



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2018/19

<b>AUDIT COMMITTEE</b> <b>25<sup>th</sup> March 2019</b>	<b>AGENDA ITEM NO. 3</b>
<b>REPORT OF THE CHIEF EXECUTIVE</b>	<b>WHISTLEBLOWING ANNUAL REPORT 2018/19</b>

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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 2018/19 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 the Annual Report (Appendix 1) to determine if it complies with the requirements placed upon the Council by the 2017 Regulation. If compliance is determined, approve the report.
- 2.2 If deemed necessary, 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 [31<sup>st</sup> October 2016](#).
- 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 2018/19**

5.1 The Terms of Reference for Audit Committee state:

### ***Statement of Purpose***

*The purpose of the Audit Committee is to monitor the adequacy of the risk management framework and the associated control environment; provide independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment; and to oversee the financial reporting process.*

*As a key element of new arrangements for corporate governance, designed to ensure openness, integrity and accountability, the 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]:-*

**L** Receive ad hoc reports on any significant matters involving fraud, theft or other appropriate matters in breach of the Authority's Financial Procedure Rules and Contract Procedure rules, as part of the development of an anti-fraud culture.

**N** 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 2018/19 is included at Appendix 1.

5.3 Subject to Audit Committee's consideration and feedback, an approved Whistleblowing Annual Report 2018/19 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 1<sup>st</sup> 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/ukxi/2017/507/pdfs/ukxi\\_20170507\\_en.pdf](http://www.legislation.gov.uk/ukxi/2017/507/pdfs/ukxi_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 whistleblowers.
- 11.3 Overall, the Annual Report concludes that the '*the Council's whistleblowing arrangements are appropriate, however further work will take place during 2019/20 in order to address the actions outlined within this report*'.

**LOCAL GOVERNMENT ACT, 1972**  
**AS AMENDED BY**  
**THE ACCESS TO INFORMATION ACT, 1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**AUDIT COMMITTEE**  
**25<sup>th</sup> March 2019**  
**WHISTLEBLOWING ANNUAL REPORT 2018/19**

**REPORT OF CHIEF EXECUTIVE**

Author: Peter Cushion (Head of Employee Relations)

**Item 3**

**Background Papers**

None.

Officer to contact: Richard Evans



**RHONDDA CYNON TAF COUNTY BOROUGH  
COUNCIL**

**WHISTLEBLOWING ANNUAL REPORT  
2018/19**

## **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 [31<sup>st</sup> 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 2018/19.

## **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 Whistleblower confidential.

**3. What's been done to assess awareness?**

- 3.1 A staff survey was undertaken between November – December 2018. This survey was distributed by email, and Human Resources staff also visited various locations across the Council. Results of the survey were reported to Audit Committee at its meeting on the [4<sup>th</sup> February 2019](#).
- 3.2 Members scrutinised the outcomes of the survey, and whilst they accepted the recommendations outlined within the report they were keen for Officers to analyse the feedback further with the aim of assessing whether particular themes or concerns from staff were prevalent within specific service areas of the Council. With these comments in mind, and taking all of the results of the survey into account, the following actions will be addressed by Human Resources during 2019/20:

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.

#### 4. Whistleblowing activity during 2018/19

<b>Disclosure Summary</b>	<b>Method Disclosure</b>	<b>Action Taken</b>
It was alleged that a driver of a Council Road Sweeping vehicle was using his mobile phone whilst driving.	Online submission	Human Resources investigated this allegation, and appropriate disciplinary action was taken.
It was alleged that a driver of a Council Refuse vehicle was speeding and using foul language.	Online submission.	This matter was referred to the relevant Service Director, however the vehicle could not be identified and no further action was taken.
It was alleged that a member of staff used racist language on social media.	Online submission	Human Resources investigated this allegation, and a management discussion took place.
It was alleged that a Social Worker employed by the Council used inappropriate language on social media.	Online submission	Human Resources investigated this allegation, and it was clarified that the individual was not a Council employee.
Allegations of potential fraudulent activity and financial concerns in a Council school.	Online submission	Investigation undertaken by the Council's Internal Audit section.  No further action was taken.
It was alleged that a Team Manager in Adult Services was making her team ill.	Online Submission	Referred to Head of Service and review undertaken.
It was alleged that a Highways Maintenance van was driving carelessly.	Online submission	This matter was referred to the relevant Service Director, however the vehicle could not be identified and no further action was taken.
It was alleged that Care Workers in a	Via Occupational Health	Investigation undertaken which resulted in a



<b>Disclosure Summary</b>	<b>Method Disclosure</b>	<b>Action Taken</b>
Residential establishment did not follow appropriate moving and handling procedures.	appointment / clinic	management discussion for the staff involved.
It was alleged that HR staff posted inappropriate behaviour on social media	Online submission	Management discussion undertaken.

NB: A management discussion is an agreed (with the relevant trade unions) alternative to formal disciplinary action, and a record of the discussion is placed on an individual's personal file. The individual will be accompanied by their trade union representative (if they choose) at this meeting.

## **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 results from the staff survey have given us some intelligence and we'll aim to deliver the four actions outlined within this report during 2019/20. The fact that whistleblowers have come forward during 2018/19 does indicate a general awareness and a culture whereby staff do feel comfortable to do so.
- 5.4 All occasions of whistleblowing 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, however further work will take place during 2019/20 in order to address the actions outlined within this report.

Richard Evans – Director, Human Resources