



STANDARDS COMMITTEE – 12TH FEBRUARY 2019

SUBJECT: ANNUAL WHISTLEBLOWING REPORT

REPORT BY: CORPORATE DIRECTOR – EDUCATION & CORPORATE SERVICES

1. PURPOSE OF REPORT

1.1 This report provides an anonymised summary of whistleblowing investigations undertaken during the period 1st April 2017 to 31st March 2018.

2. SUMMARY

2.1 At the meeting held on 15th February 2016, the Committee agreed that annual reports would be presented to the Standards Committee containing information in relation to the numbers of whistleblowing reports issued.

2.2 This report provides the details of three whistleblowing investigations undertaken during the period 1st April 2017 to 31st March 2018.

3. LINKS TO STRATEGY

3.1 The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2016:

- A more equal Wales

3.2 The Authority has an obligation to maintain and monitor the standards of conduct throughout the Council's workforce and to maintain appropriate arrangements for good governance. This policy is contained within the Council's Constitution.

4. THE REPORT

4.1 The Whistleblowing Policy provides a method for employees to raise concerns about the running of the Council without fear of victimisation. All employees have access to this policy.

4.2 The Policy forms part of the Officer's Code of Conduct and is found within the Council's Constitution.

4.3 The terms of reference of the Standards Committee includes a responsibility to oversee the whistle-blowing regime.

4.4 Members may recall that a Whistleblowing Commission was set up in February 2013 by the leading Whistleblowing Charity - Public Concern at Work (PCaW). Their remit was to review the effectiveness of whistleblowing in UK workplaces, and to make recommendations for change. The Commission was an independent body made up of industry and academic

experts and chaired by the Right Honourable Sir Anthony Hooper (former appeal court judge).

- 4.5 In late November 2013, it published its findings, with the primary recommendation being for the Secretary of State to adopt a Code of Practice that could be taken into account in whistleblowing cases before courts and tribunals. The Commission had published a draft Code which sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements. The Code of Practice is designed to help regulators assess and inspect whistleblowing arrangements. The Code of Practice was designed to be adopted by organisations that are looking to achieve the highest standards in ensuring that workers are encouraged to speak up and when they do, that they are listened to.
- 4.6 Officers worked with the Charity Public Concern at Work, who were identified as being able to support best practice in this area. As a consequence the Council has been able to access guidance, resources and support from Public Concern at Work to develop a new Whistleblowing Policy reflective of current guidance and regulations.
- 4.7 Additionally the Council has access to an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This enables individuals to make contact in a confidential manner, should they wish to seek independent advice.
- 4.8 In line with the findings of the Commission, the Council's Policy was reviewed and an amended policy adopted by the Council in December 2015. The new policy was written in plain English, to encourage a wide understanding by employees. The policy was heavily based around the model policy provided by Public Concern at Work and was developed by the Council with the support of the Improving Governance Programme Board.
- 4.9 Following the adoption of the revised policy by the Council it was uploaded to HR Support Portal and a communication plan undertaken to increase awareness across the wider organisation. Communication with regard to this policy continues across the Council.
- 4.10 Members of the Standards Committee received a training session on the new policy on 2nd March 2015.
- 4.11 This report contains an anonymous summary of two formal whistleblowing investigations undertaken during the course of the financial year 2017/2018, for information.
 - 4.11.1 Both of the investigations were initially undertaken by a Solicitor. HR Officers initially supported each investigation. One of the anonymous complaints received was forwarded to Children's Services for consideration in accordance with the Council's agreed Safeguarding procedure.
- 4.12 Both of the investigations were as a result of anonymous complaints.
- 4.13 The one investigation concluded in accordance with the Council's Whistleblowing Policy was as thorough as it could be based on the limited information of the anonymous complaint and involved interviewing appropriate officers and reviewing documentation. The extent of this investigation was proportionate and the allegations were all considered on the basis of the civil burden of proof i.e. 'on the balance of probabilities'.
- 4.14 Recommendations from whistleblowing investigations are monitored for implementation by the Council's Monitoring Officer.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Having considered the five ways of working, they will not be affected by the contents of this report.

6. EQUALITIES IMPLICATIONS

6.1 There are none arising from the report, it is for information only.

7. FINANCIAL IMPLICATIONS

7.1 There are none arising from the report, it is for information only.

7. PERSONNEL IMPLICATIONS

8.1 There are none arising from the report, it is for information only.

9. CONSULTATIONS

9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

10.1 The Committee are asked to note the contents of this report.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To update the Committee with regards to the operation of the Council's Whistleblowing Policy during the period 1st April 2017 to 31st March 2018 in accordance with its terms of reference.

12. STATUTORY POWER

12.1 Local Government Act 2000.
Public Interest Disclosure Act 1998.
Employment Act 2008.

Author: Lynne Donovan, Head of People Services

Consultees: Richard Edmunds, Corporate Director – Education & Corporate Services
Robert Tranter Head of Legal Services and Monitoring Officer
Lisa Lane, Interim Deputy Monitoring Officer
Councillor Colin Gordon, Cabinet Member for Corporate Services

Appendices:

Appendix 1 Anonymised Summary of Whistleblowing Investigations

Background: Report to Standards Committee – 15th February 2016 – Annual Whistleblowing Report
Report to Policy and Resources Scrutiny Committee 11th November 2014 – draft Whistleblowing Policy
Report to Council 18th November 2014 – draft Whistleblowing Policy

**Anonymous summary of formal whistleblowing investigations undertaken during the period
1st April 2017 to 31st March 2018**

| | Nature of concern | Outcome |
|----|--|--|
| 1. | Registers were being deliberately marked incorrectly to show pupils as present when it was known they were off-site, in order to boost attendance figures. It was also alleged that the Head Teacher and the attendance clerk were complicit in this practice. | The allegation was not substantiated. |
| 2. | A member of staff was bullying pupils and was displaying unprofessional behaviour. | The investigation commenced in accordance with the Whistleblowing Policy but the concerns were then referred for consideration in accordance with the Council's agreed Safeguarding procedure. |