

Non-Executive Report of the: Audit Committee Thursday 23 rd November 2023	 TOWER HAMLETS
Report of: Julie Lorraine, Corporate Director, Resources	Classification: Open (Unrestricted)
Annual Whistleblowing Report and Policy Review	

Originating Officer(s)	David Dobbs – Head of Internal Audit, Anti-Fraud & Risk
Wards affected	(All Wards)

Executive Summary

The following report provides an Annual Report of the Council's whistleblowing arrangements and a review of the whistleblowing policy

Recommendations:

The Audit Committee is recommended to:

1. Consider and note the Annual Report.
2. Approve the updated Whistleblowing Policy (refer Appendix 1)

1. REASONS FOR THE DECISIONS

- 1.1 The Council's Whistleblowing Policy requires an annual review to take place and be reported to the Audit Committee. This process affords the opportunity to highlight good practice and to identify any areas requiring improvement. The annual review of the policy is best practice and includes consideration of any legislative or regulatory changes that should be incorporated into the policy.

2. ALTERNATIVE OPTIONS

- 2.1 None.

3. DETAILS OF THE REPORT

- 3.1 The Council has well established whistleblowing arrangements and related policy documents that have been in place for a number of

years. The current policy and related matters were last reviewed and approved by the Audit Committee in January 2021

- 3.2 Recent data on whistleblowing submissions, based on items received to the designated mailbox, through the whistleblowing e-form or in writing, is as follows:

2021	: 8
2022	: 4
2023 (year to date)	: 4

- 3.3 It is important to note that the data shown above is unrefined and that only a small proportion of these matters qualified [and were therefore treated as] genuine whistleblowing disclosures as defined by the Council's policy. Most of the items received are redirected elsewhere for resolution. This typically includes, for example, forwarding to a service department, Human Resources, the Complaints Team or to the governing body of a school.

- 3.4 The Whistleblowing Policy document (previously updated and approved by the Committee as of April 2021) has been amended to improve its narrative clarity and to ensure that it is visually consistent with the Council's suite of policies. The updated policy document is attached as Appendix A. Additionally, it was noted that the Policy document included on the Council's intranet was not the latest version – this will be remediated as matter of priority.

- 3.5 The updated policy will be republished on the Council's intranet and recirculated to all senior officers for cascading throughout the organisation.

- 3.6 To support officers in ensuring that they have the confidence to raise a whistleblowing matter when they see something wrong, and also that they have an awareness of the Policy and related procedures whistleblowing is included in the Council's suite of mandatory corporate training that should be completed by all new starters in order to pass probation and by other staff on an annual cycle.

- 3.7 In March 2023 the Government announced a review of the UK's whistleblowing framework with the aim of developing and reviewing the existing regime and reviewing whether the aims of Public Interest Disclosure Act (1998) are still being met. The review, which will gather evidence from whistleblowers, employers, regulators and charities, is taking place in the context of the sharp increase in whistleblowing disclosures received by the Care Quality Commission and the Health and Safety Executive during the Covid-19 pandemic.

- 3.8 The review is timely in light of implementation by EU member states of the EU Whistleblowing Directive (to which the UK is not subject, following Brexit), which imposes more stringent obligations than those

imposed by UK legislation. Some UK employers are already implementing these more stringent obligations into their policies and procedures.

- 3.9 First introduced nearly 25 years ago, the UK's current whistleblowing framework is increasingly criticised as out-dated and complex. Often cited gaps in the current regime include the fact that whistleblowers only have legal protections if they are subject to a detriment or dismissed as a result of their disclosure, and that there is no protection for people who do not meet the category of worker or employee, leaving individuals such as job applicants, trainees, trustees and volunteers unprotected.
- 3.10 The outcome of the Government's review, once announced, will be considered by the Council in the context of its whistleblowing policy and supporting arrangements.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no specific statutory implications.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 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 the 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'.
- 5.2 The law does not require employers to have a whistleblowing policy 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. Government guidance, in the form of the Whistleblowing Code of Practice, states that it is best practice to have a whistleblowing policy or appropriate written procedures in place.
- 5.3 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.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific financial implications arising from the content of 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 (now the Department for Business, Energy and Industrial Strategy) 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 new 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 1 – Update Whistleblowing Policy.

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:

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