

Committee: Standards and General Purposes Committee

Date: 30 July 2018

Agenda item:

Wards: All Wards

Subject: Anti Fraud and Corruption Strategy and Whistleblowing Policy update

Lead officer: Caroline Holland- Director of Corporate Services

Lead member: Chair of Standards and General Purposes Committee

Forward Plan reference number:

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Recommendation:

The Committee comments upon and approves the revised Anti Fraud and Corruption Strategy and Whistleblowing policy

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 The Anti-Fraud and Corruption Strategy sets the councils approach to preventing, detecting, investigation and action against fraud and corruption, both internally and externally. We will:-

- Encourage prevention.
- Promote detection.
- Ensure effective investigation where suspected fraud or corruption has occurred.
- Take appropriate action against offenders

1.2 In May 1995 the Nolan Committee issued a report on the Standards in Public Life: Local Public Spending Bodies. This report made a number of recommendations, some sector specific and others more general in nature. The Nolan Committee recommended that Local Authorities should institute Codes of Practice on Whistleblowing, which would enable concerns to be raised confidentially inside and if necessary outside the organisation.

2 DETAILS

Anti fraud and Corruption Strategy

2.1 The Anti Fraud and Corruption strategy sets the culture of the organisation.

There is an expectation that all members, employees, consultants, contractors, and service users behave in an honest and open way.

2.2 A review has been carried out on the councils Anti fraud and Corruption strategy and the following changes made:-

- The roles and responsibilities section has been updated
- reference to the audit, fraud and legal partnership have been added
- The prosecution policy has been included as an appendix.

Whistleblowing policy

- 2.3 The councils whistleblowing policy has always encouraged staff to raise concerns and assurance given that these would be treated in confidence. The policy has clearly stated the action that is taken when a whistleblowing allegation is received.
- 2.4 A review has been carried out on policy against other public sector bodies and guidance from the whistleblowing commission. This has found that the policy is robust and therefore only the following minor changes have been made,
- The contact details for external bodies have been reviewed and updated where required.
 - Reference to General Purposes Committee has been changed to Standards and General Purposes Committee

3. ALTERNATIVE OPTIONS

None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Other Local Authorities' Whistleblowing Policies have been reviewed for the purposes of updating Merton's Policy.
- 4.2. Human Resources, Legal Services and Directors were also consulted in respect of the policy review in earlier years.

5 TIMETABLE

- 5.1 This does not apply.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 The costs of dealing with Whistleblowing allegations and the publication and promotion of the policy is usually met from within existing budgets.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. These are contained within the report and reflect the requirements of the Public Interest Disclosure Act 1998 and the Bribery Act 2010.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Human Rights implications are considered in the conduct of all whistleblowing investigations. For example if directed surveillance is felt necessary this will be carried out in accordance with the Regulation of Investigatory Powers Act 2000.

- 8.2. In addition the Whistleblowing Policy provides a mechanism where concerns regarding the welfare of clients can be raised and therefore helps protect their Human Rights.
- 8.3. Whistleblowing investigations will take into consideration Equality and Diversity implications. Investigations may reveal weaknesses in financial management and other monitoring systems, e.g. ethnic monitoring. Ensuring action is then taken in respect of these weaknesses plays a role in ensuring that Council Resources are used to enable fair access to quality services.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 The Whistleblowing Policy allows for staff to come forward and report their concerns without the fear of reprisals in any form.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. Each allegation is considered on a risk basis as to the amount of resources that should be employed in the investigation.
- 10.2. Some allegations involve Health and Safety matters and these are referred to the appropriate Council Section for investigation.

11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- A. Appendix 1 – Anti Fraud and Corruption Strategy
- B. Appendix 2 - Whistleblowing Policy

12 BACKGROUND PAPERS

- Whistleblowing Policies and register
- Internal Audit Papers

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