



COPRPORATE GOVERNANCE COMMITTEE – 24 JANUARY 2025

WHISTLEBLOWING REPORT

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE AND DIRECTOR OF CORPORATE RESOURCES

Purpose of the Report

1. The purpose of this report is to provide the Committee with a summary of the concerns raised under the Council's Whistleblowing Policy during the calendar years 2023 and 2024 and the Council's response to the issues, including any organisational learning.

Policy Framework and Previous Decisions

2. The Council's Constitution contains a Code of Conduct for Employees which defines the responsibilities, standards and behaviour required of the Council's employees (including agency workers). It is made clear that employees are required to comply with this Code when carrying out their duties as an employee or representative of the Council. As well as covering obligations in relation to interests, bribery, fraud and corruption the Code highlights the Council's whistleblowing Policy and encourages employees to act in the public interest and to raise concerns if they have suspicions of wrongdoing.
3. The Council's Whistleblowing Policy and procedure (which was reviewed and amended in August 2024) is attached as Appendix A. There is a separate policy for whistleblowing for suppliers which is outside of the scope of this report and in addition each maintained school has its own whistleblowing process.

Background

4. Whistleblowing is the making of a protected disclosure under provisions in the Employment Rights Act 1996 and is reflected in the Council's Whistleblowing Policy. This provides legal protection to employees against detriment, unfair dismissal or victimisation if they make a disclosure in the public interest. To qualify, the disclosure must also fall within one of the following prescribed grounds:
 - a. A criminal offence
 - b. Breach of any legal obligation
 - c. Miscarriages of justice

- d. Danger to health and safety
 - e. Damage to the environment
 - f. The deliberate concealing of information about any of the above.
5. The Council's Whistleblowing Policy makes it clear that the Council is committed to creating a safe, open and transparent workplace culture, where employees are encouraged to raise concerns at the earliest opportunity recognising that employees are often the first to realise that there may be something wrong within an organisation. This is an important part of the Council's risk management systems. The commitment to supporting an employee who makes a referral is also emphasised. The Director of Law and Governance and the Director of Corporate Resources are designated as officers to whom referrals are to be made if it has not been practical for the issue to be raised through usual line management procedures.
 6. The CIPFA Code of Practice – Managing the Risk of Fraud and Corruption includes an expectation that there is an annual review of the effectiveness of the organisation's whistleblowing arrangements, with the findings reported to the relevant committee. The Policy was reviewed for effectiveness in August 2024 and various minor amendments were made. The Policy is considered to be fit for purpose. It is proposed that there be a further review of the effectiveness of the arrangements over the next 12 months with a view to this forming part of an annual reporting cycle to this Committee.

Promotion of the Policy

7. The Policy is promoted regularly via the intranet and the Managers' Digest approximately twice a year and by posters around the building and at outlying council offices. Managers of staff without access to the intranet are encouraged to pass on information about the policy via the usual channels, including team meetings and one to one meetings. The existence of the Policy and its objectives are covered in the mandatory e-learning Corporate Induction module as well as the mandatory Fraud Awareness e-learning (and manual equivalents) and is also promoted as part of the general fraud awareness programme. There is information on the intranet (on pages relating to whistleblowing, support with hate crimes and fraud) including links to the Policy, telephone numbers of relevant officers and information on seeking advice from the whistleblowing charity 'Protect'.

Summary of referrals

8. During the last two years, eight referrals have been made that have referenced the Whistleblowing Policy or have been sent to the designated officers raising issues that could fit within the criteria of a protected disclosure. A summary of the disclosures made and service area is provided below but equally it should be noted that many of these issues are of a type that could have been referred directly to managers without referencing the Policy and referrals from bodies other than employees (such as 01/23 below) are technically not a whistleblowing referral but have been included for completeness.

Table 1: Summary of Disclosures

Ref	Nature of concern	Source	Service area
01/23	Contractor's accounting practices	Third party	Non- specific
02/23	Engagement of contractor	Staff member	Environment and transport
03/23	Contract management, safeguarding, GDPR breaches, procurement	Anonymous	Environment and transport
04/23	Allegations relating to staff not working contracted hours	Staff member	Corporate Resources
01/24	Misuse of expenses policy	Staff member	Environment and transport
02/24	Issue subject to investigation currently- Details withheld to avoid prejudice to the investigation		
03/24	Conduct /discrimination issues	Staff member	School
04/24	Issue subject to investigation currently- Details withheld to avoid prejudice to the investigation		

9. A summary of the responses to the disclosures referred to above is provided below:

Table 2: Summary of Responses to the Disclosures

Ref	Outcome
01/23	Fact finding investigation by the Internal Audit Service. The majority of the allegations were outside of the Council's control and would be dealt with by other regulatory bodies which the whistleblower said they had also contacted. The allegations relevant to the Council were not substantiated.
02/23	Fact finding investigation and management action taken. Policy on registration of interests amended to address issues raised.
03/23	External investigation and cross departmental Improvement Board established. Management action taken to address concerns raised where required.
04/23	Fact finding investigation and interview with the referrer. Allegation not substantiated.

01/24	Investigated as part of a HR process and reviewed by Internal Audit Service. This related to minimal low value claims to be further reviewed by HR to ensure correct interpretation of policy. Outcome of further review to be reported in next annual report.
02/24	Outcome to be reported in next annual report
03/24	Ongoing . To be referred to school to address under the school's Whistleblowing policy with update to be provided to Director of Children and Family Services when investigation completed.
04/24	Outcome to be reported in next annual report

10. Whilst all referrals are taken seriously, the response will differ on a case-by-case basis depending on the nature of the concern and is assessed by applying the procedures set out in the Policy. Where appropriate, learning points are identified from any issues raised to mitigate risk of similar issues recurring. In any case in which fraud is suggested, consideration is given to whether a referral to the police is appropriate applying the Council's anti-fraud policies. It is also worth noting that employees do not have to use the Whistleblowing Policy to raise concerns and are able to resolve matters using other routes if they wish to do so, for example, through discussion with their line manager.

Resource Implications

11. There are no specific financial implications arising from this report but encouraging staff to raise concerns will help ensure the Council delivers safe, lawful and value for money services. The existence and application of the Council's Whistleblowing Policy and procedure is consistent with the Council's overall fiduciary duty to exercise proper custodianship of the Council's funds and assets. It is also consistent with the Council's duties as a 'Best Value' Authority to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness under section 3 of the Local Government Act 1999.

Legal Implications

12. The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) affords certain protection to employees from being subjected to detriment or dismissal on the basis of whistleblowing if they reasonably believe that they are acting in the public interest and they reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into prescribed categories.
13. There is no legal requirement 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 current whistleblowing arrangements confirm the employee's statutory

rights and aims to create an organisational culture where employees feel safe to raise a concern in the knowledge that they will not be subject to detriment for doing so.

Recommendations

13. The Committee is recommended to note the contents of this report and the proposed annual reporting cycle to the Committee on the effectiveness of the policy.

Background Papers

None

Circulation under the Local Issues Alert Procedure

None

Equality Implications

14. Section 149 of the Equality Act 2010 requires the Council to have regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and those who do not.

By having in place an effective system for whistleblowing, individuals can raise concerns that may be relevant to the council's equality duties.

Human Right Implications

15. There are no human rights implications arising from the recommendations in this report.

Crime and Disorder

16. Section 17 of the Crime and Disorder Act 1998 requires the Council, when it exercises its functions, to have regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The promotion of a Whistleblowing Policy provides a conduit to bring any allegation of wrongdoing to the attention of the Council for investigation and if appropriate to the attention of the police.

List of Appendices

Appendix A – Whistleblowing Policy and Procedure

Officers to contact

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