

<p>Non-Executive Report of the:</p> <p>Audit Committee</p> <p>Wednesday, 7 April 2021</p>	
<p>Report of: Divisional Director, Legal Services and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Whistleblowing Annual Report</p>	

Executive 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.

Recommendations:

The Audit Committee is recommended to:

1. Consider and note the content of this report.
2. Approve the proposed minor changes to the Whistleblowing Policy identified as track changes in Appendix A

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 increases 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 Not applicable.

3. DETAILS OF THE REPORT

- 3.1 As part of the first annual review of whistleblowing arrangements last year, the Council's whistleblowing processes were assessed against the requirements of the Department for Innovation & Skills Code of Practice for employers on whistleblowing (issued in March 2015). The assessment demonstrated substantial compliance and only one area was identified as requiring further action. This was the need to update intranet and webpage content to include direct links to the Whistleblowing Policy and Whistleblowing Procedure and ensure alignment of intranet and internet pages. This action was completed last summer.
- 3.2 The current Whistleblowing Policy was approved by the Audit Committee in January 2021. The Policy is attached as Appendix A and includes proposed minor amendments to reflect current operational practice. The suggested revisions are shown as track changes and Members are asked to consider and approve the proposed amendments.
- 3.3 An internal audit of the whistleblowing arrangements was completed in May 2019 and last autumn a follow up review was carried out by the internal audit service and completed in October 2020. Following that review it was agreed that date and version control should be introduced for the Whistleblowing Policy and associated procedures and this will be implemented once the proposed revisions to the Policy in Appendix A have been considered and approved by the Committee. Also arising out of the follow up review, the Head of Internal Audit has agreed to include yearly reviews of whistleblowing records in the Annual Audit Plan and a standard form is being developed to obtain feedback from whistleblowers on the operation of the Council's whistleblowing arrangements.
- 3.4 The take up of whistleblowing training by staff continues to be positive and the training has now been included in the mandatory training section of the

Learning Hub. As of 22 March 2021, 3614 employees had completed the online e learning module, which is an increase of 1230 in the past year.

- 3.5 Between 1 April 2020 and 31 March 2021, fifteen concerns were notified to the Monitoring Officer under the Council's whistleblowing arrangements. A full investigation of one matter (WB 07/2020) has been completed under the Whistleblowing Procedure. This was an anonymous allegation of improper social work practice referred for consideration by the Divisional Director Children's Social Care. The Divisional Director commissioned an investigation which concluded there was no evidence of failure to follow child protection procedures and/or proper social work practice.
- 3.6 Another three matters (WB 02/2021, WB 03/2021 and WB 04/2021) are currently subject to initial enquiries by the appropriate Divisional Director/Deputy Monitoring Officer as potentially requiring investigation. WB 02/2021 is an anonymous allegation of improper recruitment and employment practices and is subject to initial enquiries by HR with oversight from the Divisional Director. WB 03/2021 is an anonymous allegation about improper practice in the award of Council contracts. WB 04/2021 is an allegation of victimisation by a member of staff for being suspected as a previous whistleblower and is subject to review by the Head of Internal Audit and the Deputy Monitoring Officer.
- 3.7 The other eleven concerns raised as potential whistleblows between 1 April 2020 and 31 March 2021 are listed below. These concerns were either most appropriately dealt with as a service issue by the relevant Divisional Director/Head of Service, or not subject to investigation under the Whistleblowing Procedure after being reviewed by the relevant Divisional Director and the Deputy Monitoring Officer. In some instances whistleblowers were also referred to external organisations such as HMRC, the Health & Safety Executive and the police.
- WB 02/2020: Anonymous allegations of failure to take appropriate action in respect of Covid 19 infections in a school.
 - WB 03/2020: Issues raised by a member of staff about the Council's employee sickness reporting system, recording of sickness in pay advices and statutory sick pay accounting.
 - WB 04/2020: Concerns from a local resident about road closures resulting in increased traffic, pollution and an inability to comply with social distancing requirements.
 - WB 05/2020: Allegations from a local resident about the operation of a local business and landlord/property owner. Fraud in order to purchase industrial equipment, operation of equipment without proper protective clothing, operation of equipment without taking into account fire and electrical safety, operation of equipment without regard for the health of customers. Tax evasion, importing foreign goods for sale and without

declaring dangerous plant and animals to customs authorities. The illegal supply of drugs.

- WB 06/2020: Anonymous allegations of failure to follow HR appointment and allocation of work procedures, including inequality of treatment.
- WB 08/2020: Anonymous allegations about market traders and their assistants not properly declaring their income to employers, HMRC and the DWP.
- WB 09/2020: Anonymous allegations that school staff have been appointed without following proper process and the staff are receiving excessive payments.
- WB 10/2020: Concerns from a local resident about a breach of trading standards at a Food & Wine Store.
- WB 11/2020: Allegations by a local resident of breaches of social distancing requirements queuing at a coffee shop.
- WB 12/2020: Anonymous allegations of failure to take appropriate action in respect of Covid 19 infections in Council offices.
- WB 01/2021: Issues raised by a member of staff about the commissioning of external service provision.

4. EQUALITIES IMPLICATIONS

- 4.1 Effective whistleblowing arrangements assist the Council is 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.
- Data Protection / Privacy Impact Assessment.

- 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.

7. COMMENTS OF LEGAL SERVICES

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 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 Reports: None

Appendices:

Appendix A: Whistleblowing Policy (including proposed amendments identified as track changes)

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