

<b>Item No.</b> 14.	<b>Classification:</b> Open	<b>Date:</b> 16 November 2016	<b>Meeting Name:</b> Audit Governance and Standards Committee
<b>Report title:</b>		Whistleblowing complaints and outcomes	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Law and Democracy	

## RECOMMENDATION

1. That the audit, governance and standards committee notes the report.

## BACKGROUND INFORMATION

2. This report provides details of the whistleblowing referrals received by the council between October 2015 and September 2016 and an update on the nature and outcomes of referrals received in the past. When considering the whistleblowing report for 2014-15 at its meeting on 11 November 2015, the committee requested that information regarding the approach of other local authorities when reporting on whistleblowing be included in a future report. This is considered below.
3. This report has taken a generic definition of whistleblowing to include not only those referrals from staff (and subject to the Public Interest Disclosure Act 1998 which provides protection for staff and others when making whistleblowing disclosures) but also from members of the public and councillors. The council also includes "whistleblowing" where the source is anonymous. An update of the council's whistleblowing policy was commenced in 2015 with a revised policy being agreed in 2016. This updated policy is on the Source.
4. What constitutes a whistleblowing issue is defined in the policy:
  - That a crime has been committed, is being committed, or is likely to be committed
  - That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject
  - That a miscarriage of justice has occurred, is occurring, or is likely to occur
  - That the health and safety of an individual has been, is being, or is likely to be endangered
  - That the environment has been, is being or likely to be damaged
  - That information tending to show any of the above matters has been concealed or is likely to be deliberately concealed.
5. Most local authorities receive a small number of referrals, and Southwark is no exception. Work undertaken a couple of years ago to increase awareness of the policy amongst staff has not resulted in a marked increase in referrals.

6. To maintain the credibility of the policy it is necessary to restrict the amount of information made available in this report. It is important for the council to avoid the possible identification of the whistleblower and/or jeopardising any ongoing investigations.

### KEY ISSUES FOR CONSIDERATION

7. When cases are first received, they are assessed to see if they should be investigated as whistleblowing cases, or more properly dealt with under other procedures. These include:
- Cases which should be dealt with under the council's fraud response plan
  - Cases which are more properly HR matters
  - Cases which are not the council's responsibility and should be referred to external bodies.
8. The referrals received in each period and the results of the initial assessment are shown in the table below:

Period from	Period to	Total Referrals in period	Fraud response plan	HR	External bodies	Whistle-blowing
01/10/2011	30/09/2012	8	7	0	0	1
01/10/2012	30/09/2013	6	3	0	0	3
01/10/2013	30/09/2014	7	1	1	1	4
01/10/2014	30/09/2015	11	5	1	0	5
01/10/2015	30/09/2016	11	1	4	2	4

9. It can be seen that a total of 17 cases have been received since October 2011 which are properly considered 'whistleblowing' cases.
10. The referrals for these cases were received from the following sources:

Period from	Period to	In year cases	Employee	Member	Public	Anonymous
01/10/2011	30/09/2012	1	0	0	0	1
01/10/2012	30/09/2013	3	1	0	1	1
01/10/2013	30/09/2014	4	0	0	0	4
01/10/2014	30/09/2015	5	2	0	1	2
01/10/2015	30/09/2016	4	2	0	1	1

11. The referrals were in respect of the following services:

Period from	Period to	Children & Adults	CEx	E&L	F&CS	Housing	Voluntary Sector
01/10/2011	30/09/2012	1					
01/10/2012	30/09/2013	1	1		1		
01/10/2013	30/09/2014	1				2	1
01/10/2014	30/09/2015	2	1	2			
01/10/2015	30/09/2016	3		1			

12. The referrals related to the following themes:

Period from	Period to	Child Protection	Safe-guarding	Contracts	H&S	Other	Employment
01/10/2011	30/09/2012	1					
01/10/2012	30/09/2013		1	1			1
01/10/2013	30/09/2014		2	2			
01/10/2014	30/09/2015	1	1		1	1	1
01/10/2015	30/09/2016	1				3 <sup>1</sup>	

13. The outcomes of the investigations are shown in the table below:

Period from	Period to	Whistle-blowing cases	Nothing wrong	Dept. for action	Recategorised as a non-whistleblowing matter	Outstanding at the end of the period
01/10/2011	30/09/2012	1	0	1	0	0
01/10/2012	30/09/2013	3	3 <sup>2</sup>	0	0	1
01/10/2013	30/09/2014	4	4 <sup>3</sup>	0	0	1
01/10/2014	30/09/2015	5	2 <sup>4</sup>	2 <sup>5</sup>	1 <sup>6</sup>	3
01/10/2015	30/09/2016	4	0	0	0	4

14. All the whistleblowing cases received this year continue to be investigated.

15. The investigations into the three cases that were outstanding at the end of September 2015 have now been completed. In one case the complainant subsequently requested that it be dealt with as an HR issue rather than under the whistleblowing policy. The conclusion of another was that no further formal action needed to be taken. In the third case, most of the complaints raised by the whistleblower were upheld by the investigator who recommended a range of actions including training and a revision of processes. The complaint was made by an agency social worker in relation to working practices in the child protection team in which she was engaged.

16. The committee will see that there are a small number of whistleblowing complaints each year and very few have resulted in further action being taken.

### How other local authorities report whistleblowing

17. Following a review of the details of whistleblowing reporting processes in all inner London boroughs by looking at their websites, the following points have emerged:

- In all except two of the boroughs, monitoring of the whistleblowing policy is within the terms of reference of each council's audit committee (or equivalent name). In Wandsworth it is dealt with by the general purposes committee and in Lewisham by its standards committee.

<sup>1</sup> Two of these related to grant funding and one to a highways team.

<sup>2</sup> Including 1 outstanding as at 30/09/2013

<sup>3</sup> Including 2 outstanding as at 30/09/2014

<sup>4</sup> Including 1 outstanding as at 30/09/2015

<sup>5</sup> Including 1 outstanding as at 30/09/2015

<sup>6</sup> Outstanding as at 30/09/2015

- Two boroughs have regular reports to their audit committees that specifically relate to whistleblowing. Lewisham's most recent report was in May 2015 and this related to referrals since April 2013. In Islington the audit committee considers a report every six months which is dealt with in private as exempt information.
  - Seven boroughs include reference to whistleblowing complaints in other more broadly based reports to their audit committee or equivalent. The details are included in an annual anti-fraud report or in a regular audit update report.
  - In two boroughs there was no clear evidence of recent reports to any committee on whistleblowing complaints.
  - The amount of detail included in the reports varied considerably. Camden last reported on its whistleblowing complaints as part of the annual counter-fraud report considered by its audit and corporate governance committee in June this year. Each allegation was described and the outcome provided or details of the ongoing investigation. Hackney's annual anti-fraud report set out the nature of whistleblowing referrals made and which departments they related to, and additionally indicated the different routes by which referrals were made. The Lewisham report set out some details of the complaints, investigations and outcomes where matters had been completed. In Hammersmith and Fulham's report no details were provided of the one case reported.
  - The different reports also demonstrated a range of the numbers of whistleblowing referrals made. At one end of the spectrum two boroughs stated they had had no referrals at all in 2015-16. At the other end Camden received 17 referrals in the same period.
18. Having considered the way other boroughs present this information the monitoring officer does not consider there is any need to change the way these matters are reported.

### **Policy implications**

19. As stated in its whistleblowing policy, the council is committed to achieving the highest possible standards of service and ethical standards in public life. The policy enables council employees and others to raise concerns about services, contracts or other matters and this report also refers to other avenues through which members of the public can raise issues.
20. The policy also supports the council's Fairer Future principles of treating residents as if they are a valued member of the family, being open, honest and accountable, and spending money as if it were from our own pocket.

### **Community impact statement**

21. This report is not considered to contain proposals that would have a significant impact on any particular community or group.

### **Resource implications**

22. There are no direct resource implications in this report.

## Consultation

23. There has been no consultation on this report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Whistle blowing policy <a href="http://www.southwark.gov.uk/info/100004/council_and_democracy/3327/whistleblowing">http://www.southwark.gov.uk/info/100004/council_and_democracy/3327/whistleblowing</a>	Legal Services, Southwark Council, 160 Tooley Street, London SE1 2QH	Norman Coombe 020 7525 7678 Allan Wells 020 7525 2130

## APPENDICES

No.	Title
None.	

## AUDIT TRAIL

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<b>Report Author</b>	Norman Coombe, Head of Corporate Team, Legal Services Allan Wells, Governance Lawyer, Legal Services	
<b>Version</b>	Final	
<b>Dated</b>	20 October 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
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