

REPORT OF THE MONITORING OFFICER**WHISTLEBLOWING UPDATE****Purpose of the Report**

1. To update Committee on whistleblowing concerns that have been reported during 2018 and report on a review of the Whistleblowing Policy.

Information and Advice

2. 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council. The aim of the County Council's Whistleblowing Policy is to encourage Council and other relevant employees who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. Having effective whistleblowing procedures enables employees to raise serious concerns within the County Council rather than ignoring a problem or 'blowing the whistle' outside the County Council.
3. The County Council's Whistleblowing Policy is designed to ensure that employees can raise concerns without fear of victimisation, subsequent discrimination, disadvantage or dismissal. Employees who raise concerns under the Whistleblowing Policy have protection against victimisation and dismissal under the law.
4. The County Council logs concerns it receives centrally on its corporate register. All matters which fall under the Whistleblowing Policy are required to be reported to the Monitoring Officer.
5. During 2018, two concerns were reported under the Whistleblowing Policy. Given the confidential nature of the complaints this report can only refer to the general nature of the complaint. The complaints can be summarised as follows:

No.	Nature of complaint	Dept.	Status of complaint	Outcome
1	Financial irregularities and bullying	ASCPH	Closed	Not upheld, but suggested accounting good practice recommendations implemented.
2	Allegation regarding staff conduct	CEX	Closed	Investigated under HR procedures. Not upheld.

6. The following table sets out the number of complaints for each Department recorded for the last three years: It can be seen that two concerns were reported during 2018.

Year	Number of complaints recorded per Department			
	ASCHPP	CFCS	Place	CEX/ Resources
2018	1	-	-	1
2017	4	1	1	-
2016	1	2	1	-

7. It is important to ensure that the effectiveness of the Whistleblowing Policy is kept under review and that it is well publicised. It is suggested the following changes be made to the Policy documentation:

- A foreword by the Chief Executive to show the high-level commitment to the Policy
- A flowchart to show how the system works for ease of reference.
- Some examples of whistleblowing issues
- Some guidance to show the distinction between whistleblowing and other procedures
- Clarification that the Committee responsible for review of the Policy is now Governance and Ethics Committee.

As these are aimed at improving understanding by including flowcharts and examples and won't change the substantive content of the policy wording itself it is proposed that the Monitoring Officer be authorised to make these changes.

8. It should be noted that on 16th April 2019, the European Parliament adopted a new Directive to protect Whistleblowers. If the UK remains a part of the EU, then they will have to implement the provisions. The Directive expands the people who are protected to include trainees, volunteers and self-employed workers. Specific protection is given to 12 key areas including fraud and tax evasion. It also forbids retaliation in the form of suspension, demotion, dismissal or any other form of intimidation by the whistle-blower's employer.
9. In light of the above, it is proposed to undertake a more detailed review of the Policy during the course of 2020 to ensure ongoing fitness for purpose and ease of use by those covered by the Policy and to identify what steps would need to be taken in the event that the UK is to adopt the EU Directive.
10. The County Council's Whistleblowing Policy is published on the County Council's website. It is suggested that in order to improve awareness of the Policy by all staff, the Committee support publication of a Whistleblowing news article in the Council's Team Talk (departmental news bulletin).

Other Options Considered

11. Consideration was given to expanding the Policy to enable looked after children/care leavers to report issues, but these were not progressed as they are not in an employment situation and other more appropriate reporting arrangements are already in place. Looked after children/care leavers are able to use the services of an independent advocate sourced through an externally commissioned advocacy service provided by the Children's Society.

Additionally, all children have regular review meetings chaired by an Independent Reviewing Officer.

Reason/s for Recommendation/s

12. It is important to ensure employees are aware of the Whistleblowing Policy, and therefore it is considered worthwhile to continue promoting and publicising the Policy.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Where appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That Committee considers the report, agrees the suggested areas for change and authorises the Monitoring Officer to make the relevant amendments to aid understanding of the Policy.
- 2) That the Committee supports the publication of a Whistleblowing news article in the Council's Team Talk (departmental news bulletin).
- 3) That the Monitoring Officer undertakes a more detailed review of the Whistleblowing Policy during 2020 with any suggested recommendations for change reported back to this Committee.

Marjorie Toward,
Service Director, Customers, Governance and Employees and Monitoring Officer

For any enquiries about this report please contact:

Linda Walker, Legal Services – Corporate & Environmental Law Team

Constitutional Comments (HD – 22/11/2019)

The issues raised within the report fall within the remit of the Committee.

Financial Comments (RWK – 25/11/2019)

There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All