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| Non-Executive Report of the: Audit Committee 21 July 2020 |  TOWER HAMLETS |
| Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer | Classification: Unrestricted |
| Whistleblowing Annual Report | |

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

Summary

This report provides members with an annual report in relation to the Council's whistleblowing arrangements in accordance with paragraph 6.1 of the Council's Whistleblowing Policy.

Recommendation:

- (1) That the Audit Committee consider and comment on the content of this report.

1. REASONS FOR THE DECISIONS

- 1.1 The Whistleblowing Policy provides for the Monitoring Officer to review the Council's whistleblowing arrangements annually and report to the Audit Committee. It is considered best practice in many authorities for the Audit Committee to receive an annual report in relation to whistleblowing. The provision of an annual report to the Committee will increase the profile of whistleblowing across the organisation and affords the opportunity to highlight areas of good practice and identify any requirements for improvement.

2. ALTERNATIVE OPTIONS

- 2.1 N/A.

3. DETAILS OF REPORT

- 3.1 The current Whistleblowing Policy and Process were approved by the Audit Committee on 16 November 2017, following a review of the arrangements by Grant Thornton. This report sets out the key issues dealt with through the Whistleblowing process during the past financial year 2019/2020. A summary of whistle blows received for the period 1 April 2019 to 31 March 2020 is attached as Appendix A. The Appendix contains two sections; the first section details whistle blows received up until 31 July 2019; the second section details whistle blows received from 1 August 2019, subsequent to implementation of internal audit recommendations for improving the whistleblowing arrangements.

- 3.2 The internal audit of the whistleblowing arrangements was completed in May 2019. The audit was carried out at the request of the Corporate Director Governance to seek assurance that the arrangements were fit for purpose and that whistle blows received by her office were dealt with efficiently and effectively.

- 3.3 The audit identified areas for improvement as summarised below:

REC 1: Update the Council's website to fully reflect the Whistleblowing Policy agreed by the Committee in November 2017.

REC 2: Ensure the register of whistle blows maintained by the Corporate Director's office is kept up to date and remove the ability to delete/move items from dedicated email inboxes used for whistleblowing.

REC 3: Ensure the Whistleblowing Policy and Procedure is kept under regular review; introduce written internal procedures in the Corporate Director's office to provide clear guidance to officers on their roles, responsibilities and limitations of authority; ensure relevant staff working in the Corporate Director's office are trained on the effective implementation of whistleblowing arrangements.

REC 4: Conduct an annual review of the records kept by the Corporate Director's office.

REC 5: Introduce a template pro forma to document the initial review of whistle blows; ensure that all acknowledgements are sent within specified timelines.

REC 6: Obtain feedback on staff awareness, trust and confidence in whistleblowing arrangements for reporting to the Audit Committee including from whistle blowers to identify complaints of victimisation and failures to maintain confidentiality.

- 3.4 Recommendations 1, 2, 3 and 5 have been implemented in full since August 2019. A review of the whistleblowing records held by the Corporate Director's office will be conducted later this financial year in accordance with recommendation 4. Recommendation 6 has been partially implemented using e learning for staff in conjunction with publicity designed to raise staff awareness, although further measures will be introduced during this financial year to increase take up of the online training and to obtain feedback. In addition, a dedicated inbox for whistleblowing separate from other concerns and complaints referred to the Monitoring Officer was established from 1 August 2019.
- 3.5 These measures have resulted in significantly improved outcomes and efficiency as demonstrated in Appendix A from which it is apparent that since August 2019, no service issues have been referred through the whistleblowing arrangements but 5 new whistle blows have been referred for investigation.
- 3.6 The take up of staff training has also been positive and 2384 employees have now completed the online training e learning module, although as indicated above more work is planned in this area.
- 3.7 In March 2015 the Department for Innovation & Skills issued guidance and a Code of Practice for employers on whistleblowing. An assessment of the Council's current whistleblowing arrangements against the requirements of the Code of Practice is set out in Appendix B.

4. EQUALITIES IMPLICATIONS

- 4.1 Effective whistleblowing arrangements assist the Council in maintaining compliance with equalities legislation.

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 Robust whistleblowing arrangements help to ensure the proper, efficient and effective discharge of the Council's functions and contribute to compliance with the requirement to achieve best value. They also enhance the Council's ethical standards and risk management arrangements.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications for the Council arising from this report. The online training has been carried out within existing learning, organisational change and development (LOCD) budget.

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. As indicated above, the Department for Business Innovation & Skills Whistleblowing Code of Practice provides that it is best 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: Appendix A - Summary of Whistle blows 2019/20.
Appendix B – Assessment of the Council’s whistleblowing arrangements against the requirements of the Department for Business Innovation & Skills Code of Practice.

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