

Meeting: Overview, Scrutiny & Policy Development Committee

Date: 7th September 2015

Title: Whistle Blowing/Gifts and Hospitality Review

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Service:

Human Resources & Organisational Development

Wards affected: All

1. Purpose of Report

To update the Committee on the Council's arrangements in place to manage whistle blowing and guidance given to employees on how to disclose gifts and hospitality.

2. Recommendations

That the Committee note the arrangements that have been put in place to support any report of whistleblowing and disclosures of gifts and hospitality.

3. Details

The Council's Whistle Blowing Procedure has recently been reviewed to reflect the Government's guidance on whistle blowing and the ACAS Code of Practice.

Whistle Blowing

The procedure clearly sets out how important it is that employees can report any fraud, misconduct or wrongdoing concerns about the behaviour of others or Council practice if it is in the public's interest.

The procedure covers:

- how the concern should be raised – this will normally be the line manager, however, if this is not appropriate then a concern can be raised with a more senior manager; Human Resources or the Monitoring Officer or Chief Finance Officer (Section 151 Officer);
- the method that can be used to raise a concern i.e. by email, in writing or face to face;
- what an investigation may involve, who will be responsible for the investigation (the Resolution Manager) and who might be a party to the investigation;

- how the employee can expect to be kept informed during the course of the investigation; and
- timescales within which the employee will receive a written response once the investigation has been concluded and who provides it.

The procedure states that no detriment will be suffered by the employee through raising any concern and makes it clear that if an employee is subject to any detriment action by another employee then action will be taken against this employee under the Council's Disciplinary Procedure.

If the employee raising the concern feels that the Council has not taken the appropriate action or they feel that they have suffered a detriment by whistleblowing then the procedure identifies a number of external agencies that the employee can report the matter to.

The above procedure also applies to agency workers.

There is a separate procedure to follow for Councillors or the Elected Mayor to raise any whistleblowing concerns.

A copy of the Whistleblowing Procedure is attached at Appendix A.

Gifts and Hospitality

Advice and guidance to employees on how to handle offers of gifts or hospitality is set out as part of the Council's Code of Conduct for Employees under the heading of Maintaining High Standards of Performance and Behaviour.

Gifts

The guidance requires the employee to make their line manager aware of any offers of gifts.

As a rule of thumb public employees are legally prohibited from accepting gifts or rewards and must not favour or disfavour anyone in their official capacity. This applies even if it is offered to their partner or a family member.

The exceptions are gifts of token value but each offer must be checked with a manager.

The Council is able to accept gifts and in many cases employees accept gifts on behalf of the Council as a way of avoiding offence. The gift is then handed over to the manager to become the property of the Council. Often these gifts are raffled to support the Council's fund raising activity.

Where an employee, their partner or family member is made a beneficiary in a customer's will this must be reported immediately they become aware of it.

Hospitality

Employees can only accept offers of hospitality in the following circumstances, and only if it has been authorised:

- There is a need to pass on information or represent the Council in the community
- Attend social or sporting functions only when these are part of the life of the community or where the council should be seen to be represented

- It is acceptable for an employee to accept hospitality through attendance at relevant conferences and courses if it is clear that the hospitality is business rather than personal, where the Council gives permission in advance and is satisfied that any procurement decisions are not compromised.

Gifts and hospitality

The following principles should be applied fairly and consistently when considering the acceptance of gifts or hospitality:

- What is the context of the offer – any offer must be impartial, for example, if an offer is received from an organisation currently bidding for a Council contract, or has recently won a Council contract, this could be interpreted as not impartial and should be declined.
- What is the value of the offer – high value offers would be questionable and should be declined
- Should the employee attend the event but pay for the hospitality – for example, an employee attending an event to promote networking opportunities
- Could the offer of a gift be accepted on behalf of the Council rather than by the individual
- Is there any doubt about the appropriateness of accepting the gift or hospitality – if there is any doubt as to the integrity or honesty, the manager should refuse permission to accept

Each request must be submitted and recorded through the Business Management System (BMS) or via the Declaration of Gifts and Hospitality Form by the employee to the line manager to authorise or decline. Even if the employee declines the offer it still has to be recorded on the system.

A copy of the relevant paragraphs from the Code of Conduct for Employees is attached at Appendix B.

Statistics

Since setting up the register in BMS in 2010 records show that:

Year	Number of Declarations	Accept	Decline
2010	89	80	9
2011	97	94	3
2012	54	53	1
2013	83	83	0
2014	91	89	2
2015	44	42	2
Totals	458	441	17

Approximately 4% of offers of gifts and hospitality are declined, generally due to the value of the offer being inappropriate or there is a continuing business relationship where it would not be appropriate to accept.

The full report is available for information at Appendix C.

Appointment and Induction

The Council issues a number of documents to new starters on appointment which includes an:

- Appointment Letter
- Statement of Particulars

The appointment letter includes a statement to the effect that that the employees must liaise with their manager on what is required through e-learning and face to face training as part of their induction programme.

Induction includes a section on what the council does and sets out the relevant policies that employees need to be aware of such as Code of Conduct; Discipline; Resolution (Grievance) and Whistleblowing, for example.

The letter also directs employees to where they can find the policies on the intranet.

Our Statement of Particulars set out the main terms and conditions of employment and includes the following paragraph:

“You are expected to familiarise yourself with all of the council’s policies and procedures. Please see your Manager for access to these documents”

The Code of Conduct for Employees is specifically mentioned in the Statement of Particulars and employees are expected to comply with it in terms of their professional behaviour.

Managers of front line services must ensure that employees who don’t have ready access to the intranet. They are encouraged to have a file of policies readily available or display key policies on notice boards.

Communications

Information is sent out on an annual basis to employees on what to do if offered gifts or hospitality. This is published using Teamwork, the Council’s newsletter to the workforce, usually in November as evidence shows that most queries come in the run up to the Christmas period.

Staff Panel

Recent work with the Staff Panel on such initiatives as Speak up & Challenge encourage a management culture within the organisation where people can express views, opinions and ideas on all aspects of the working environment particularly where there is something of concern or where they can see an improvement.

4. Background Information

The following documents have been used in the compilation of this report and may be inspected at the offices of the author.