~~(a) The Cabinet/Cabinet Panel will consider items identified on the agenda as Amber business.~~

~~The Cabinet/Cabinet Panel will then make decisions each of which will be recorded by the Chief Executive as an Amber decision.~~

~~(b) The Call-in Group will consider the Cabinet/Cabinet Panel agenda prior to the meeting and consider each proposed Amber decision. The Call-in Group will notify the Chief Executive:~~

~~(i) of any issue which it wishes to be brought to the attention of the Cabinet/Cabinet Panel prior to its decision;~~

~~(ii) within 3 working days of any decision being made that it wishes to exercise the right to call-in of that report for scrutiny prior to the implementation of that decision giving reasons for its decision to call-in. It is anticipated that call-in will be exercised rarely as it will delay implementation of the decision;~~

~~(iii) any proposed decision which it wishes to be referred for consideration by the Scrutiny Board or appropriate Scrutiny Panel after implementation the reason for the referral being given.~~

- ~~(c) The Call-in Group may also attend meetings of the Cabinet/Cabinet Panel and, immediately following the meeting, may indicate to the Chief Executive that it wishes a decision to be called in prior to implementation or referred for consideration after implementation.~~
- ~~(d) In each case the Call-in Group will indicate whether additional oral or written information should be provided by the Cabinet/Cabinet Panel and Designated Officer(s).~~
- ~~(e) The Chief Executive will inform the Chair of the Cabinet/Cabinet Panel and appropriate Chief Officer(s) of any notification received from the Call-in Group.~~
- ~~(f) If the Call-in Group does not exercise its rights under 12.5 (b) (ii) or 12.5 (c) then the decision may not be called in subsequently and may be implemented forthwith.~~
- ~~(g) No Amber report which has been the subject of pre-decision scrutiny by any Scrutiny Panel, may be subsequently 'called in' for further consideration by the Scrutiny Board except where the decision of the Cabinet differs significantly from the recommendations of the Scrutiny Panel.~~

~~12.6 Consideration of Amber decisions by the Scrutiny Board or Scrutiny Panels and re-consideration by the Cabinet/Cabinet Panels~~

- ~~(a) If the decision has been formally called in under 12.5(b) (ii) or 12.5 (c) then the Scrutiny Board or appropriate Scrutiny Panel will consider all the information before it including receiving oral and written information from the appropriate Cabinet Members and Directors or Chief Officers. The Board or Panel will exercise one of the following options:
  - ~~(i) note the decision which can then be implemented immediately~~
  - ~~(ii) ask the Cabinet/Cabinet Panel to reconsider the decision (a decision can only be reconsidered once)~~
  - ~~(iii) refer the decision to Full Council to see if it wishes the decision to be reconsidered.~~~~
- ~~(b) If the decision has been referred for consideration under 12.5 (b) (iii) or 12.5 (c) then the Scrutiny Board or Panel will receive the Cabinet/Cabinet Panel's Amber decision for information and debate together with any further information sought on its behalf by the Call-in Group.~~



~~(c) That when required relevant Cabinet Members and senior officers will attend the Scrutiny Board to present oral and written information relevant to the call-in.~~

~~12.7 Consideration of Amber decisions by the Council~~

~~If the decision is referred to the Full Council and the Council does not object to the decision then it can be implemented immediately.~~

~~If the Council does object to the decision then it cannot substitute its own decision unless the decision is contrary to the policy framework or contrary to or not wholly consistent with the budget. Unless that is the case the Council will refer the matter back to the Cabinet/Cabinet Panel together with the Council's views on the decision.~~

~~The Cabinet/Cabinet Panel will then choose whether to amend the decision or not before reaching a final decision and implementing it.~~

~~12.8 Meeting of the Cabinet or a Cabinet Panel to consider items of Red business~~

~~The Cabinet or Cabinet Panel will meet and consider items of Red business i.e. the budget and policy framework which requires consideration by the Full Council in accordance with Article 4 and Appendix 2. The procedure set out in the Budget and Policy Framework Procedure Rules will be followed.~~

## 26.13 Call-In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet Panel is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Monitoring Officer must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Monitoring Officer, the Deputy Monitoring Officer's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

# Wolverhampton City Council

## OPEN INFORMATION ITEM

### Standards Committee

Date **25 JULY 2013**

Originating Service Group(s)	<b>DELIVERY</b>	
Contact Officer(s)/ Telephone Number(s)	<b>P FARROW 4460</b>	<b>R MORGAN 5612</b>
Title/Subject Matter	<b><u>WHISTLEBLOWING POLICY</u></b>	

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### RECOMMENDATIONS

1. That Members of the Standards Committee note the Council's revised Whistleblowing Policy which was endorsed by the Audit Committee at their meeting on 24 September 2012.
2. To note whistleblowing activity arising since the launch of the Whistleblowing Policy in September 2006.

## **1. PURPOSE AND BACKGROUND**

- 1.1 On 17 November 2011 the Standards Committee received details of the Council's Whistleblowing Policy. Following discussions, it was resolved that consideration should be given to amending the Policy to include details of the process for reconsideration, should the Audit Committee be dissatisfied with the outcome of an investigation.

## **2. DETAILS**

- 2.1. The Audit Committee reviewed the Council's fraud related policies at its meeting on 24 September 2012. Following the recommendation of the Standards Committee, section 8.3 of the Whistleblowing Policy was revised to set out the procedures available to Members in the event that they are dissatisfied with any aspect of an investigation. Options available are to report the matter to the main Audit Committee or to the Council's external auditors.
- 2.2 The revised Whistleblowing Policy is attached at Appendix 1.
- 2.3 Monitoring of whistleblowing activity:

The Council's Whistleblowing Policy requires whistleblowing activity to be reported to the Audit Committee annually. A summary of cases arising since the policy was introduced in September 2006 is set out below.

<b>Year</b>	<b>WB cases</b>
2006/7	13
2007/8	23
2008/9	10
2009/10	18
2010/11	23
2011/12	20
2012/13	28

Details of specific whistleblowing cases are reported to the Audit Committee's Investigations Sub Committee on an on-going basis.

- 2.4 The Whistleblowing Policy continues to be well promoted across the Authority.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications arising from this report.  
[GE/12042013/E]

## **4. LEGAL IMPLICATIONS**

- 4.1 There are no direct legal implications arising from this report.  
[FD/12042013]

**5. EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There are no direct equal opportunities implications arising from this report.

**6. ENVIRONMENTAL IMPLICATIONS**

6.1 There are no direct environmental implications arising from this report.

**7. SCHEDULE OF BACKGROUND PAPERS**

Whistleblowing Policy

**Wolverhampton City Council****Whistleblowing Policy****1. Introduction**

- 1.1. Whistleblowing is an employee's disclosure of what they consider to be malpractice by a co-worker or manager. This malpractice may constitute any behaviour felt to be detrimental to the best interests of the Council, its stakeholders and its employees. Specific examples of issues covered by the Whistleblowing Policy include:
1. Any unlawful act.
  2. Health and safety issues.
  3. Damage to the environment.
  4. Unauthorised use of public funds.
  5. Fraud and corruption of any description.
  6. Inappropriate or improper conduct (including bullying or harassment).
  7. Serious failure to comply with appropriate professional standards.
  8. Breach of the Council's Constitution or other policy or code of practice.
  9. Discrimination of any kind.
  10. Any form of unethical conduct.
- 1.2. The Council's Whistleblowing Policy does not apply to raising grievances about an employee's personal situation. Any such concerns should be raised under the existing provisions for raising grievances as set out in section D.15 of the Council's Corporate Human Resources Manual.
- 1.3. Where issues involve potential cases of fraud and corruption, employees should also refer to the Council's Fraud Referral Plan – Guide for Staff.

**2. Aims of the Policy**

- 2.1. The aims of the Council's Whistleblowing Policy are as follows:
1. Encourage employees to feel confident about raising concerns and to question and act on those concerns.
  2. Provide ways for employees and other stakeholders to raise concerns and receive feedback where appropriate on any action taken as a result.
  3. Reassure employees that if they raise concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.
  4. Ensure that employees are aware of options available to them if they are dissatisfied with the Council's initial response.

### **3. Who is covered by the Policy?**

3.1. The Council's Whistleblowing Policy applies equally to all of the following groups:

1. Council employees (including part time and temporary staff).
2. Agency staff working for the Council.
3. Council contractors and suppliers.
4. Organisations working with the Council under partnership arrangements.
5. Service users and stakeholders.

### **4. What assurance does the Whistleblowing Policy provide?**

4.1. Individuals raising concerns under the Whistleblowing Policy will not be at risk of any form of retribution or sanction, including losing their job or contract with the Council, provided that:-

1. The disclosure is made in good faith.
2. There is a genuine and reasonable belief that the information, and any allegations contained in it, is substantially true.
3. The disclosure is not motivated by personal gain.

4.2. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, where matters which are known to be untrue are raised maliciously, it is likely that disciplinary action will be taken against perpetrators.

### **5. Raising a concern**

5.1. The Council has established the following primary mechanisms for employees and other Council stakeholders to report their concerns:

1. By telephone to:

Whistleblowing Hotline      01902 550550

(24 hours a day, 7 days a week, answer phone out of office hours)

2. By post to:

PO Box 4931  
Wolverhampton  
WV1 9FX

3. By e-mail to:

[Audit.Services@wolverhampton.gov.uk](mailto:Audit.Services@wolverhampton.gov.uk)

- 5.2. Alternative lines of communication for reporting fraud include an employee's line manager, departmental Human Resources Manager, relevant Director or Assistant Director, the Assistant Director – Corporate Services (Section 151 Officer), the Assistant Director - Governance, the Head of Audit Services or the Chief Executive. Non-Council employees should raise their concerns with the Assistant Director - Governance, the Head of Audit Services or the Chief Executive. Information relating to Housing or Council Tax Benefits fraud should be referred to the Council's Benefit Fraud Team or the National Fraud Hotline. Full contact details for all referrals are set out in sections 2.3 and 2.5 of the Council's Anti-Fraud and Corruption Policy.
- 5.3. Concerns may be raised verbally or in writing.
- 5.4. Whilst anonymous allegations will be considered and action taken where appropriate, it is much more difficult to properly investigate matters raised anonymously. The Whistleblowing Policy is designed to protect staff raising genuinely held concerns and individuals utilising the provisions of the policy are encouraged to identify themselves. Obviously, feedback relating to any investigation which has been undertaken can only be provided where contact details are known.

## **6. How will the Council respond?**

- 6.1. The Council's response will depend on the nature of the concern that has been raised. In all instances, the Council will:
1. Record and acknowledge the issue raised and refer it for investigation within three days of receiving the information.
  2. Respect confidentiality – The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated, however, that this is not always possible. The investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. The person investigating the matter will be informed of any confidentiality requirements relating to the disclosure.
  3. Decide on appropriate action e.g. Audit Services investigation, other internal investigation, referral to the police or other external organisation.
  4. Subject to any legal constraints, the employee against who the allegation was made will normally be informed of the final outcome of any investigation undertaken. However, details of the precise action taken may not be provided where this would infringe a duty of confidence owed to others or compromise any future investigations.

## **7. How can a concern be taken further?**

- 7.1. Where individuals are dissatisfied with action taken by the Council in respect of issues raised under the Whistleblowing Policy, they should raise their concerns with the Assistant Director - Governance. If they remain dissatisfied, the following organisations may be contacted for advice:

1. The charity Public Concern at Work

Public Concern at Work  
3<sup>rd</sup> Floor  
Bank Chambers  
6 -10 Borough High Street  
London  
SE1 9QQ  
(Tel: 020 7404 6609)  
([www.pcaw.org.uk](http://www.pcaw.org.uk))

2. The Council's external auditors

Pricewaterhouse Coopers  
Cornwall Court  
19 Cornwall Street  
Birmingham  
B3 2DT

Tel: 0121 265 5000

3. The Audit Commission

Confidential Public Interest Disclosure Line: 0845 052 2646

In addition, individuals have the option of taking advice from their trade union, the Citizens Advice Bureau, their own legal representation etc.

## **8. Corporate recording and monitoring**

- 8.1. Service Groups will ensure that suitable internal arrangements are in place to address the requirements of the Whistleblowing Policy.
- 8.2. The Head of Audit Services will maintain a Corporate Register logging the progress of all issues raised under the Whistleblowing Policy. All officers receiving information which may be classed as whistleblowing are responsible for informing the Head of Audit Services.
- 8.3. The progress of all audit investigations, including those into whistleblowing allegations, is reported to the Audit (Monitoring of Audit Investigations) Sub-Committee. In the event that a Member of the Sub-Committee was dissatisfied with any aspect of the investigation, the matter could be referred back to the main Audit Committee or the Council's external auditors.
- 8.4. An annual report summarising activity undertaken under the Council's Whistleblowing Policy will be submitted to the Audit Committee by the Head of Audit Services.
- 8.5. The Council's Whistleblowing Policy will be reviewed on an annual basis by the Head of Audit Services to ensure that it remains up to date, fit for purpose and represents generally accepted good practice.