

**Report of: Director Financial and Asset Management (s151)**

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Audit Committee	3 <sup>rd</sup> June 2019	n/a

<b>Delete as appropriate</b>	Exempt (Appendix)	
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**THE APPENDIX TO THIS REPORT IS NOT FOR PUBLICATION**

Part of the report is not for publication because it contains exempt information under Schedule 12A of the Local Government Act (1972).

**SUBJECT: AUTHORISATION OF EXTERNAL INVESTIGATION INTO WHISTLEBLOWING COMPLAINTS**

**1. Synopsis**

1.1 A series of whistleblowing complaints have been received and Committee is being asked to approve the appointment of an appropriate external investigator who has been identified as a Queen’s Counsel (assisted by junior counsel) with relevant experience in local government and employment law and in the conduct of external investigations.

1.2 In addition to the external investigator listed above, a further external independent HR investigator was appointed by Human Resources (HR) and commenced a review on 29 April. The outcomes of the independent HR review will inform the whistleblowing investigation.

## **2. Recommendations**

- 2.1 To approve the appointment of the external investigator, as listed in 1.1 above, to undertake an investigation into the whistleblowing complaints described in this report.
- 2.2 To confirm the Acting Director of Law & Governance's selection of the external investigator, as listed in 1.1 above, and to authorise the appointment of the investigator.
- 2.3 To agree that the findings of the independent investigation are reported back to a future meeting of the Audit Committee.

## **3. Background**

- 3.1 Whistleblowing arrangements are a key element of the Council's overall governance arrangements. Whistleblowing allows employees, members, contractors and others, to confidentially raise concerns surrounding fraud and corruption.
- 3.2 The Council takes all allegations of impropriety very seriously and in this instance are recommending the appointment of an external investigator to ensure that an independent and robust investigation is undertaken.

## **4. Implications**

### **4.1 Financial implications:**

The use of an external investigator will give rise to additional costs. The Council's s151 officer is satisfied that the costs can be contained within the Council's budget. Advice from Legal Services is that the proposed expenditure is appropriate to the matters involved.

### **4.2 Legal Implications:**

External counsel's advice on the matter is that it is appropriate for investigation pursuant to the Council's Whistleblowing Policy. This view is shared by officers with detailed knowledge of the matter. Those officers are also of the view that the appointment of an external investigator is appropriate given the complaints in issue.

### **4.3 Environmental Implications**

None arising from the content of this report.

### **4.4 Resident Impact Assessment:**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment has not been completed because the decision currently being sought does not have direct impacts on residents.

## 5. Reason for recommendations

5.1 To ensure that an independent, objective investigation into the whistleblowing complaints is duly undertaken.

## Appendices

Appendix A - Authorisation of external investigation into whistleblowing complaints (Exempt)

Final report clearance:

### Signed by:



**Date :** 21 May 2019

Alan Layton – Director Financial and Asset  
Management (S151)

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