

Committee:	Standards Committee			
Date of Meeting:	10 June 2021			
Subject:	Annual Whistleblowing Policy Report 2020/21			
Report Author:	Head of Legal & Interim Monitoring Officer			
Contact Officer:	Raj Popat			
Implications:	Legal	<input type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input type="checkbox"/>
Wards Affected:	All			

Purpose

1. To report to the Committee on the update and operation of the Council's Whistleblowing Policy.

Recommendation(s)

2. The Committee is recommended to note the report.

Background

3. The Council has had a Whistleblowing Policy in place since 1999, it can be found in part 12 of the Council's Constitution (shown at appendix A). It has been revised several times since 1999, most recently on 5 January 2016.
4. The Whistleblowing Policy is available to all Council employees, and in addition applies to Council contractors and suppliers. The scope of the Whistleblowing Policy is detailed in paragraph 1.3 of Appendix A. School based staff are subject to their own procedures. However, two of the cases below, a decrease of six in the previous year, relate to allegations raised in relation to practices within school environments. Allegations made in a school setting are typically investigated by the Head Teacher or Chair of Governors, however complainants do have the option of referring their allegations to the Council's Monitoring Officer which is what has happened in these two cases.
5. Ofsted have their own Whistleblowing Policy which relates to allegations in respect of children's social care, which can be accessed by Council staff and contractors. In addition, the National Society for the Protection of Cruelty to Children (NSPCC) run a Whistleblowing help-line on behalf of the Home Office.

6. Five of the complaints included in this report were in relation to private residential care homes which could also have been referred to the organisation that provided the care or the external Care Quality Commission (CQC) but were raised with the Council as whistleblowing.
7. The Whistleblowing charity "Protect", formerly Public Concern at Work, describe whistleblowing as *".... whistleblowing is called speaking up or raising a concern. It is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within their organisation, to a regulator, or wider. Whistleblowing ultimately protects customers, staff, beneficiaries, and the organisation itself by identifying harm before its too late"*. All of the allegations referred to in this report were described as "whistleblowing" by the complainants.

Report

8. This report covers the period of the financial year 2020/21. During the financial year 2020/21 ten complaints were received. The comparable figure for 2019/20 was fourteen and in 2018/19 it was nineteen complaints.

9. The Complaints fell into the following categories:

Safeguarding/quality of care (external organisations)	5
Safeguarding/quality of care (internal)	1
Allegations arising from employment in schools	2
Financial irregularities	1
Passenger Transport multiple complaints	1
	10

10. Allegations, once received are investigated through a variety of means most appropriate to the nature of the allegations – this can include Internal Audit, the Council's School Improvement Service, the Council's Quality Assurance Team and Human Resources.
11. Three of the allegations were anonymously submitted. All these were investigated within the limitations of not being able to interview the complainant. It is always difficult to investigate anonymous allegations not least because it is difficult to establish the credibility of the allegations and whether they can realistically be investigated just from sources other than the complainant. In accordance with the Council's Whistleblowing Policy all allegations are treated in confidence and every effort made not to reveal a complainants identity when known unless they otherwise request. However, if the matter is subsequently dealt with through other Council procedures such as the Disciplinary Procedure the complainant's identity may have to be revealed in accordance with that procedure if the matter is to be effectively dealt with.
12. Of the ten allegations, the outcomes were:
 - the two school complaints led to disciplinary action by the Governors supported by HR against the members of staff concerned;

- one raising safeguarding concerns within a care setting, was subject to an unannounced visit and resulted in an improvement plan;
- an action plan was agreed with a care home following an anonymous complaint to make improvements to staff capability, confidence, competency and consistency in service delivery.
- one allegation was investigated under the Council's Complaints Procedure instead;
- one relating to passenger transport contractor led to suspension of contract pending appeal;
- in four cases the allegations were not upheld.

Appendix

13. The following appendix is attached to this report:

Appendix A – Whistleblowing Policy

List of Background Papers

Local Government Act 1972, Section 100D