

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023/24

GOVERNANCE AND AUDIT COMMITTEE 29 th April 2024	AGENDA ITEM NO. 6
REPORT OF THE DIRECTOR OF HUMAN RESOURCES	WHISTLEBLOWING ANNUAL REPORT 2023/24

Author: Peter Cushion (Head of Employee Relations)

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to present the Whistleblowing Annual Report 2023/24 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 2023/24 (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 ensure the Council's Whistleblowing Policy & Procedure continues to be fit for purpose and to provide the Governance and Audit Committee with a copy of the Council's Whistleblowing Annual Report 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 The Council's Whistleblowing Policy & Procedure was reported to and approved by the Governance and Audit Committee on 15th March 2023 and was subsequently published on the Council's web-site.
- 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 For Members information, the Whistleblowing Policy & Procedure is kept under on-going review at an operational level and where further updates are proposed, these will be reported to the Governance and Audit committee for consideration / approval.

5. WHISTLEBLOWING ANNUAL REPORT 2023/24

- 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 2023/24 is included at Appendix 1 and subject to the Governance and Audit Committee's consideration and feedback, an approved Whistleblowing Annual Report 2023/24 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 Council's Corporate Plan 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 is kept under on-going review and continues to be fit for purpose.
- 12.2 A Whistleblowing Annual Report 2023/24 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 2023/24 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
29th APRIL 2024
WHISTLEBLOWING ANNUAL REPORT 2023/24

REPORT OF CHIEF EXECUTIVE

Author: Peter Cushion (Head of Employee Relations)

Item: 6

Background Papers

None.

Officer to contact: Richard Evans



**RHONDDA CYNON TAF COUNTY BOROUGH
COUNCIL**

**WHISTLEBLOWING ANNUAL REPORT
2023/24**

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 Annual Report, 'workers' as set out in the Council's Whistleblowing Policy and Procedure 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 2023/24.

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 2023/24

4.1 A summary of whistleblowing activity completed during 2023/24 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 2023/24

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
<u>SCHOOL RELATED</u>				
2 nd May 2023	General allegation that a primary school has gone downhill since the appointment of a new headteacher.	Online submission	An investigation was undertaken by Management and established that generally positive feedback has been received in respect of the operation of the school since the Headteacher's appointment. No further action taken.	3 rd May 2023
22 nd June 2023	It was alleged that a school caretaker was seen buying 4 cans of lager in the shop on the way to work and constantly going back and forth to the car to drink them.	Online submission	Discussion with the Headteacher of the school took place and the Headteacher fed back that there has been no evidence or reported instances of the caretaker drinking or smelling of alcohol whilst in work and on the school premises. No further action taken.	22 nd June 2023
1 st September 2023	It was alleged that a non-teaching school-based member of staff had recently been arrested.	Online submission	The staff member had already made the school aware of the incident. Discussions took place with the Council's	4 th September 2023

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
			Safeguarding Team, with confirmation that the matter could be dealt with by the School. The School re-iterated to the staff member appropriate and expected conduct, provided relevant policies to ensure the individual was fully aware of their responsibilities and a period of monitoring regarding behaviour was put in place (no further issues were reported during the monitoring period).	
<u>NON-SCHOOL RELATED</u>				
1 st April 2023	It was alleged that staff at a community recycling centre were drinking alcohol, taking and selling drugs on site, selling televisions and taking money from commercial builders.	Online submission	The manager reviewed CCTV footage of previous weeks and no evidence to corroborate the allegations were found. Supervisor visits to sites continue to be undertaken as part of arrangements to manage and oversee operations. No further action taken.	7 th April 2023
2 nd April 2023	The following statement was submitted;	Online submission	No further action taken.	2 nd April 2023

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
	<p>Since being relieved of duties on recycling sites, I've made various claims about wrong doing of late. Mostly untrue. I've been angry and won't make anymore claims about site staff.</p>			
16 th May 2023	<p>It was alleged that a driver of a RCT Council van was driving erratically, almost hitting other vehicles.</p>	Online submission	<p>The Service Manager undertook an investigation and, based on information available from the vehicle tracker system, this identified concerns in respect of the standard of driving. Based on the evidence, the driver of the vehicle (employed on an agency basis) was not re-engaged.</p>	23 rd May 2023
10 th June 2023	<p>It was alleged that a Council employee was taking their grandchildren to school using a Council vehicle and in work time.</p>	Online submission	<p>The service manager reviewed vehicle tracker system information and the allegations were not corroborated. The manager made the employee aware of the allegations and no further action was taken.</p>	15 th June 2023
14 th July 2023 and 5 th October 2023	<p>It was alleged that an individual appointed to a Council post did not disclose a personal connection / interest at the time of appointment, as required when completing a</p>	Online submission	<p>An investigation was undertaken and confirmed that the individual had disclosed a personal</p>	18 th July 2023

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
	job application form for a position within the Council, and also the need to improve transparency of operational decision making within this service area.		connection / interest as part of the job application process, and the operational service arrangements in place were found to be appropriate. No further action taken.	
8 th September 2023	Allegations of racist language used by a Council Officer toward a local trader.	Online submission	An investigation was undertaken by the relevant Head of Service. It was established that another Council Officer was also present at the time of the alleged incident and confirmed that no inappropriate behaviour or comments were made. No further action taken.	13 th September 2023
11 th September 2023	It was alleged that a new member of staff was too young to be appointed to a position within the Public Health, Protection and Community Services service area.	Online submission	An investigation was undertaken by the relevant Head of Service, the result of which determined that the allegation was unfounded. No further action taken.	14 th September 2023
5 th September 2023	It was alleged Waste Service employees used inappropriate language when undertaking their duties.	Online submission	An investigation was undertaken by the service manager. Due to insufficient information being provided as part of	8 th September 2023

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
			the whistle-blowing submission, staff members who were alleged to have used inappropriate language could not be identified. As part of the investigation, the service manager spoke to all relevant staff in terms of conduct and behaviour. No further action taken.	
27 th September 2023	An allegation that an employee shared an inappropriate post on their personal facebook profile against an individual who had been found innocent by a Court of Law.	Online submission	The allegation was considered by the relevant Head of Service and coincided with the employee leaving the employment of the Council. No further action taken.	4 th October 2023
11 th October 2023	It was alleged that the creation of specific posts within a service area were unnecessary and represented mis-spending of Council funds.	Online submission	An investigation was undertaken and determined that the posts were approved following consideration of 'need' and confirmation of funding, with the process followed being in line with the Council's agreed Human Resource procedures. No further action taken.	17 th October 2023

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
24 th October 2023	It was alleged that a Waste Services employee used inappropriate language while undertaking their duties.	Online submission	An investigation was undertaken by the Service Manager. The employee concerned admitted this behaviour and indicated that they did not realise a member of the public was nearby. The employee was reminded of their responsibilities in terms of conduct and behaviour. No further action taken.	27 th October 2023
30 th October 2023	It was alleged that a Council employee was convicted of an offence approximately 5 years previously.	Online submission	An investigation was undertaken and no record of the name and date of birth provided as part of the whistle-blowing submission were recorded on the Council's systems. No further action taken.	31 st October 2023
11 th November 2023	It was alleged that staff in a specific service area all leave 15 minutes early on a daily basis.	Online submission	An investigation was undertaken by the service manager and no evidence was found of staff leaving early. No further action taken.	16 th November 2023
27 th November 2023	It was alleged that a Council employee had been making threats to the whistle-blower, had been drink driving and abusing their partner and	Online submission	An investigation was undertaken, and no record of the name and date of birth provided as	27 th November 2023

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
	concern expressed for this family's children.		part of the whistle-blowing submission were recorded on the Council's systems. No further action taken.	
1 st December 2023	It was alleged that a Council employee used inappropriate language in the office.	Online Submission	An investigation was undertaken by the service manager that entailed speaking to two members of staff who were present at the time of the alleged incident. Both staff members confirmed that they did not hear any derogatory comments. No further action taken.	6 th December 2023
5 th December 2023	It was alleged that a Council employee provided false information when registering a death for financial gain.	Online submission	An investigation was undertaken by the service manager and no fraudulent action was identified. No further action taken.	12 th December 2023
5 th February 2024	A submission was received alleging slander and defamation of character by a Council employee against an external contractor.	Online submission	An investigation was undertaken by the relevant Head of Service who met with the complainants and Council employee, with the matter satisfactorily resolved as part of the meeting.	22 nd February 2024

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
			No further action taken.	
20 th February 2024	It was alleged a Council employee was behaving inappropriately in a public house outside of work time, that included references to how their job role within the Council could impact on local traders.	Online submission	An investigation was undertaken by the service manager, the findings from which determined that the employee concerned is in a Council role that has no remit over license traders and no complaints had been received from the business concerned. No further action taken.	23 rd February 2024
26 th February 2024	It was alleged an individual claiming to be a Council employee behaved inappropriately when undertaking a routine check of a hackney carriage.	Online submission	An investigation was undertaken by the service manager, the findings from which determined the allegations to be unfounded i.e. the employee was not working on the date the alleged incident took place. No further action taken.	29 th February 2024
4 th March 2024	It was alleged that an Amgen employee was taking drugs, drinking alcohol in work and taking inappropriate pictures that include the workplace in the background.	On-line submission	An investigation was undertaken, with the service manager meeting with the employee. The employee denied the allegations and volunteered their personal mobile phone to be reviewed by the	13 th March 2024

Date Received	Disclosure Summary	Method Disclosure	Action Taken	Date Completed
			<p>service manager. On examination, no evidence of inappropriate pictures were found and no evidence was identified of the employee consuming alcohol or other substances. No specific action taken in respect of the whistleblowing submission; however, on-going monitoring arrangements in place.</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 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 2023/24 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