

Non-Executive Report of the: Audit Committee 8 th November 2018	 TOWER HAMLETS
Report of: Asmat Hussain - Corporate Director, Governance	Classification: Unrestricted
Whistleblowing Policy and Processes – Update and Monitoring Information	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Executive Summary

This report updates the Committee on the operation and implementation of the revised whistleblowing arrangements introduced by the Council in November 2017.

Recommendations:

The Audit Committee is recommended to:

1. Note the content of this report.

1. REASONS FOR THE DECISIONS

- 1.1 The Committee agreed at its meeting on 16 November 2017 to take on responsibility for oversight of the Council’s whistleblowing arrangements.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

Update:

- 3.1 In June 2016 the Council published an updated Whistleblowing Policy as part of its improvements to its organisational culture and it was agreed with the Commissioners that the Council would arrange for an independent audit of the new procedures to take place. Subsequently Grant Thornton were commissioned to undertake the review.

- 3.2 The current Whistleblowing Policy and Procedure were adopted following the outcome of the Grant Thornton review and consideration by the Audit Committee on 16 November last year. In addition to the Policy and Procedure, supporting guidance is also available for Managers and Investigators, in line with the recommendations from the Grant Thornton review and the Code of Practice for employers in respect of Whistleblowing produced by the Department for Business Innovation and Skills ('BIS').
- 3.3 The Council's Intranet page on whistleblowing has been updated and staff briefing sessions on whistleblowing have been arranged during September and October 2018, with further sessions to be arranged. An updated e-learning module has been developed using video coverage and voice overs from the Chief Executive, the Corporate Director Governance, the Head of Audit & Risk and the Divisional Director Human Resources. All staff will be required to complete the e-learning module and it will also be available for Councillors.

Monitoring Information:

- 3.4 The Corporate Director Governance in her capacity as the Council's Monitoring Officer has overall responsibility for the Council's whistleblowing arrangements. All concerns raised under the Whistleblowing Policy are logged and reviewed by a Deputy Monitoring Officer.
- 3.5 In the period 1 June to 12 October 2018, 79 whistleblow concerns were raised predominantly using the online form. The majority of the matters raised were either service complaints or corporate complaints. There were no matters referred for investigation under the whistleblowing arrangements but 5 of the 79 matters received, which were outside the scope of the Whistleblowing Policy, have nonetheless been referred to the Head of Audit & Risk for consideration and possible investigation.
- 3.6 In addition, prior to 1 June 2018, 6 investigations were already being carried out under the whistleblowing arrangements. Of these 6 matters, 4 have been investigated and closed and 2 remain subject to ongoing investigations. Of the 4 closed matters, in 2 cases the concerns raised were not substantiated and in the other 2 cases the concerns raised were partially upheld and recommendations for improvements referred to the appropriate Corporate Director.

4. EQUALITIES IMPLICATIONS

- 4.1 Ensuring a culture exists where individuals feel empowered to raise concerns assists the Council in promoting equality of opportunity.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 The Council's whistleblowing arrangements are designed to reduce risk and improve transparency, economy and effectiveness.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no additional financial implications from this report.

7. LEGAL COMMENTS

7.1 The statutory basis for whistleblowing is contained 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'.

7.2 The law does not require employers to have a whistleblowing policy in place but it is accepted good practice for the Council, as an employer, to create an open, transparent and safe working environment where workers feel able to speak up. The existence of a whistleblowing policy shows an employer's commitment to listen to the concerns of workers. Further the 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.

7.3 The current whistleblowing arrangements confirm the employee's statutory rights and aim to create an organisational culture where employees feel safe to raise a concern in the knowledge that they will not be victimised in doing so.

Linked Reports, Appendices and Background Documents

Linked Report: NONE

Appendices: NONE

**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