

Report of the Executive Director Core Services

AUDIT AND GOVERNANCE COMMITTEE – 31st May 2023

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY ANNUAL REPORT

1. Purpose of the Report

- 1.1 This annual report presents the Committee with a review of the activities and current issues regarding the Council's Confidential Reporting (Whistleblowing) Policy and supporting procedures.

2. Recommendation

- 2.1 It is recommended that the Committee consider the report and the assurances it provides and commits to continue to support the Council's overall counter fraud culture and the work of Internal Audit and the Corporate Anti-Fraud Team.**

3. Background

- 3.1 The Council has had a Corporate Whistleblowing Policy since 2000. It has undergone a number of reviews and revisions to ensure it remains fit for purpose and meets best practice and any guidance that may have emerged and changed over the years. The Committee will recall that the title of the policy was changed to Confidential Reporting when it was last reviewed and approved by Cabinet in January 2020.
- 3.2 The specific confidential reporting arrangements are of course just one vehicle for concerns to be raised. The degree and extent of the specific use of the procedures is therefore not considered significant when taken with the other means by which concerns are raised. What is important of course is ensuring there are clear and understood routes for raising concerns and that there are suitable resources and arrangements in place to ensure appropriate investigations are undertaken.
- 3.3 Again as the Committee is aware a number of other policies, strategies and procedures are periodically reviewed and considered by the Committee (and approved by Cabinet).
- 3.4 The threat of fraud is one of the strategic areas of focus of the Senior Management Team that is presented to the Committee for assurance purposes. Having appropriate arrangements in place to allow for confidential reporting and

for employees and others to have confidence in those arrangements is a key part of managing that fraud threat.

4. Confidential Reporting Activity

4.1 As referred to above the confidential reporting arrangements are part of a wider framework of how employees, particularly can raise concerns. However, specifically in relation to the use of the whistleblowing arrangements, during the last 12 months there have been 9 instances of contact, all received via either email or letter. Of the concerns raised, 6 were made anonymously. The table below summarises the concerns raised.

		Nature of Concern	Action Taken	Status
1	Anonymous	Management behaviour	Current investigation	Open
2	Anonymous	Abuse of position	Investigation concluded no evidence to support allegation	Closed
3	Named	Safeguarding matter	??	??
4	Named	Working practices	Investigation concluded no evidence to support allegation	Closed
5	Anonymous	Employee behaviour	Investigated and appropriate action taken	Closed
6	Named	Management behaviour	Investigated and appropriate action taken	Closed
7	Anonymous	Practices at an Academy	Independent investigation undertake and no evidence to support allegation	Closed
8	Anonymous	Alleged criminal activity	Investigated and appropriate action taken	Closed
9	Anonymous	Practices at a school	Independent investigation undertake and no evidence to support allegation	Closed

4.2 Although there have only been these 9 instances where the specific Confidential Reporting arrangements have been used, there have been other matters raised directly with senior management, both anonymously and with names provided. In these cases, advice is sought from the Corporate Anti-Fraud Team, Internal Audit or one of the Corporate Whistleblowing Officers. In all cases the circumstances of the matter are considered to identify any opportunities for learning and particularly in the improvement of controls.

4.3 As has been highlighted in previous reports, whilst this level of activity may be regarded as relatively low in this particular period, it is difficult to speculate what would be an appropriate figure. There are several ways to judge the volume of referrals through this process; more positively, a low number could indicate on the one hand there are only a few instances of irregularity or concern that are being identified, or less positively, that the process for reporting is not trusted. A higher number of referrals could indicate a greater level of trust with the process but less positively, an indication that there are more instances of irregularity occurring.

- 4.4 Using the procedure does of course provide the additional safeguard of a protected disclosure when a matter is raised in the public interest and in good faith, but employees raising concerns do not necessarily look for that assurance – which is in fact reassuring that they have confidence that concerns will be acted on in an appropriate way. That employment protection is of course also provided where an employee raises a concern directly with management.
- 4.5 The Committee will appreciate that dealing with concerns raised anonymously are often more difficult to investigate, relying on the level of detail provided and the ability to follow-up and seek corroboration. Great care is taken to try and establish the motives for an anonymous concern where there is an obvious risk of a matter being raised maliciously. However, all concerns raised are investigated and discussed with relevant senior officers.
- 4.6 In relation to the confidential reporting arrangements themselves, of particular focus is to have regard to the extent to which firstly, we feel the policy and procedures meet best practice, secondly, that we have appropriate means to publicise the policy, and thirdly, that when the arrangements are used, there is an appropriate response – i.e., the arrangements work.
- 4.7 Whilst not prompted by any particular issue, the confidential reporting arrangements will be further reviewed over the next 6 months. This will incorporate revised employee awareness training, the revision of the policy and guidance and publicity. A re-launch of the confidential reporting arrangements will follow.
- 4.8 Although unpleasant to consider, there is a recognised increased risk to all organisations that when the general economic situation worsens and individuals are put under personal financial pressure, there can be a temptation for employees, and those external to organisations to undertake some kind of wrongdoing. As we know and appreciate, the vast majority of employees in the Council (and in all organisations) are honest and trustworthy and won't tolerate others depriving the Council of its scare resources. The Council is committed to having a robust and effective process to facilitate the raising of concerns as a key part of our armoury to protect its assets and resources.

5. Risk Management Considerations

- 5.1 Having effective arrangements for confidential reporting is a key element to any organisation's attempts to minimise the risk and incidence of fraud, corruption, and other wrongdoing. Whilst fraud risk cannot be reduced to nil, having good policies and procedures supported by proactive awareness and regular reviews can contribute considerably to minimising this risk.

5.2 Fraud and corruption risks have been reviewed across all the Council's Business Units and will contribute to the Corporate Anti-Fraud Team's annual workplan.

6. Financial Implications

6.1 There are no financial implications arising directly from this report. The very modest annual costs associated with publicity materials, the telephone 'hotlines' and dedicated P.O. box number are met within the Internal Audit budget.

6.2 There are however indeterminate but potentially significant financial implications arising from confidential reporting in terms of the issues raised and their specific consequences. It is also impossible to calculate the cumulative deterrent effect of the whole suite of policies and procedures that may have prevented wrongdoing occurring.

7. Employee Implications

7.1 As with the financial implications, there are no employee implications arising directly from this report.

7.2 There are of course major implications for employees, elected and co-opted members and all those likely to utilise the Policy and arrangements in fulfilling their duty to report concerns. In raising a concern in the public interest through this Policy, or in the other ways identified in the Policy, employees are afforded employment protection provided by the Public Interest Disclosure Act. Those individuals who become the subject of concerns raised will be themselves subject to the normal procedures around investigations and any subsequent disciplinary procedures.

8. Background Papers

Confidential Reporting (Whistleblowing) Policy and supporting guidance.

Contact Officers: Executive Director Core Services and the Head of Internal Audit, Anti-Fraud and Assurance as the Council's designated Corporate Whistleblowing Officers.

Date: 16th May 2023