

Committee/Meeting: HR Committee	Date: 24 October 2012	Classification: Unrestricted	Report No: 4.2
Report of: Corporate Director (Resources) Originating officer(s) Simon Kilbey, Service Head (Human Resources & Workforce Development)		Title: Whistleblowing Process Wards Affected: All	

Lead Member	Cabinet Member for Resources
Community Plan Theme	All
Strategic Priority	Work efficiently and effectively as one Council

1. **SUMMARY**

- 1.1 At its meeting on 18 July 2012, the HR Committee requested that a report be submitted to the next meeting on the use of the Council's whistleblowing process.
- 1.2 The Public Interest Disclosure Act 1998 (enacted in 1999) protects individuals who make certain disclosures of information in the public interest, to allow such individuals to bring action in respect of victimisation; and for connected purposes.
- 1.3 It amended the Employment Rights Act 1996 by introducing new rights of protection for workers not to suffer detriment or dismissal for raising concerns or 'whistleblowing' on their employers' fraudulent, criminal or dangerous activities.
- 1.4 The Council introduced the current whistleblowing process to allow staff, members and partners, a meaningful and accessible means by which to raise concerns in confidence.
- 1.5 The whistleblowing process is not the only process designed to allow individuals to raise concerns.

2. **DECISIONS REQUIRED**

HR Committee is recommended to:-

- 2.1 Note the information provided.

3. REASONS FOR THE DECISIONS

3.1 The report is for information and to provide Members with details of the Council's whistleblowing process.

4. ALTERNATIVE OPTIONS

4.1 The report is for information.

5. BACKGROUND

5.1 The introduction of the Public Interest Disclosure Act 1998 enhanced the need for an anti-fraud culture to be present in public services and led to the Council's whistleblowing process being introduced.

5.2 The Employees Code of Conduct also makes reference to whistleblowing and sets out the expectation that if staff witness, or have their suspicions raised, or are approached to become party to potentially fraudulent, corrupt, dangerous or improper behaviour, they are required to report these incidents or concerns either to their line manager or other council manager or through the agreed whistleblowing procedures.

5.3 The whistleblowing process also makes it clear that it is a supplement, and not a substitute for the usual channels for complaint. Where an appropriate avenue exists, people should use it. These channels are: -

- The Councils Complaints Procedure
- The Grievance Procedure
- The Combatting Harassment and Discrimination Procedure (CHAD)
- Line Management
- The Housing Benefit Fraud Hotline
- The Council General Inquiry Hotline
- The Audit Commission
- Public Concern at Work
- Freedom of Information Requests
- Members Enquiries

5.4 As the whistleblowing process falls under the remit of the Audit and Risk Service, information on its application is reported by Minesh Jani, Head of Audit and Risk Management, to the Council's Audit Committee.

5.5 At the Audit Committee meeting of 20th March 2012, a report was considered on the Anti-Fraud and Corruption Strategy and Proactive Anti-Fraud Plan 2012-13. This report contained an updated Anti-Fraud and Corruption Strategy, of which the whistleblowing process forms a part.

6. **BODY OF REPORT**

6.1 The cornerstone of an anti-fraud and corruption strategy is a whistleblowing facility which enables staff, partners and members to raise concerns of a serious nature in confidence and with assurance that if the matters reported are well-founded they will be investigated without fear of comeback to the whistleblower.

6.2 The Council launched a confidential whistleblowing telephone line in September 2000 and has regularly publicised via articles in Pulling Together (the Council's old staff publication), the Council's intranet and within the corporate governance arrangements, including the Council's financial regulations.

6.3 All cases referred to the team are formally risk assessed.

6.4 The vast majority of cases that are referred under the whistleblowing process relate to Housing Benefit and Social Housing. It is rare that staffing matters are raised through the whistleblowing process as these are more likely to be raised through the alternative routes referred to above.

6.5 With regards to Social Housing related cases, there were 190 cases opened from 01.04.11 to 31.03.12. Of these, 100 are still open.

From 01.04.12 to date, 140 cases have been opened, of which 115 are still open.

6.6 With regards to Housing Benefit related cases, there were 1,262 referrals received from 01.04.11 to 31.03.12, plus 1,152 Experian Data Matches, giving a total of 2,414.

From 01.04.12 to date, 361 referrals have been received, plus 554 Experian Data Matches, giving a total of 915.

6.7 Referrals can come from various sources and not necessarily via the whistleblowing hotline or anti-fraud email address. Letters, management referrals and referrals from the National Fraud Initiative data matches can also be received and acted upon.

6.8 The following table seeks to demonstrate which procedure should be used for different types of concerns/complaints: -

Who raising concern	Type of concern	Procedure(s) to use
Member of staff	Issue about their own employment	Grievance, CHAD, Line Management
Member of staff	Concern over conduct of another staff member	Grievance, CHAD, Line Management, Whistleblowing (depending on nature of concern)

Member of public	Concern regarding a Council employee(s)	Complaints procedure, Whistleblowing, Freedom of Information request
Elected Member	Concern regarding a Council employee(s)	Whistleblowing, Members Enquiry
Council's Partners	Concerns regarding a Council employee(s)	Whistleblowing, Complaints procedure

6.9 In order to reinforce awareness of the alternative avenues open to staff, should they have concerns they wish to raise, a reminder will be sent out to staff publicising the various avenues open as set out above.

6.10 As part of the programme to modernise the HR system, work is being undertaken to implement a case work module. This will enable more effective monitoring and the publication of regular data to show the relationship between whistleblowing and any formal case work.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

7.1 There are no financial implications as a direct result of this report.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

8.1 There are no legal issues to consider as part of this report.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 There are no equalities considerations.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no implications.

11. RISK MANAGEMENT IMPLICATIONS

11.1 There are no direct risks as a result of this report.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 There are no implications.

13. EFFICIENCY STATEMENT

13.1 No changes to service delivery or the use of resources are proposed.

14. **APPENDICES**

There are no appendices to this report

Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Public Interest Disclosure Act 1998	Simon Kilbey, Service Head (HR/WD) 020 7364 4922

