

<p style="text-align: center;">Non-Executive Report of the:</p> <p style="text-align: center;"><b>Standards (Advisory) Committee</b></p> <p style="text-align: center;">29<sup>th</sup> June 2017</p>	
<p><b>Report of:</b> Graham White, Interim Service Head, Legal Services and Deputy Monitoring Officer</p>	<p><b>Classification:</b> [Unrestricted or Exempt]</p>
<p><b>Whistleblowing Update</b></p>	

<b>Originating Officer(s)</b>	Paul Greeno, Senior Corporate and Governance Legal Officer
<b>Wards affected</b>	All

**Summary**

This is a periodic report updating on the Council’s whistleblowing concern and investigation monitoring information as well as any relevant update on whistleblowing arrangements.

**Recommendations:**

The Standards (Advisory) Committee is recommended to:

1. Note whistleblowing concern and investigation monitoring information contained in Appendix 1 to this report.

## **1. REASONS FOR THE DECISIONS**

1.1 This is a noting report.

## **2. ALTERNATIVE OPTIONS**

2.1 This is a noting report.

## **3. DETAILS OF REPORT**

### **Whistleblowing Policy**

3.1 As part of the steps to improve the Council's organisational culture, the Council's approach to Whistleblowing has been reviewed and improved with a revised procedure accessible on the Council's intranet and website for use by staff and the public. A new stand-alone Whistleblowing Policy has been introduced and which is being kept under regular review. The Policy includes version control so that there can be an assurance that the most up-to-date policy is being used. The Policy specifies time limits and a requirement to keep the person raising a concern informed as to progress.

3.2 The new Policy and the investigation process are managed by the Monitoring Officer.

### **Whistleblowing Concerns raised since April 2016**

3.3 This new Whistleblowing process was initially introduced in April 2016. Between then and 7<sup>th</sup> June 2017, 69 concerns have been raised under the new Policy. However, as there was an overlap between the introduction of the new Policy and the investigation process being managed by the Monitoring Officer, 3 concerns raised in March 2016 are also included: thus making the total number 72.

3.4 Of those 72, 35 did not fall within the framework of the Whistleblowing Policy and therefore were not whistleblower concerns. These were however referred to appropriate service area to respond.

3.5 Of the remaining 37 concerns:

- 5 investigations have been completed and closed
- 3 have been closed as further information that was required in respect of those concerns to enable them to be investigated was not provided
- 2 matters have been closed as they have been referred to other agencies to investigate

3.6 Appendix 1 sets out details of the 10 concerns that have been closed.

3.7 That leaves 27 open investigations. In respect of 5 of those, the investigations have been concluded and the Monitoring Officer is reviewing Investigation Reports before making a decision as to the final outcome. In the case of a further 5, these overlap with matters considered by the Clear Up Team. Those investigation reports are being considered and if they cover the same matters raised in the current concerns

then they will be closed. Should, however, they raise any new matters then those new matters will be investigated.

- 3.8 The remaining 17 are all ongoing investigations at various stages. 3 of those investigations, whilst being managed by the Monitoring Officer, are to be undertaken by external independent investigators due to the nature of the concerns raised.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 There are no direct financial implications arising from the recommendations within this report.

#### **5. LEGAL COMMENTS**

- 5.1 This is a report of Legal Services and any legal implications are addressed in the body of the report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The review of whistleblowing is a continuation of the Council's improvement to its organisational culture. It demonstrates a commitment to put the concerns of employees and local people first and for fair and transparent decision making and which contributes to the delivery of One Tower Hamlets priorities and objectives.

#### **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.

- 7.2 By virtue of Directions made by the Secretary of State on 17<sup>th</sup> March 2015, the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included setting up these new arrangements for whistleblowing.

#### **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 None.

#### **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that one or more of a criminal offence, a breach of legal obligation, a miscarriage of justice, a danger to the health and safety of an individual, damage to the environment, and/ or a deliberate attempt

to conceal one of these, has occurred or is likely to occur is an important part of risk management and should reduce risks.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that a criminal offence, a miscarriage of justice is likely to occur should assist in reducing crime.
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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- 1 – Table of completed investigations

#### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- NONE

#### **Officer contact details for documents:**

- N/A

# **APPENDIX 1**

<b>Concern Ref. No.</b>	<b>Date Received by MO</b>	<b>Person Raising Concern</b>	<b>Details of Concern</b>	<b>Outcome of initial review</b>	<b>Final Outcome</b>
002/WB/2016	15/03/2016	Member of the public on behalf of member of staff (anonymous)	Allegation of a string of gross misconduct offences by a Senior Manager. No details of the offences given	Matter raised fell within the framework of Policy. As insufficient details given, requested specific details of allegations.	Specific details of allegations not supplied and therefore matter closed
004/WB/2016	13/04/2016	Member the public and staff (all anonymous)	21 allegations against a Senior Manager including bullying; unhelpful and discriminatory behaviour; making defamatory statements. All over a span of 14 months. No details of any specific incidents given.	Matter raised fell within the framework of Policy. As insufficient details given, requested specific details of allegations.	Specific details of allegations not supplied and therefore matter closed
013/WB/2016	18/07/2016	Member of staff	HR issues - deletion of post & creation another post	Matter raised fell within the framework of Policy but concern now overtaken by events as post not authorised & matter being dealt with as part of an organisational review	27/07/2016 – Person who raised concern written to and advised whilst a whistleblowing matter that corrective actions requested by complainant had been taken
017/WB/2016	21/06/2016	Member of the public	Claim that 2 persons were fraudulently given a tenancy of property with the assistance of special favours from key officers in Tower Hamlets Homes	Matter raised falls within the framework of Whistleblowing Policy. Matter allocated for investigation	11/04/2017 – Case closed as no evidence of fraud and corruption. There were no untruths stated on the Waiting List application form but the lettings documentation is to be reviewed so that the question about property ownership explicitly includes ownership of properties abroad. Person who raised concern written to and advised of outcome

Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
018/WB/2016	12/08/2016	Member of the public on behalf of Council staff (anonymous)	Claim of drug dealing by Council officers. Vehicles can possibly be identified by sources but not individuals. Matter referred to Police who took no action	Matter raised fell within the framework of Policy. Person who raised concern advised of Safeguards within Policy but replied not sufficient. There is a wider general investigation underway and person in charge of that investigation given details of this matter	Specific details of allegations not supplied and therefore matter closed.
028/WB/2017	01/02/2017	Member of the public (raised through the Mayor's Office)	Carers for a Care Agency are experiencing delays in their salaries being paid and which is down to delays in the Council paying invoices. Allegation that a Council Officer is seeking a 'kick back' to speed up payments	Matter raised fell within the framework of Policy if a Council Officer is seeking a 'kick back'	<b>11/04/2017</b> - Case closed as no evidence of a Council Officer is seeking a 'kick back'. The issue in fact relates to Care Agency and their invoicing practices: late invoicing and last minute demands applying pressure to speed up payment to pay their wage bill. There have also been queries on invoices raised with Care Agency and which have been unanswered. The Mayor's Office were notified of outcome so the person who raised concern could be advised

Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
029/WB/2017	07/02/2017	Member of the public (raised via a Councillor)	Potential Business Rate Fraud to Business Rates Team but no action to allegation appears to have been taken	Matter raised fell within the framework of Policy if Council Officers are just ignoring claims of fraud	<p><b>12/04/2017</b> - Case closed as complaint was logged but as premises had been demolished and deleted from the Ratings List the matter could not be investigated. The Councillor was notified of outcome so the person who raised concern could be advised</p> <p>[Person who raised the initial allegation should have been written to however to acknowledge the allegation]</p>
030/WB/2017	07/02/2017	Member of the public	Allegation of sexual abuse at a local school during the 1960s and that Council staff conspired to cover it up	Matter raised fell within the framework of Policy but as matter was allegation of historic sexual abuse that it should be referred to the Police for consideration/ investigation in the normal way	Case referred to Met. Police's Non Recent Abuse Team and who have confirmed that they will contact the person raising the concern and to formally record any allegations that that person may wish to make

Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
034/WB/2017	28/02/2017	Member of school staff	Concern regarding the wellbeing of pupils under the supervision of a particular individual. One incident had been reported to the head teacher but no action or change in attitude	Matter raised fell within the framework of Policy but as the Council has a specific process for raising such safeguarding issues and which is through the Local Authority Designated Officer (LADO and that it should be referred to the LADO for investigation in the normal way	Matter referred to LADO for independent investigation as per process
046/WB/2017	02/04/2017	Member of staff	Allegation that officers ignored concerns including health and safety concerns regarding 5 organisations who were contracted to deliver certain programmes and payments were then made to those organisations	Matter raised fell within the framework of Policy but the concern overlapped with a matter carried forward from the Clear-Up Team. The Clear Up Team investigation report (Case Ref. No. CU 023) was considered and did deal with the issues raised in the concern	The person raising the concern was written to advising that the matter had been considered during the investigation by the Clear Up Team and therefore the matter did not require reinvestigation. The person was advised of the summary of allegation investigated by Clear-Up Team; that that allegation was upheld; and of the 11 recommendations from the Clear-Up Board. The person was also advised that the Monitoring Officer will be keeping the matter under review