

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

1. To update Committee on Whistleblowing activity during 2022 and to update with regards to the review of the current Whistleblowing Policy.

**Information and Advice**

2. 'Whistleblowing', also termed 'making a protected disclosure', is regulated by the Public Interest Disclosure Act 1998 (PIDA). Whistleblowing means the reporting by workers of suspected misconduct, illegal acts or failure to act within the organisation they work for. The aim of the County Council's Whistleblowing Policy is to encourage Council and other relevant workers who have serious concerns about any aspect of the operation of the Council to come forward and voice those concerns. Having effective Whistleblowing procedures enables workers to raise serious concerns within their organisation rather than ignoring a problem or 'blowing the whistle' elsewhere.
3. The County Council's Whistleblowing Policy incorporates the provisions in PIDA; that workers who raise concerns in good faith, will not suffer victimisation, subsequent discrimination, disadvantage or dismissal because of doing so.
4. All matters reported under the Whistleblowing Policy are referred to the Monitoring Officer. The County Council logs the concerns it receives centrally on its corporate register. During 2022, two matters were reported under the Whistleblowing Policy.
5. The concerns which have been reported are summarised in the table below. Given the confidential nature of such complaints this report can only refer to the general nature of the concerns and cannot include specific details about any particular case.

No.	Nature of concern	Dept.	Status of complaint	Outcome
1	Allegations of staff bullying	Children's	Closed	Not upheld (vexatious)
2	Allegation that the Public Contract Regulations 2015 were not being complied with	Adult's	Closed	Not upheld

6. The following table sets out the number of complaints for each Department recorded for the last four years. It can be seen that one concern was reported in 2019; two concerns were reported during 2020; one concern reported in 2021 and two concerns reported in 2022.

Year	Number of complaints recorded per Department			
	Adults	Children's	Place	Chief Exec
2022	1	1		
2021		1		
2020	1		1	
2019	1			

7. In addition to the above referrals, a delayed Employment Tribunal case in 2021 (which related to a historic dismissal from several years ago in the Adult Social Care and Public Health Department) reached a finding that given the facts of that case the Council should have treated the employee's grievance at the time as a Whistleblowing matter.
8. Appropriate learning has been identified from this case and an action plan to embed this learning has been developed. Part of this action plan includes reviewing the current Whistleblowing Policy and procedure with officers in HR and Legal Services, to ensure that all managers are aware of the Council's approach to Whistleblowing. This will look to embed within the Council knowledge about whistleblowing and the right to make a protected disclosure through the provision of information and training to staff.
9. The above action links to a full review of the Council's Whistleblowing Policy and procedures that had already been commissioned. Progress on this is ongoing and cross-team working/input is underway to continue development of a new revised policy and procedure for handling whistleblowing disclosures.
10. The full review is currently being carried out and is considering amongst other things the following:
- Clarification of what constitutes a Whistleblowing referral (compared to other types of concerns or complaint which may be raised through other channels, such as the corporate complaints process, HR grievance and harassment procedures or financial monitoring systems).
  - The wording of the documents setting out the Council's Whistleblowing arrangements to provide clarity (including practice at other comparator Councils and clarification of the correct procedure for reporting Whistleblowing concerns relating to schools).
  - The protection the Council can afford to workers who are not direct employees of the Council.
  - The different ways in which Whistleblowing concerns are received across the Council, how they are logged and tracked to a conclusion.
  - Training for officers handling Whistleblowing referrals and for the wider workforce, to improve awareness and aid understanding of the relevant procedures; and
  - Awareness raising activities.

11. The key service areas within the Council who may receive Whistleblowing referrals (Audit, Human Resources, Legal Services, Office of Chief Executive, Monitoring Officer, Complaints Team) are being invited to contribute towards the review.

### **Other Options Considered**

12. The law, PIDA, offers protection to workers making protected disclosures. In line with the law the Council is committed to providing a safe and effective procedure for making whistleblowing disclosures. The review of the current Policy will ensure that the Council has a clear and effective procedure in place.

### **Reason/s for Recommendation/s**

13. To ensure that the Council complies with its legal obligations regarding protected disclosures. It is important that the Whistleblowing Policy is fit for purpose and that employees and other relevant workers are aware of it and understand what to do if they wish to make a disclosure.

### **Statutory and Policy Implications**

14. 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. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION**

- 1) That the Committee considers the contents of the report and supports the continuation of the work to review the policy with an update on the review to follow.

**Marjorie Toward**  
**Monitoring Officer**

**For any enquiries about this report please contact:** Emma Hunter, Legal Services – Corporate & Environmental Law Team

### **Constitutional Comments (CEH 31/01/2023)**

15. Governance and Ethics Committee have the remit to consider this report.

### **Financial Comments (SES 31/01/2023)**

16. There are no specific financial implications arising directly from this 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