

<b>Item No.</b> 12.	<b>Classification:</b> Open	<b>Date:</b> 17 November 2021	<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 Governance	

## RECOMMENDATION

1. That the Audit, Governance and Standards Committee notes this report.

## BACKGROUND INFORMATION

2. This report provides details of the whistleblowing referrals received by the council between October 2020 and September 2021 and an update on the outcomes of referrals received in the previous 3 years.
3. This report has taken a generic definition of whistleblowing to include not only those referrals from staff and employees of contractors (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. Anonymous referrals are also included.
4. The council's current whistleblowing policy was approved in February 2018 and is published on the council's website and on The Source.
5. 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.
6. Most local authorities receive a small number of referrals and Southwark is no exception. Work in recent years to increase awareness of the policy amongst staff has not resulted in a marked increase in referrals.
7. This report has to strike a balance between the need for openness and transparency, and the requirement not to undermine the efficacy of the policy by deterring people from using it. It is important for the council to avoid the possible identification of the whistleblower and other individuals and/or jeopardising any ongoing investigations.

## KEY ISSUES FOR CONSIDERATION

8. 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 (including schools).
9. The number of referrals received in each period in the last year and then in the previous 3 years 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
01/10/2020	30/09/2021	5	0	2	3	0
01/10/2019	30/09/2020	6	2	0	0	4
01/10/2018	30/09/2019	5	0	1	0	4
01/10/2017	30/09/2018	5	1	1	0	3

10. No cases have been received since October 2020 which have been initially identified as 'whistleblowing' cases.
11. The referrals for the case identified as whistleblowing cases were received from the following sources in previous years:

Period from	Period to	In year cases	Employee	Member	Public	Anonymous
01/10/2020	30/09/2021	0	0	0	0	0
01/10/2019	30/09/2020	4	1	0	3	0
01/10/2018	30/09/2019	4	1	0	1	1
01/10/2017	30/09/2018	3	1	0	2	0

12. These referrals were in respect of the following services:

Period from	Period to	Children & Adults	CEx	Env & Leisure	Finance & Governance	Housing & Modernisation	Voluntary Sector
01/10/2020	30/09/2021	0	0	0	0	0	0
01/10/2019	30/09/2020	1		2	1	1	
01/10/2018	30/09/2019	1		2	1		
01/10/2017	30/09/2018			1	1	1	

13. The referrals related to the following themes:

Period from	Period to	Child Protection	Safeguarding	Contracts	H&S	Other	Employment
01/10/2020	30/09/2021	0	0	0	0	0	0
01/10/2019	30/09/2020			1		1	2
01/10/2018	30/09/2019			2		2	
01/10/2017	30/09/2018					1	2

14. The outcomes of the investigations are shown in the table below (some of these were completed subsequent to the year within which they were commenced):

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
01/10/2020	30/09/2021	0	0	0	0	0
01/10/2019	30/09/2020	4	0	0	0	4
01/10/2018	30/09/2019	4	2	1	0	1
01/10/2017	30/09/2018	3	1	1	0	1

15. Further details of the outcomes of the referrals made October 2019 to September 2020 which were outstanding in September 2020 are as follows:

Number	Description of allegation	Outcome
WB2019-06	Allegation that council contractor is employing illegal workers	Fully investigated but no case to answer
WB2020-01	Concerns for pupil and staff well-being in a Southwark school	Recategorised as non-whistleblowing matter as it related to a school and to be dealt with externally by the school
WB2020-03	Concerns about opportunities for black staff	Head of HR to undertake a review of the management and recruitment practices and report to Strategic Director
WB020-04	Concerns about management in a council directorate	Recommendations made about changes to contract management, departmental scheme of management, and review of learning development needs.

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.

### Policy implications

17. 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.

18. 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**

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

**Resource implications**

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

**Consultation**

21. There has been no consultation on this report.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Whistleblowing policy <a href="https://www.southwark.gov.uk/council-and-democracy/whistleblowing">https://www.southwark.gov.uk/council-and-democracy/whistleblowing</a>	Legal Services, Southwark Council, 160 Tooley Street, London SE1 2QH	Norman Coombe 020 7525 7678 Allan Wells 020 7525 2130

**AUDIT TRAIL**

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Governance	
<b>Report Author</b>	Norman Coombe, Head of Corporate Team, Legal Services Allan Wells, Specialist Governance Lawyer, Legal Services	
<b>Version</b>	Final	
<b>Dated</b>	9 November 2021	
<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 Governance	N/A	N/A
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>		9 November 2021