

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2019/20

AUDIT COMMITTEE 20th July 2020	AGENDA ITEM NO. 6
REPORT OF THE CHIEF EXECUTIVE	WHISTLEBLOWING ANNUAL REPORT 2019/20

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1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to present a copy of the Council's Annual Whistleblowing Report 2019/20 in accordance with the Prescribed Persons (Reports on Disclosures of Information) Regulation 2017 (the '2017 Regulation').

2. RECOMMENDATIONS

It is recommended that Members:

2.1 Review, and if deemed appropriate, approve the Annual Report (Appendix 1).

2.2 Consider whether any changes or improvements to the current whistleblowing arrangements are required.

3. REASONS FOR THE RECOMMENDATIONS

3.1 To provide Audit Committee with a copy of the Council's Annual Whistleblowing report in accordance with its Terms of Reference, and to demonstrate compliance with the Prescribed Persons (Reports on Disclosures of Information) Regulation 2017.

4. THE COUNCIL'S WHISTLEBLOWING POLICY

4.1 A copy of the Council's Whistleblowing Policy & Procedure was reported to the Council's Audit Committee at its meeting held on the [31st October 2016](#). The Policy is reviewed regularly at an operational level and changes made since 2016 have been of a housekeeping nature (job titles of Officers for example).

4.2 The purpose of the Policy is to provide a means by which complaints of malpractice or wrongdoing can be raised by those who feel that other avenues

for raising such issues are inappropriate. The Policy confirms that so far as possible, those raising concerns under the Policy will be treated confidentially.

5. ANNUAL WHISTLEBLOWING REPORT 2019/20

5.1 The Terms of Reference for Audit Committee state:

As a key element of new arrangements for corporate governance, designed to ensure openness, integrity and accountability, the [Audit] Committee will assist the Authority in discharging its responsibility for ensuring financial probity, without taking any action which might prejudice it. The Committee will [specifically in relation to overseeing a culture of zero tolerance towards serious wrongdoings]:-

(C) Review, scrutinise and issue reports and recommendations on the appropriateness of the Authority's risk management, internal control and corporate governance arrangements,

(D) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption and to monitor the counter-fraud strategy, actions and resources.

(T) Promote and review any measures designed to raise the profile of probity within the Authority.

5.2 In line with the above Terms of Reference, the Council's Whistleblowing Annual Report 2019/20 is included at Appendix 1. Members will note that the Annual Report contains one recommendation: To undertake a review of the Whistleblowing Policy and Procedure and report the outcome(s) to Audit Committee during 2020/21 for consideration.

5.3 Subject to Audit Committee's consideration and feedback, an approved Whistleblowing Annual Report 2019/20 will be made available on the Council's website.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 There are no equality and diversity implications as a result of the recommendations set out in the report

7. CONSULTATION

7.1 There are no consultation implications as a result of the recommendations set out in the report.

8. FINANCIAL IMPLICATION(S)

8.1 There are no financial implications as a result of the recommendations set out in the report.

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 9.1 The Prescribed Persons (Reports on Disclosures of Information) Regulation 2017 (the '2017 Regulation') came into effect on the 1st April 2017 and requires specified employers (known as relevant prescribed persons) to report annually on the whistleblowing arrangements in place.
- 9.2 The 2017 Regulation also requires prescribed persons to include in annual reports information on the number of disclosures made and states that the annual report be published on the employer's website or by other means appropriate for bringing the report to the attention of the public.
- 9.3 A copy of the 2017 Regulation is provided at the following link:

http://www.legislation.gov.uk/uksi/2017/507/pdfs/uksi_20170507_en.pdf

10. LINKS TO CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

THE COUNCIL'S CORPORATE PLAN PRIORITIES

- 10.1 The work in relation to probity aims to support the delivery of the priorities contained within the Council's Corporate Plan – *The Way Ahead*, in particular 'Living Within Our Means' through ensuring that appropriate internal controls are in place to effectively manage resources.

WELL-BEING OF FUTURE GENERATIONS ACT

- 10.2 The Sustainable Development Principles, in particular Prevention, can be applied to the arrangements in place to manage risks associated with potential misappropriation.

11. CONCLUSION

- 11.1 The Annual Report provided at Appendix 1 has been written in accordance with the responsibilities placed upon the Council by the 2017 Regulation.
- 11.2 The Annual Report provides an overview of the arrangements in place and also summarises the reported instances received, whilst protecting the confidentiality of the whistle-blowers.
- 11.3 Overall, the Annual Report concludes that '*the Council's whistleblowing arrangements are appropriate*'.

LOCAL GOVERNMENT ACT, 1972

AS AMENDED BY

THE ACCESS TO INFORMATION ACT, 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

AUDIT COMMITTEE

20th July 2020

WHISTLEBLOWING ANNUAL REPORT 2019/20

REPORT OF CHIEF EXECUTIVE

Author: Peter Cushion (Head of Employee Relations)

Item: 7

Background Papers

None.

Officer to contact: Richard Evans

Appendix 1 – Whistleblowing Annual Report 2019/20



**RHONDDA CYNON TAF COUNTY BOROUGH
COUNCIL**

**WHISTLEBLOWING ANNUAL REPORT
2019/20**

1. Introduction

- 1.1 Members of staff are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council and they may also fear harassment or victimisation. In these circumstances, it may appear to be easier to ignore the concern rather than report it.
- 1.2 For the purpose of the Whistleblowing Policy & Procedure (reported to Audit Committee at the meeting held on [31st October 2016](#)), 'workers' refer to all those that deliver services on behalf of the Council and also those organisations that provide services to the Council i.e. Employees, Contractors and Suppliers.
- 1.3 The Council is committed to achieving the highest possible standards of service. In line with that commitment, workers with serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns. The Council encourages workers to participate without fear of reprisals.
- 1.4 The Whistleblowing Policy & Procedure aims to encourage and enable workers to raise serious concerns within the Council rather than overlooking a problem.
- 1.5 The Director of Human Resources has overall responsibility for the maintenance and operation of the Policy and has ensured that a record of all cases reported along with the outcomes has been compiled during 2019/20.

2. Raising an Issue

- 2.1 Initially workers should raise their concern with their immediate Line Manager / Head of Service / key contact within the Council, who will be able to determine whether they can deal with the concern or if it requires escalation. This can depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the matter.
- 2.2 In some instances the direct contacts may be the individuals where concerns relate, in which case, concerns can be raised in writing via the [Get Involved](#) section of the Council's Website. Individuals should include as much information as possible such as relevant dates, incidents and witnesses. If individuals wish to leave contact details then this is encouraged as quite often the ability to fully investigate necessitates contact to be made by an investigating officer should they have supplementary questions.
- 2.3 The Whistleblowing Policy & Procedure provides guidance in respect of anonymity and keeping the identity of a whistle-blower confidential.

3. What's been done to assess awareness?

- 3.1 Within the 2018/19 Annual Report, the following four actions were identified as areas where further work was needed.

ACTION 1

Remind staff of the importance of feeling empowered to report any suspicions that they may have.

ACTION 2

Re-assure staff that they will not be the subject of any repercussions if they come forward and blow the whistle on a colleague.

ACTION 3

Devise a simplified communication for staff that summarises the Council's whistleblowing and anti-fraud arrangements. Also, recommunicate to staff where full copies of the Policies can be found.

ACTION 4

Review the detailed feedback received from the survey and use this to target resources at areas identified that could improve the arrangements further.

- 3.2 Following consideration of the 2018/19 Annual Report, the underlying theme from Audit Committee was that the staff survey could provide valuable intelligence to inform the targeting of resources in terms of awareness raising and providing assurance to our workers. As a result of this feedback, the following recommendation was included within the Annual Governance Statement 2018/19:

Using the staff survey results (around whistle-blowing and anti-fraud, bribery and corruption), deliver a targeted programme of awareness raising to service areas identified as requiring support and advice.

- 3.3 An update on this recommendation was provided to Audit Committee at its meeting held on [17th December 2019](#).

The results of the staff survey that was issued in 2018 have been re-reviewed and from that data it is concluded that there are 'no pockets' of areas where awareness was low. The data indicates a general lack of awareness, rather than service specific. In order to address this, the following actions have been taken:

- *The Whistleblowing Policy is being highlighted in both the staff and manager induction processes.*
- *A payslip insert has been designed and was issued to all staff in December 2019.*
- *New posters have been printed and are being circulated to service areas, so they can be put on notice boards across the Council.*
- *Produced a targeted 'fraud awareness' training plan for employees (including elected members).*

3.4 Following receipt of the update, Members determined that they were content with the progress reported.

4. Whistleblowing activity during 2019/20

4.1 A summary of whistleblowing activity during 2019/20 is set out in Table 1.

Table 1 - Whistleblowing Activity 2019/20

Disclosure Summary	Method Disclosure	Action Taken
It was alleged that a driver of a Council vehicle was using his mobile phone whilst driving.	Online submission	Human Resources investigated this allegation and appropriate disciplinary action taken.
It was alleged that a member of staff used foul and abusive language towards a member of the public.	Online submission.	This matter was referred to the relevant Service Director and an initial investigation was undertaken - however there was insufficient evidence to pursue.
Concerns were raised regarding a worker at an Infants school, following an alleged violent attack on another female.	Online submission	Following an initial investigation, it was established that the person in question was not a Council employee.
It was alleged that specific workers within a frontline service area were falsifying records and undertaking personal tasks during work time.	Online submission	Service Manager investigated and found no evidence to pursue. The Service Manager did meet with all relevant staff to ensure all were aware of expected standards of behaviour.
Allegations of managers not doing their job and drinking on duty over the Christmas period.	Online submission	There was no reference to any service area in the submission, therefore could not pursue.
It was alleged that a worker within a front line service area was mis-using their position.	Online Submission	Referred to Head of Service and review undertaken, however insufficient evidence to pursue.

Disclosure Summary	Method Disclosure	Action Taken
It was alleged that 'brown envelopes' were used as an incentive to win a planning application.	Online submission	No evidence provided to pursue.

4.2 The Whistleblowing Policy and Procedure was last reported to and reviewed by Audit committee at its meeting on 31st October 2016. Although it is noted that the Policy is reviewed regularly at an operational level and changes made since this time have been of a housekeeping nature (e.g. job titles of Officers), in line with the requirement to keep all policies and procedures under on-going review, it is recommended that a complete review of the Policy is undertaken and the outcome(s) reported to Audit Committee during 2020/21 for consideration.

5. Concluding comments

5.1 Whilst all staff are required to follow relevant Policies and Procedures put in place by the Council, unfortunately there are a very small number of instances where some individuals decide to contravene these arrangements.

5.2 In such instances, it is absolutely necessary that the Council has the appropriate arrangements in place for individuals to report potential serious wrongdoings.

5.3 It is difficult to fully ascertain how effective the Council's whistleblowing arrangements are in respect of awareness across all workers, and indeed whether all workers feel comfortable to report potential concerns. However, the fact that whistle-blowers have come forward during 2019/20 does indicate a general awareness and a culture whereby staff were prepared to do so.

5.4 All occasions of whistleblowing referrals have been fully investigated and, where appropriate, the necessary action has been taken.

5.5 Based upon the information contained within this report, I conclude that overall the Council's whistleblowing arrangements are appropriate.

Richard Evans – Director, Human Resources