

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member for Resources	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer	Tel. 452361

TRANSFER OF DELEGATED RESPONSIBILITY FOR THE COUNCIL'S WHISTLEBLOWING POLICY

RECOMMENDATIONS

FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	Deadline date: N/A
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It is recommended that the Constitution and Ethics Committee recommend to Full Council that the constitution is amended to pass the delegated responsibility for the council's whistleblowing policy and oversight from the Constitution & Ethics Committee to the Council's Audit Committee.

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to Consider the transfer of its current constitutional responsibility for the council's whistleblowing policy to the council's Audit Committee.

2.2 This report is for the Constitution & Ethics Committee to consider under its Terms of Reference No. 2.7.2.4

Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 There is currently an overlap in the Council's constitution regarding responsibility for whistleblowing reports and oversights of the whistleblowing policy.

4.2 The Constitution and Ethics Committee has '**Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements**' (Part 3, section 2.7.2.4 of the constitution) whilst the Audit Committee's delegated authority includes (Part 3, section 2.2.2.13) '**To monitor council policies on "raising concerns at work" and anti-fraud and anti-corruption policies, including the Council's complaints process**'.

4.3 The Council's current Whistle-Blowing policy was last updated in January 2017 and is reported upon annually by the Audit Committee as part of the Annual Fraud and Investigations report. This falls as part of the remit for the Chief Internal Auditor and the directorate of Acting Director Corporate Resources.

4.4 It appears there is an overlap between the remit of two committees on 'raising concerns at work' and 'whistleblowing'. It would be logical for any reports to be presented to the Audit Committee instead of Constitution & Ethics Committee. This will reflect the new policy and procedures and the current working practice and avoid an overlap of roles in future. This also the policy followed at Cambridgeshire County Council.

5. CONSULTATION

5.1 Consultation with the Chairman of the Audit Committee has taken place to inform him of the suggested approach.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That the streamlining of reporting will be simplified and reporting will be presented to the correct forum.

7. REASON FOR THE RECOMMENDATION

7.1 If the Committee is in agreement the recommendation is to delete the delegated authority in Part 3, Section 2.7.2.4 Responsibility for Functions in the constitution relating to the Constitution and Ethics Committee's in relation to "Authority to remove any changes regarding the Council's Whistle-blowing policy and arrangements".

7.2 The delegation can then be added to the delegated authority for Audit Committee in Part 3, Section 2.2.2 after "to monitor council policies on "raising concerns at work".

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 The alternative would be to keep the Whistle-blowing policy as part of the remit of the Constitution & Ethics Committee, however this would likely result in an overlap of reporting on the policy.

9. IMPLICATIONS

Financial Implications

9.1 None.

Legal Implications

9.2 Although there is no legal impact, the policy will be presented to a more appropriate Committee going forward.

Equalities Implications

9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Cambridgeshire County Council Constitution

11. APPENDICES

11.1 None

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