

Audit, Governance and Standards Committee

Monday 19 February 2018

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1
2QH

Supplemental Agenda No. 1

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Webpage: www.southwark.gov.uk

Date: 16 February 2018

Item No: 15.	Classification: Open	Date: 19 February 2018	Meeting Name: Audit, Governance and Standards Committee
Report title:		Annual report on the work and performance of the audit, governance and standards committee in 2017-18	
Ward(s) or groups affected:		All	
From:		Strategic Director of Finance and Governance	

RECOMMENDATIONS

1. That the audit, governance and standards committee review the draft self-assessment of good practice attached at Appendix 1 and consider whether it would wish to make any amendments to it.
2. That the audit, governance and standards committee forward this report on its work and performance in 2017-18 to all councillors, subject to any amendments it wishes to make.

BACKGROUND INFORMATION

3. The purpose of this report is to review this committee's work and performance in 2017-18.
4. The audit, governance and standards committee's terms of reference include a requirement to report annually to all councillors on its work and performance during the year.
5. The aims of the report are to make councillors aware of the audit, governance and standards committee's work in relation to its audit, financial reporting, treasury management, governance and standards responsibilities, and to provide assurance on areas covered or to identify any concerns.
6. This report also considers the effectiveness of the audit, governance and standards committee which forms a part of the review of internal audit, and which will in turn be reported as part of the review of the system of internal control, as required under the Accounts and Audit Regulations 2015.

KEY ISSUES FOR CONSIDERATION

Role of the committee

7. The purpose of the audit, governance and standards committee is to provide:
 - Independent assurance of the adequacy of the council's governance arrangements, including its standards regime, the risk management framework and the associated control environment.

- Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.
 - Oversight of the financial reporting process.
 - Scrutiny of the treasury management strategy and policies.
 - Operation of a framework to promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.
8. In line with the above, the committee's terms of reference are structured by reference to its key functions in terms of governance and standards, audit activity (internal and external), the accounts and treasury management. Since the new standards regime for councillors was introduced in 2012, the frequency and business for the standards committee had reduced, and there was no statutory requirement to have a standards committee. In May 2016 the standards committee was not re-established as a stand-alone committee, and its roles and functions were amalgamated with the audit and governance committee.
9. The audit, governance and standards committee agrees a work programme each year. A summary of the committee's business during 2017-18 in relation to its areas of responsibility is set out below.

Audit activity

Internal audit

10. The committee received and considered regular reports on the performance of internal audit and the outcome from its work during the year, as well as the chief audit executive's annual report on the work of internal audit and anti-fraud 2017-18. Members had questions for both officers and the engagement manager for the auditors, BDO.
11. This meeting's agenda includes a report on the internal audit plan for 2018-19, an updated strategy for internal audit for 2017-18 to 2021-22 and a progress report on the work of internal audit and anti-fraud.

External audit

12. The committee received regular progress reports from the external auditor (Grant Thornton) throughout the year; there is an update report on this meeting's agenda. It also considered Grant Thornton's audit plans for 2017-18 for both the council and the Southwark pension fund, and the audit findings reports and annual audit letter for 2017-18. Their summary of findings from the certification of claims and returns for 2017-18 is on this meeting's agenda.
13. The committee considered the external auditor's annual fee letters for 2017-18 for both the council and the Southwark pension fund in July 2016. Grant Thornton also reported to the committee on their review of the council's arrangements for securing financial resilience and on assurance work undertaken by them as to management processes and the committee's oversight of the risk of fraud, compliance with laws and regulation, and matters in relation to going concern, to inform their audit risk assessment. Their 2017-18 review is on this meeting's

agenda, as are the audit plans for the council and the pension fund; these are being considered a little earlier than usual (February instead of May).

14. Progress on the implementation of recommendations made by external audit was included in a report to the committee in November 2017.

Accounts

15. The committee considered the 2016-17 statement of accounts at its September 2017 meeting and formally approved them at a later meeting in September 2017.

Governance and standards activity

16. As with the statement of accounts, the committee reviewed the annual governance statement for 2016-17 at the meeting in September 2016.
17. Having invited strategic directors and other key players to attend meetings in recent years to report on governance arrangements in their own areas of responsibility, as well as having tried the approach of reviewing governance issues on a thematic basis, the committee decided to again change its approach. Rather than selecting a single governance theme for the whole year, it would identify a number of areas for consideration at future meetings.
18. The topics selected for 2017-18 were:
 - Business recovery board
 - Equalities impact on the council
 - IT services
 - HR.
19. A report on the council's key risks is on the agenda for this meeting.
20. The committee's annual report on whistle blowing outcomes was considered by the committee at its November 2017 meeting. It is also receiving an update on the whistleblowing policy at this meeting.
21. The committee considered a number of retrospective contract related decisions in 2017-18, and identified the common issue of a lack of appropriate succession planning and work handover following voluntary redundancy, long-term sickness and staff turnover. The committee emphasised the importance of ensuring that responsibilities were handed over in a timely manner from staff members who were leaving the council, in order to prevent deadlines being missed and contract decisions having to be made retrospectively.
22. The committee's work programme for 2018-19 is on this agenda for members' consideration.
23. A report on the council's use of RIPA (Regulatory Investigatory Powers Act) and the OSC (Office of Surveillance Commissioners) inspection of Southwark are on the agenda for the meeting of June 2018.
24. A report detailing the review of complaints made under the code of conduct is also on the agenda for the meeting of June 2018.
25. There is a standing report on this meeting's agenda asking the audit, governance

and standards committee to assume responsibility for appointing co-opted members of the civic awards sub-committee.

26. The member and officer and communications protocols in the constitution will be reviewed in June 2018.

Treasury management

27. Members received a report on the revised treasury management policy statement, and considered the council's 2017-18 treasury management strategy statement ahead of consideration by council assembly at its budget and council tax setting meeting in February 2017.

Effectiveness of the audit and governance committee

28. The Accounts and Audit Regulations require a review of internal audit to be carried out, including consideration of the effectiveness of this committee. An annual opinion is given by the chief audit executive, and this will be carried out later in the year and the results brought to a future meeting of the committee, most likely in July 2017.
29. To complement this, it is proposed that (as in previous years) this committee assesses itself using a checklist produced by CIPFA. A draft completed checklist has therefore been prepared using this which is attached at Appendix 1. The checklist has had an additional section added to it which is not part of the information provided by CIPFA, but has been included by officers to reflect the standards role of the committee since May 2016.
30. The draft checklist confirms that there are no significant areas of concern in relation to the committee's effectiveness. However, it highlights that training is an area that members may wish to continue to keep under review.
31. Members are asked to consider and agree the assessment at Appendix 1, subject to any amendments they would wish to make. Members will be aware that the findings of the review, the opinion of the chief audit executive and any recommendations from this report will be considered alongside the annual governance statement.

Training

32. During the year, information on relevant issues and developments have been provided through CIPFA Better Governance Forum's 'Audit Committee Update', which is published three times a year. These focus on key topics and include a round-up of legislation, reports and developments and are circulated to all members of the committee for their information.
33. Councillors also requested a number of updates and briefings from officers following issues raised at meetings, which were circulated separately.
34. The self-assessment checklist at Appendix 1 identifies that training will be provided as required and officers will continue to arrange training as opportunities arise.
35. On this meeting's agenda, the committee will receive an update on member training and continuous development. A group of senior officers are planning for post-election induction training in 2018, and working to develop a detailed training

and development strategy that linked to the Council Plan's 'Fit for the Future' agenda and the digital strategy.

Development opportunities

36. The year saw the following principal achievements:
- a) Coverage of all elements of the committee's work programme, including the successful inclusion of standards work into the responsibilities of the committee
 - b) Continued assurance of corporate governance arrangements, for example, through the committee's thematic reviews of a number of governance matters, such as the schools building programme, public health impact assessments and pensions
 - c) Further assurance as to the operation of the council's whistle blowing policy
 - d) Ongoing constructive challenge from members in respect of reports received by them
 - e) The identification of a pattern of common issues across some teams through consideration of retrospective contract related decisions.
37. For the coming year, the following are areas where the committee has the opportunity to effect further development or to which it may wish to give consideration:
- a) Shortening timescales for the closing of accounts, and developments in how finance support is provided across the council
 - b) The continuing impact of welfare reform and further cuts in government funding from a governance perspective and, in particular, the identification of risks and ongoing risk management
 - c) Future and ongoing training needs.

Conclusion

38. The committee's work programme aims to ensure that the committee is able to carry out its functions effectively. To this end, the programme is structured to cover the key areas of audit activity (both internal and external), governance and standards activity, financial reporting and scrutiny of the treasury management strategy and policies.
39. The committee continued to ask questions on matters before it in a challenging yet constructive way. In some cases, this has resulted in further information being provided to the committee to provide the assurance sought; in others, it has resulted in increased focus on the implementation of action plans.
40. The committee has kept its work programme under review in 2017-18 and made changes when appropriate.
41. Through its work, the committee is able to confirm that:

- The council's system of risk management is adequate to identify risk and to allow the authority to understand the appropriate management of those risks;
- There are no areas of significant duplication or omission in the systems of governance in the authority that have come to the committee's attention and not been adequately resolved.

42. The work programme for the committee for 2018-19 is included elsewhere on this agenda for consideration and agreement, and this will be reviewed and amended on an ongoing basis as necessary to help to ensure that the committee can continue to provide assurance of the adequacy of the council's governance arrangements.

Policy implications

43. There are no policy implications in the proposals in this report.

Community impact statement

44. This report is not considered to contain any proposals that would have a significant impact on any particular community or group.

Resource implications

45. There are no direct resource implications in this report.

Conclusion

46. There has been no consultation on this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (F&G16/010)

47. The strategic director of finance and governance remains committed to the important role of the audit, governance and standards committee and notes that it continues to function in line with its terms of reference. The performance of the committee continues to be strengthened by the attendance of officers with key governance roles and it is expected that the committee will continue to obtain assurance of governance arrangements from this.

48. It is noted that the committee has moved from a themed approach to its consideration of governance issues to one which focused on a number of areas, as set out in paragraph 18.

49. The committee has operated in accordance with its responsibilities in key finance and audit matters, including the statement of accounts, treasury policies, and internal audit work, which are key issues for the s.151 officer (Local Government Act 1972). Looking forward, there will be changes of interest to the committee, not least, shortening timescales for the closing of accounts, and developments in how finance support is provided across the council.

REASONS FOR LATENESS

50. This report was updated to include a summary of the reports sent late and urgent

to the audit, governance and standards committee of 19 February 2018.

REASONS FOR URGENCY

51. This report is due to be presented to council assembly in March 2018, and requires the approval of the audit, governance and standards committee before that.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
CIPFA Audit committees – Practical Guidance for Local Authorities and Police 2013 edition	Finance and Governance, Second Floor, Tooley Street	Jo Anson 020 7525 4308

APPENDICES

No.	Title
Appendix 1	Self-assessment of good practice

AUDIT TRAIL

Lead Officer	Duncan Whitfield, Strategic Director of Finance and Governance	
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	14 February 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		14 February 2018

APPENDIX 1

Self-assessment of Good Practice

Question	Yes	No	Partly	Comments/action	
Audit committee purpose and governance					
1	Does the authority have a dedicated audit committee?	✓			
2	Does the audit committee report directly to full council?	✓			
3	Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?	✓			
4	Is the role and purpose of the audit committee understood and accepted across the authority?	✓			
5	Does the audit committee provide support to the authority in meeting the requirements of good governance?	✓			
6	Are the arrangements to hold the committee to account for its performance operating satisfactorily?	✓			
Functions of the committee					
7	Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement?				
	- good governance	✓			
	- assurance framework	✓			
	- internal audit	✓			
	- external audit	✓			
	- financial reporting	✓			
	- risk management	✓			
	- value for money or best value	✓			
	- counter-fraud and corruption.	✓			
8	Is an annual evaluation	✓			

Question	Yes	No	Partly	Comments/action
9				
	✓			Included within committee's terms of reference.
	✓			Receives annual report on whistleblowing.
	✓			Included within committee's terms of reference.
10				N.A.
11	✓			
Membership and support				
12	✓			<p>No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.</p> <p>The leader of the council may not be a member of the committee.</p> <p>Members have brought a range of skills and</p>

Question		Yes	No	Partly	Comments/action
	they have been appointed using an appropriate process.				knowledge to bear on the committee's consideration of matters before it. Size of committee strikes balance between being unwieldy and ensuring appropriate mix of knowledge and skills.
13	Does the chair have appropriate knowledge and skills?	✓			
14	Are arrangements in place to support the committee with briefings and training	✓			As noted in paragraphs 32 to 35 of the report, ongoing training and briefings are provided as opportunities/needs arise.
15	Has the membership of the committee been assessed against the core knowledge and skills framework and found to be satisfactory?			✓	Members are asked to provide information on joining the committee and induction and other training/briefings have been provided as opportunities/needs have arisen.
16	Does the committee have good working relations with key people and organisations, including external audit, internal audit and the chief financial officer?	✓			
17	Is adequate secretariat and administrative support to the committee provided?	✓			
Effectiveness of the committee					
18	Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?	✓			See paragraphs 38 and 28-31 of the main report.
19	Has the committee evaluated whether and how it is adding value to the organisation?	✓			
20	Does the committee have an	✓			The committee identifies

Question	Yes	No	Partly	Comments/action
action plan to improve any areas of weakness?				areas for development each year as part of its annual review of its performance.

Standards

This section is not part of the checklist provided by CIPFA, but has been included by officers in order to assess the standards role of the committee which was constituted into the audit and governance committee in May 2016.

Governance and standards					
21	Has the committee advised council on the monitoring, adoption or revision of the member code of conduct, member and officer protocol and communications protocol as required?	✓			
22	Has the committee monitored and advised on training for all members, including co-opted and parent governor representatives?	✓			As noted in paragraphs 32 to 35 of the report, ongoing training and briefings are provided as opportunities/needs arise.
23	Has the committee dealt with any standards complaints referred to it (as required)?		✓		No complaints required referral to the committee for consideration in 2017-18.
24	Has the committee received reports on unlawful expenditure (as required)?		✓		No reports on unlawful expenditure required consideration by the committee in 2017-18.
25	Has the committee established sub-committees for misconduct and the consideration of civic awards?	✓			See paragraph 25 of the report.
26	Has the committee considered withholding allowances from individual members (elected and co-opted for non-attendance at meetings, elected members only for failure to attend training)? (as required)		✓		The committee has not been required to do so in 2017-18.

Item No. 16.	Classification: Open	Date: 19 February 2018	Meeting Name: Audit, Governance and Standards Committee
Report title:		Appointment of non-voting co-opted members of the civic awards sub-committee for 2017-18	
Ward(s) or groups affected:		All	
From:		Strategic Director of Housing and Modernisation	

RECOMMENDATION

1. That the sub-committee considers the short-listed nominations for the positions of co-opted members of the audit, governance and standards (civic awards) sub-committee outlined in the closed report and agree the nominations as appropriate.

BACKGROUND INFORMATION

2. The Southwark civic awards scheme was initiated in 1997 for the purposes of recognising exceptional contributions to community life by individuals and organisations in the borough. Up until 2015, the scheme was administered on behalf of the council by the Southwark Civic Association which made recommendations to standards committee for the granting of civic awards.
3. Council assembly on 8 July 2015 resolved that from the 2015-2016 civic year, the administration of the civic awards be carried out by the council pending a longer term review of the operation of the awards scheme. Officers were requested to put in place the necessary arrangements for the running of the awards within existing council resources. Council assembly in 2016 also resolved that the decisions on the granting of civic awards be delegated to a sub-committee of the audit, governance and standards committee.
4. The audit, governance and standards committee agreed at its meeting of 14 July 2016 that the membership of the audit, governance and standards (civic awards) sub-committee (henceforth "civic awards sub-committee") must include four co-opted members, two of whom must be women.
5. It is necessary for the audit, governance and standards committee to appoint these co-opted members formally; and the details of the volunteers will be presented in the closed report.

KEY ISSUES FOR CONSIDERATION

6. The granting of awards is a constitutional function of the audit, governance and standards (civic awards) sub-committee and members have the final discretion whether or not to grant an award. Members also have a particular responsibility to safeguard the non-political nature of the awards scheme.
7. Members need to be satisfied that the co-opted membership nominations meet the appropriate criteria.

Resource implications

8. There are none.

Community impact statement

9. The council is committed to promoting civic engagement and good relations in our communities. The awards attract media interest and recognise the voluntary work of a number of people and organisations within Southwark, thus strengthening community cohesion.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution	Constitutional Team 2nd floor, 160 Tooley Street London, SE1 2QH http://moderngov.southwark.gov.uk/ie/ListMeetings.aspx?Committeed=425	Virginia Wynn-Jones 020 7525 7055

AUDIT TRAIL

Lead Officer	Jessica Leech, Community Engagement Manager	
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	15 February 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	15 February 2018	

Item No. 17.	Classification: Open	Date: 19 February 2018	Meeting Name: Audit, Governance and Standards Committee
Report title:		Updating of Whistleblowing policy and procedure	
Ward(s) or groups affected:		All	
From:		Director of Law and Democracy	

RECOMMENDATION

1. That the committee note the recent changes to the council’s whistleblowing policy and procedure.

BACKGROUND INFORMATION

2. The council maintains a whistleblowing policy and procedure which outlines the legal obligations the council is under pursuant to the Employment Rights Act 1996, as amended. The policy and procedure provides information, guidance and a procedure by which a “worker” (a term that covers council employees and former employees, contractors and agency workers) can make a “protected disclosure” – a “whistleblow”.
3. A “protected disclosure” is made where a worker raises concerns, which in the reasonable belief of the worker are in the public interest, and which tend to show:
 - That a crime has been committed, is being committed, or is likely to be committed.
 - That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he or she is subject – including contractors providing goods and services on behalf of the council.
 - That a miscarriage of justice has occurred, is occurring, or is likely to occur.
 - That the health and safety of an individual has been, is being, or is likely to be endangered.
 - That the environment has been, is being or is likely to be damaged.
 - That information tending to show any of the above has been concealed or is likely to be deliberately concealed.
4. Workers who “blow the whistle” enjoy certain legal protections. A worker making a “protected disclosure” has the legal right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure. An employer may also be vicariously liable for any mistreatment the worker receives from others as a result of having made a disclosure. An employer is also prevented from seeking to impose a contractual term that prevents a worker blowing a whistle, for example

in a “non-disclosure agreement”.

5. Not all disclosures will be protected. The worker has to have a reasonable belief that the disclosure is made “in the public interest”.

KEY ISSUES FOR CONSIDERATION

6. The council’s corporate governance panel, a panel of officers chaired by the strategic director of finance and governance, undertook a review of the whistleblowing policy and procedure in late 2017.
7. The panel proposed some updating changes to the content of the whistleblowing policy and procedure. These can be summarised as follows:
 - To update the list of people to whom disclosures can be made at stage 2, details of the council’s auditor, and to make other minor corrections;
 - To present the information about who is covered by the policy and its scope in a more concise, user-friendly way; and
 - To clarify when raising a concern will be in the public interest, following a judgment of the Court of Appeal which has helpfully provided both a list of factors the courts will consider when deciding whether disclosure was in the public interest, along with guidance about the approach the courts should take.

Policy implications

8. The changes are not considered to have a significant impact on how the policy and procedure works or is accessible in practice, as they are directed at either correcting out of date information or providing greater clarity to those who might use the policy. There are no substantive legal changes that have to be considered or reflected in the policy.
9. Corporate governance panel members have contributed to the review and the amended policy and procedure will be formally confirmed by the appropriate chief officer. However, the council’s constitution provides a role to Audit, Governance and Standards Committee to monitor the council’s policies on whistleblowing (a role it also undertakes by receiving reports on disclosures made in accordance with the policy), and it is considered appropriate for these changes to be brought to the committee for noting.

Community impact statement

10. This report is not considered to contain proposals that would have a significant impact on the community.

Resource implications

11. There are no anticipated resource implications.

Legal implications

12. These have been described in the background section, above.

Financial implications

13. There are no anticipated financial implications.

Consultation

14. Representatives of trade unions representing council staff have previously been consulted in the development and review of the whistleblowing policy and procedure. It has not been thought necessary to consult further on the minor changes made as a result of this most recent review.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

15. The relevant legal implications have been set out in the body of the report.

REASONS FOR LATENESS

16. The review of the whistleblowing policy and procedure concluded after the dispatch of the main agenda for the audit, governance and standards committee.

REASONS FOR URGENCY

17. The review of the whistleblowing policy and procedure has just concluded. It is considered timely for the committee to receive a report to note the recent changes that have been made now, rather than to receive a report for its next meeting which is not due to take place until July 2018.

APPENDICES

No.	Title
Appendix 1	Whistleblowing policy and procedure, February 2018

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Law and Democracy	
Report Author	Tom Crisp, Senior Lawyer - Governance	
Version	Final	
Dated	12 February 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	13 February 2017	

APPENDIX 1

Whistleblowing Policy and Procedure

February 2018

www.southwark.gov.uk

Introduction

If you have concerns about something that is happening at work which you think could be unlawful conduct, financial malpractice or be dangerous to the public or the environment, it is important that you know what you can do to bring it to the council's attention.

The council is committed to achieving the highest possible standards of service and ethical standards in public life and it is important to us that you are not worried about raising such issues and do not feel that reporting them is either not your business or would be disloyal to colleagues, managers or to the organisation.

It is also important that if you decide to say something that you know the appropriate way to do it.

Southwark Council introduced this Whistleblowing Policy and Procedure in line with the [Public Interest Disclosure Act 1998](#) ("the 1998 Act") to enable workers to raise issues of concern in an appropriate manner.

The term "worker" broadly includes:

- Employees
- Independent contractors
- Agency workers
- Trainees
- Anyone who is or was subject to a contract to undertake work or services for the council

We encourage all individuals to report any wrongdoing to the council; however, if you are not employed by the council you should also refer to your own employer's policy.

This policy is primarily for concerns where the well being of others or of the organisation itself is at risk. Please note this policy does not preclude the right of trades unions to directly approach management, the media, or outside bodies with information that could be regarded as whistleblowing.

Guidance for managers is included in Appendix A.

Aims of the policy

This policy aims to:

- Encourage you to feel confident in raising concerns.

Governance: Corporate team

- Provide avenues for you to raise concerns and receive appropriate feedback.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from any reprisals or victimisation by the council, if you have reasonable belief that the matter disclosed tends to show wrongdoing, that the disclosure is in the public interest and that you have made the disclosure in an appropriate manner.

Who is covered by the policy

- Employees of the council
- Agency workers
- Individuals undertaking work experience
- Employees of contractors to the council

Who can your concerns be about

- Employees
- Contractors and their employees
- Volunteers

What to raise concerns about

You should follow this policy and procedure to raise concerns which you have a reasonable belief to be in the public interest, and which you reasonably believe tends to show one or more of the following:

1. That a crime has been committed, is being committed, or is likely to be committed.
 - Examples might be child abuse, the abuse of any other vulnerable clients, or theft.
 - Fraud: disclosures about fraud are dealt with separately under the fraud, bribery and corruption response plan, although if disclosure was made in accordance with this policy the monitoring officer remains responsible and any persons raising concerns have the same protection under the policy and the 1998 Act.
2. That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he or she is subject – including contractors providing goods and services on behalf of the council.
3. That a miscarriage of justice has occurred, is occurring, or is likely to occur.
4. That the health and safety of an individual has been, is being, or is likely to be endangered.
5. That the environment has been, is being or is likely to be damaged.
6. That information tending to show any of 1 to 5 above has been concealed or is likely to be deliberately concealed.

When will raising a concern be “in the public interest”?

Raising a concern will be “in the public interest” if it is in the public good, or serves the interests of the public, but not simply because it is a matter the public are interested in. There are no “absolute rules” about what it is reasonable to view as being in the public interest. Relevant factors might include:

- The number of people affected by the issue;
- The nature and extent of the interests affected;
- The nature of the wrongdoing (particularly where it is alleged to be deliberate); and
- The identity of the alleged wrong doer.

What is relevant is whether the whistleblower (rather than any subsequent tribunal) thinks that disclosure is in the public interest and whether that belief was objectively reasonable at the time.

It is not acceptable for this Whistleblowing Policy to be used to further private disputes and make unfounded allegations for malicious or vexatious reasons.

Our assurances to you

To protect you

The Chief Executive and chief officers are committed to this policy. The council will not tolerate the bullying or harassment of any individual who raises concerns in the public interest under this policy and will take all reasonable steps to prevent this behaviour. Where the council fails to take such reasonable steps, the council acknowledges that it could be held responsible for any adverse or unfavourable treatment that you receive from another employee for raising concerns under this policy, and that any employee who bullies or victimises any individual for raising concerns under this policy could also be personally liable.

If such harassment or victimisation should occur, you should write to Doreen Forrester-Brown, Monitoring Officer, Southwark Council, 2nd floor, PO Box 64529, London, SE1P 5LX who will deal with the matter.

To protect your identity

However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

How to raise a concern internally

Stage one

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager. This may be done orally or in writing.

Stage two

If you feel unable for whatever reason to raise the matter with your manager under stage one, please raise the matter with the appropriate head of service for your service area, or else an appropriate specialist officer within the council as follows:

- | | | |
|---|------------------|------------|
| • Equalities and Inclusion Officer
for service equality issues | Suganya Naveenan | Ext. 51688 |
| • Executive HR Manager | Steven Parker | Ext. 57611 |
| • Head of Corporate Facilities
for health and safety issues | Paul Symington | Ext. 50225 |

When you raise the matter, please say if you are doing this in confidence. The person you contact can then make appropriate arrangements.

Stage three

If stage one and/or two have been followed and you still have concerns, or if you feel that the matter is such that you feel you cannot raise it with your manager or head of service, for example because it concerns them or it is very serious, please write to Doreen Forrester-Brown, Monitoring Officer, Southwark Council, 2nd floor, PO Box 64529, London, SE1P 5LX. The monitoring officer can investigate concerns about the most senior officers.

How to raise concerns about fraud

Disclosures concerning fraud should be made to your manager, or to the relevant chief officer or to the council's Strategic Director of Finance and Governance (via Jennifer Seeley, Director of Finance, on extension 50695). Further information and advice can be found in the fraud, bribery and corruption response plan. It should be noted that if the disclosure is made under this policy the Monitoring Officer remains responsible and any persons raising concerns have the same protection under the policy and the 1998 Act.

How to raise concerns about other matters

The Whistleblowing policy is designed to sit alongside the other routes for raising concerns about the council including the Grievance and Complaints Procedures. To show the relationships a 'route map' for raising concerns is shown in Appendix B.

As a guideline, concerns, which should be raised through these routes, are as follows

- Employment related issues should be raised through the council's staff procedures.
- Concerns about councillors should be raised under the member officer protocol and ultimately the Audit, Governance and Standards Committee.
- Issues with provision of council services to the public should be raised through corporate complaints procedure.
- Safeguarding concerns should be raised through the council's safeguarding policy procedure.

Advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- your trade union:
GMB 020 7525 2401
UCATT 020 7525 4539 (local branches)
UNISON 020 7525 6030
UNITE 020 2525 6037

The council recognises that employees may wish to seek advice and be represented by their trade union representative when raising a concern under the policy, and acknowledges and endorses the role trade union representatives play in this respect. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the council.

- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. See their FAQ <http://www.pcaw.org.uk/individual-advice/faqs>

How will we handle the matter

Once you have told us about your concern, we will take the following steps

- Look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation.
- Write to you summarising your concern and setting out how we propose to handle it and provide you with details of the officer handling the matter and how you can contact him or her. We will always write to you at your home address unless you tell us not to.
- The investigations will be conducted on a strictly confidential basis and the subject of the complaint will not be informed unless and until it becomes necessary.
- We will give you as much feedback as necessary. However, please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.
- Inform the monitoring officer that you have raised a concern under the Whistleblowing Policy and provide her with details of your complaint.
- The monitoring officer will keep a central record of all such complaints and where the complaint was not raised directly with her; keep a watchful eye on the progress of the investigation and of action taken.

External contacts

While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you have evidence to back up your concern and a reasonable belief that raising it is in the public interest, you can also contact, for example:

- **Health and Safety Executive**, St Dunstan's House, 201, Borough High Street SE1 1GZ 020 7556 2100
- **Equality and Human Rights Commission**, 3 More London, Riverside Tooley Street, London, SE1 2RG 0845 604 6610 (helpline)
- **National Disabilities Council**, Caxton House, Tothill Street, SW1H 9NA 020 7273 6190
- **Independent Advocacy Service** (for Community Care services for adults) Cambridge House, 151 Camberwell Road, SE5 0HF 020 7703 0261
- **Children's Society**, Edward Rudolph House, 69 Margery Street WC1X 0JL 020 7837 4299

If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made

Blowing the whistle to a prescribed person

If you decide to blow the whistle to a prescribed person rather than the council, you must make sure that you have chosen the correct person or body for your issue. A list of prescribed person and bodies is set out in the Department for Business Innovation and Skills "Blowing the whistle to a prescribed person – list of prescribed persons and bodies". You may also blow the whistle to your legal adviser, in the course of obtaining legal advice.

To make a disclosure relating to local authorities you may contact:

- The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP 020 7798 7999

You may also contact the council or the council's auditor, Grant Thornton.

Application of this policy to community schools

This policy does not apply to community schools.

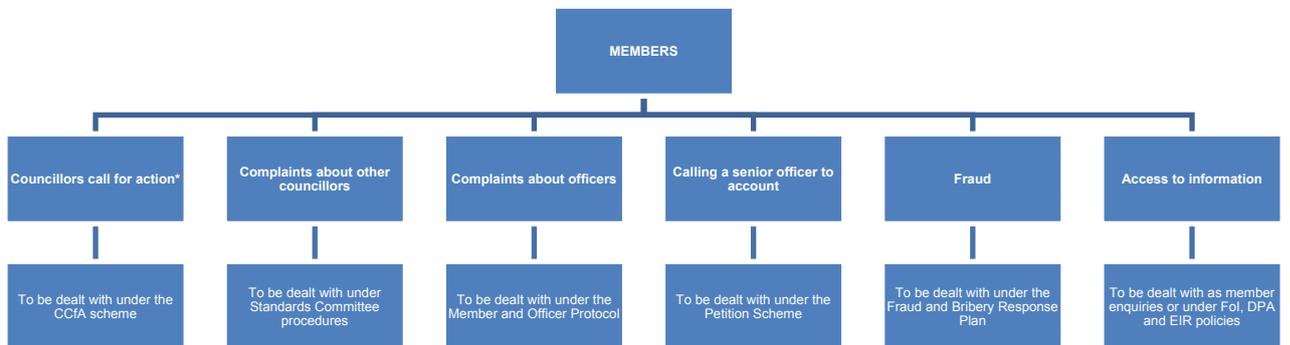
APPENDIX A

WHISTLEBLOWING POLICY

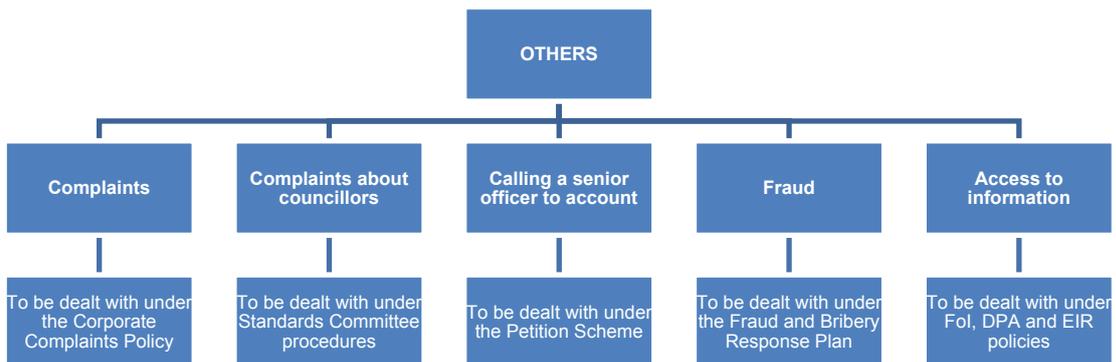
GUIDANCE FOR MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. Business managers should ensure that employees are aware of the Whistleblowing Policy and know where it can be located.
2. If you receive a disclosure in respect of any of the matters set out under the heading 'What to Raise a Concern About' in the Whistleblowing Policy you must take the following action:
 - 2.1. Take the matter seriously and do not dismiss or belittle the information,
 - 2.2. Respect as far as possible the confidentiality of the employee, and adhere to the policy under the heading "To protect your identity" where the employee has specifically asked for confidentiality,
 - 2.3. Ensure that the employee understands the Whistleblowing procedure,
 - 2.4. Acknowledge the concern in writing within 3 working days,
 - 2.5. Discuss ways that the employee could be supported,
 - 2.6. Investigate the concern objectively, dealing with all parties with sensitivity and tact,
 - 2.7. Seek advice from the human resources team,
 - 2.8. Seek advice and involve other managers if appropriate,
 - 2.9. Set out clearly how the concern is to be taken forward,
 - 2.10. Ensure that notes are made and kept of the process followed, notes of discussions etc.,
 - 2.11. Keep informed the person raising the concern about the progress made and outcome of the investigation,
 - 2.12. Provide the monitoring officer with details of the concern and inform her about the progress and outcome of the investigations; and
 - 2.13. Seek guidance from the monitoring officer if you are uncertain whether the person raising the concern has a genuine belief that it is in the public interest.
3. Note that if the concern relates to fraud, you should report it to your chief officer (who is responsible for reporting all cases to the Strategic Director of Finance and Governance via the Director of Finance) in line with the fraud, bribery and corruption response plan.

APPENDIX B



*** not including scrutiny**



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COMMITTEE: AUDIT, GOVERNANCE AND STANDARDS COMMITTEE (OPEN AGENDA)

NOTE: Original held in Constitutional Team; all amendments/queries to Virginia Wynn-Jones, Constitutional Team on 020 7525 7055 or virginia.wynn-jones@southwark.gov.uk

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Councillor James Barber (Vice Chair)	1
Councillor Catherine Dale	By email
Councillor Dora Dixon-Fyle MBE	1
Councillor Renata Hamvas	1
Councillor David Hubber	By email
Councillor Andy Simmons	1

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Councillor Hamish McCallum	By email
Councillor Rosie Shimell	By email
Councillor Cleo Soanes	By email

OTHER COUNCILLORS

Councillor Fiona Colley	By email
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LAW AND DEMOCRACY

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Doreen Forrester-Brown	1

COMMUNICATIONS

Louise Neilan	By email
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CONSTITUTIONAL TEAM

Virginia Wynn-Jones	3
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INDEPENDENT PERSONS

Mr William Dee	By email
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Mr Charles Wynn-Evans	By email
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Duncan Whitfield	1
Jo Anson	1
Jennifer Seeley	1
Fay Hammond	1

BDO (Internal Auditors) – Greg Rubins	By email
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