

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021/22

GOVERNANCE AND AUDIT COMMITTEE 23 rd March 2022	AGENDA ITEM NO. 4
REPORT OF THE CHIEF EXECUTIVE	WHISTLEBLOWING ANNUAL REPORT 2021/22

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to present an updated Whistleblowing Annual Report 2021/22 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 appropriate approve the Whistleblowing Annual Report 2021/22 (Appendix 1) in line with the requirements placed upon the Council by the 2017 Regulation.
- 2.2 Consider whether any other changes or improvements to the current whistleblowing arrangements are required.

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 To present the Whistleblowing Annual Report 2021/22 to the Governance and Audit Committee in accordance with its Terms of Reference to demonstrate compliance with the Prescribed Persons (Reports on Disclosures of Information) Regulation 2017

4. THE COUNCIL'S WHISTLEBLOWING POLICY

- 4.1 At the 26th April 2021 Audit Committee, Members agreed to approve the proposed update to the Council's Whistleblowing Policy & Procedure, and instruct the Director of Human Resources to publish and raise awareness of the updated document. In line with this, a Council wide email / notification has been circulated to Council staff.

- 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.
- 4.3 An updated Whistleblowing Policy & Procedure has been published on the Council's website and awareness raising undertaken across Council Services.
- 4.4 For Members information, the Whistleblowing Policy & Procedure will be kept under on-going review and where further updates are proposed, these will be reported to the Governance and Audit committee for consideration / approval.

5. WHISTLEBLOWING ANNUAL REPORT 2021/22

- 5.1 The Terms of Reference for Governance and Audit Committee state:

As a key element of new arrangements for corporate governance, designed to ensure openness, integrity and accountability, the [Governance and 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, and providing the opportunity for direct discussion with the auditor(s) on these.

(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 2021/22 is included at Appendix 1 and subject to the Governance and Audit Committee's consideration and feedback, an approved Whistleblowing Annual Report 2021/22 will be made available on the Council's website.

6. EQUALITY AND DIVERSITY IMPLICATIONS AND SOCIO-ECONOMIC DUTY

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

7 WELSH LANGUAGE IMPLICATIONS

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

8. CONSULTATION

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

9. FINANCIAL IMPLICATION(S)

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

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 10.1 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.
- 10.2 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.
- 10.3 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

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

THE COUNCIL'S CORPORATE PLAN PRIORITIES

- 11.1 The work in relation to probity aims to support the delivery of the priorities contained within the Council's Corporate Plan 2020-24 "Making a Difference", 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

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

12. CONCLUSION

- 12.1 The Council's Whistleblowing Policy & Procedure has been reviewed and continues to be fit for purpose.

- 12.2 A Whistleblowing Annual Report 2021/22 has been prepared in accordance with the responsibilities placed upon the Council by the 2017 Regulation. The Annual Report provides an overview of the arrangements in place for 2021/22 and also summarises the reported instances received, whilst protecting the confidentiality of the whistleblowers.
- 12.3 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

GOVERNANCE AND AUDIT COMMITTEE

23rd March 2022

WHISTLEBLOWING ANNUAL REPORT 2021/22

REPORT OF CHIEF EXECUTIVE

Author: Peter Cushion (Head of Employee Relations)

Item:

Background Papers

None.

Officer to contact: Richard Evans

Appendix 1 – Whistleblowing Annual Report 2021/22



**RHONDDA CYNON TAF COUNTY BOROUGH
COUNCIL**

**WHISTLEBLOWING ANNUAL REPORT
2021/22**

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 the Governance and Audit Committee meeting on 26th April 2021), '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 2021/22.

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 Previous actions the Council has taken to raise awareness of the Whistleblowing Policy and Procedure include the Policy being incorporated in both staff and manager induction processes; a payslip insert; posters circulated to service areas to include on notice boards; and on-going fraud awareness updates.
- 3.2 The Whistleblowing Policy & Procedure is published on the Council's website and further awareness raising has been undertaken across Council Services via a global email.
- 3.3 For Members information, the Whistleblowing Policy and Procedure will be kept under on-going review and where further updates are proposed, these will be reported to the Governance and Audit Committee for consideration and, if deemed appropriate, approval.

4. Whistleblowing activity during 2021/22

4.1 A summary of whistleblowing activity completed during 2021/22 is set out in Table 1. Members will note that dates the allegations were received and the investigations completed have been incorporated into Table 1.

Table 1 - Whistleblowing Activity 2021/22

Disclosure Summary	Method Disclosure	Action Taken
<u>SCHOOL RELATED</u>		
It was alleged that a Primary School were still holding PE lessons indoors. 12 th March 2021.	Online submission.	The Headteacher stated the school has been very careful with their measures and aired on the side of caution. The Headteacher clarified that they had the hall set up for 2 classes at a time for dinner time – so there was a bench separating the two areas and all the dining tables were left out all day – so there wouldn't have been room to hold PE lessons in the hall. The Headteacher also confirmed that all PE lessons took place outdoors as per the guidelines. No further action was taken.
It was alleged that no track and trace testing was being undertaken in a Meals on Wheels kitchen. 12 th December 2021.	Online submission	An investigation was undertaken by the relevant manager and it was confirmed that there were tests available on site for staff to collect and test at home. The Manager is not aware of any staff complaints that the tests were not available or any issues with ordering the tests. No further action was taken.

Disclosure Summary	Method Disclosure	Action Taken
<u>NON-SCHOOL RELATED</u>		
It was alleged that a refuse lorry driver was using his phone whilst driving and no other details were provided. 28 th April 2021.	Online submission	Due to lack of information, no further action could be taken. April 2021
It was alleged that an officer had taken a 'back hander' in relation to obtaining furlough payments for an external organisation. 10 th April 2021.	Online submission	An investigation was undertaken by the relevant manager and it was established that the officer would have had no influence over such payments, and that payment of furlough was a matter for the relevant employer. No further action taken. 12 th April 2021
It was alleged that an officer had made inappropriate comments about other staff members. 31 st March 2021.	Online submission	An investigation was undertaken by the relevant manager and all staff in the section interviewed. The findings were that no one reported hearing any inappropriate comments. No further action taken. 20 th April 2021
It was alleged that an officer was claiming relocation expenses when she does not use her vehicle for work. 12 th May 2021.	Online submission	An investigation was undertaken by the relevant manager and it was clarified that the officer car shared, and rarely made any expenses claims, only when car share was not available. No further action was taken as all claims were appropriate. 27 th May 2021
It was alleged that an officer was leaving work premises without clocking out or providing a leave form. 16 th July 2021.	Online submission	A formal investigation was undertaken and a management discussion was held with the employee to reinforce the required procedures. 8 th October 2021
It was alleged that staff in a Leisure Centre had not undertaken adequate cleaning of lockers overnight,	Online submission	An investigation was undertaken by the Service Manager who confirmed that if the locker had appeared locked then the locker would not have been opened to

Disclosure Summary	Method Disclosure	Action Taken
with particular concern in relation to Covid guidelines. 20 th September 2021.		clean and sanitise. The Service Manager also advised that alert level 1 would have been in place at that time. No further action was taken. October 2021
It was alleged that a member of staff within a Council Home for the Elderly had a criminal record for assault. 11 th November 2021.	Online submission	An investigation was undertaken by Human Resources which confirmed that the staff member had declared a criminal offence on application to work in the Council. It was confirmed that the offence took place 15 years prior to commencing employment with the Council and it was authorised by the relevant Director that the member of staff was able to work in the service. It was also confirmed that there has been no other subsequent criminal conviction(s). No further action was taken. 2 nd February 2022
It was alleged that a frontline officer had been working with covid symptoms, however although the service was identified no name was submitted. 13 th November 2021.	Online submission	An investigation was undertaken; however no further action was taken due to insufficient information. 15 th November 2021
It was alleged that an officer had been bullying a team member with various allegations. 16 th November 2021.	Online submission	An investigation was undertaken, relevant team members were spoken to but allegations were not substantiated. No further action was taken. 24 th January 2022
It was alleged that 2 officers in a frontline service were not actually starting work for a period of time after they were due to start. 16 th November 2021.	Online submission	The relevant Manager was satisfied that there were relevant reasons for the staff to be in the office at those times, as they would be undertaking other administration duties. 23 rd November 2021

Disclosure Summary	Method Disclosure	Action Taken
It was alleged that a Gritter vehicle was exceeding the speed limit and not gritting properly in the Rhondda area. 22 nd November 2021.		An investigation was undertaken by the relevant manager and vehicle trackers were checked. A management discussion was held with the driver. 3 rd March 2022
It was alleged that staff in a frontline service were not signing out appropriately and were receiving preferential treatment. 2 nd December 2021.	Online submission	An investigation was undertaken by the relevant service manager who reviewed signing in sheets alongside TOIL records of the team. The manager was satisfied that these had been completed in line with the appropriate process. A reminder was sent to the team of the TOIL and signing in policy and this will also be reviewed via normal supervision sessions. 5 th January 2022
It was alleged that the appointment process in a RCT establishment was fixed to ensure 2 members of staff were appointed. 3 rd December 2021.	Online submission	An investigation was undertaken by Human Resources where it was found that the relevant recruitment processes were undertaken in an appropriate manner, each opportunity was advertised and competitive interviews were undertaken. 1 st February 2022
It was alleged that a parking attendant was targeting a member of the public. 15 th December 2021.	Online submission	An investigation was undertaken by the relevant manager who could see that the member of the public had received 2 PCN's, both issued by different officers. Both fines have been paid and no evidence could be found of this person being targeted. 1 st February 2022
It was alleged that there was an altercation between a supervisor and a staff member in a frontline service, which	Online Submission	An investigation is currently being undertaken regarding this issue.

Disclosure Summary	Method Disclosure	Action Taken
<p>resulted in damage to a window. 31st December 2021.</p>		
<p>It was alleged that a member of staff in a Home for the Elderly has been making abusive and threatening behaviour to both members of the public and staff. A report has been made to the police. 5th January 2021.</p>	<p>Online submission</p>	<p>An investigation was undertaken by Human Resources. Enquiries were made via the Service who in turn made contact with the Police; the Police advised that there has been no contact made with them at this time. No further action was taken. 9th February 2022</p>
<p>It was alleged that a member of staff was smoking illegal substances before going to work and driving a Council vehicle. Also that he lives in a different address to where he says he lives. 19th January 2022.</p>	<p>Online submission</p>	<p>An investigation was undertaken by the relevant Manager., and there is no evidence of the alleged drug taking. The address issue has been passed to the Council's Fraud Team for investigation. No further action. 2nd February 2022</p>
<p>It was alleged that an employee is an alcoholic and turns up drunk for work and can't look after her daughter. Also alleges that she has breached COVID rules numerous times and has had police to her address. 1st February 2022.</p>	<p>Online submission</p>	<p>Human Resources investigated and it was confirmed that no-one of the name alleged was employed by the Council. No further action taken. 2nd February 2022</p>
<p>It was alleged that recycling centres in RCT are corrupt by accepting commercial or illegal waste for money. 30th January 2022.</p>	<p>Online submission</p>	<p>An investigation is currently being undertaken.</p>

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 whistleblowers have come forward during 2021/22 does indicate a general awareness and a culture whereby staff do feel comfortable to do so.
- 5.4 All 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