


Non-Executive Report of the: Audit Committee 23 rd January 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Whistleblowing Update	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Lawyer
Wards affected	All

Summary

This is a periodic report updating on the Council's whistleblowing and investigation monitoring information

Recommendations:

The Audit Committee is asked to:

1. Note the whistleblowing 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

3.1 Since April 2016, the Council's Whistleblowing process has been monitored by the Monitoring Officer. Between now and then 41 Whistleblower concerns have been raised in respect of which 30 have been completed and closed. Of those 30,

- 4 were upheld (of which 1 was partial)
- 3 were closed as further information that was required in respect of those concerns to enable them to be investigated was not provided
- 2 were referred to other agencies to investigate
- 21 were not upheld

3.2 In respect of the 21 not upheld, the final Investigation Reports were reviewed and where it was considered that there were lessons to be learnt, then recommendations were made. This occurred in 6 cases as follows:

- If the person who raised the initial allegation had been written to with an acknowledgment of the allegation then it would not have ended up being raised as a Whistleblower concern. The relevant Service was reminded that it was important to acknowledge allegations that were raised.
- A service review has been requested to ensure that the controls over the application of and user control of public sector parking permits within the Directorate involved are strengthened as per the report.
- The introduction of a stock control form should be introduced.
- Procedures in THH regarding the viewings of properties and the subsequent offers of tenancy were strengthened.
- A detailed Council wide review of the use of card purchases is being conducted by the Corporate Risk and Audit Team.
- Managers in the relevant Service are being reminded of the need to continually balance out workflows to meet demands that are placed on the Service and that that is to be done with current work demands borne in mind. Managers are also being asked to remind staff of their responsibilities such as answering colleagues' phones both at Team meetings and as part of their 121 programme.

- 3.3 There were no recurring themes of lessons to be learnt in those matters however.
- 3.4 Appendix 1 sets out anonymised details of those Whistleblowing matters that were upheld.
- 3.5 As to the 11 matters still ongoing, these are all at various stages and an update in relation to those matters will be provided at the next meeting of the Audit Committee and which is currently scheduled for 29th March 2018.

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 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'. The law does not however require employers to have a whistleblowing policy in place but it is accepted good practice. The existence of a whistleblowing policy shows an employer's commitment to listen to the concerns of workers. Further the Department for Business Innovation and Skills ('BIS') Guidance and Code of Practice provides that it is good practice for employers to have a whistleblowing policy or appropriate written procedures in place.
- 5.2 As an employer, the Council wishes to create an open, transparent and safe working environment where workers feel able to speak up and it has a whistleblowing policy. This policy was last revised in November 2017.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Monitoring 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 Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

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.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- 1 – Table of completed investigations where allegation upheld

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

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

- NONE.

Officer contact details for documents:

- N/A