



Coventry City Council

# Public report

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**Report to**

Audit and Procurement Committee

26<sup>th</sup> September 2022

**Name of Cabinet Member:**

Cabinet Member for Policy and Leadership – Councillor G Duggins

**Director approving submission of the report:**

Chief Operating Officer (Section 151 Officer)

**Ward(s) affected:**

City Wide

**Title:**

Whistleblowing Annual Report 2021-22

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**Is this a key decision?**

No – this is a monitoring report

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**Executive summary:**

The purpose of this report is to provide the Audit and Procurement Committee with a summary of the concerns raised under the Council's Whistleblowing Policy during 2021-22 and the Council's response to the issues, including any organisational learning to prevent similar reoccurrences.

**Recommendations:**

Audit and Procurement Committee is recommended to note and consider the summary of whistleblowing concerns raised during 2021-22 and confirm its satisfaction with the actions taken to respond to the issues raised.

**List of Appendices included:**

None

**Background papers:**

None

**Other Useful Documents:**

Whistleblowing Policy 2017

<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?CIId=553&MID=11091>

**Has it or will it be considered by scrutiny?**

No other scrutiny consideration other than the Audit and Procurement Committee

**Has it, or will it be considered by any other council committee, advisory panel or other body?**

No

**Will this report go to Council?**

No

**Report title:**

Whistleblowing Annual Report 2021-22

**1. Context (or background)**

- 1.1 Whistleblowing is the making of a protected disclosure as found in Part IVA of the Employment Rights Act 1996 (and as amended by the Public Interest Disclosure Act 1998) and is reflected in the Council's Whistleblowing Policy 2017. This qualifies employees (including agency workers) for legal protection against detriment or unfair dismissal if they make a disclosure in the public interest. To qualify, the disclosure must also fall within one of the following grounds:
- A criminal offence
  - Breach of any legal obligation
  - Miscarriages of justice
  - Danger to health and safety
  - Damage to the environment
  - The deliberate concealing of information about any of the above
- 1.2 The Council's Whistleblowing Policy makes it clear that all concerns raised about actual or potential misconduct or wrongdoing in the Council are taken seriously. For matters relating to fraud and corruption, these are considered by the Chief Internal Auditor. All other concerns which fall under one of the grounds listed above are considered by the Council's Monitoring Officer.
- 1.3 This report provides a summary of the concerns raised under the Council's Whistleblowing Policy during 2021-22 and the Council's response to the issues and is presented to the Audit and Procurement Committee in order to discharge its responsibility, as reflected in its terms of reference *"to monitor Council policies on whistleblowing and the fraud and corruption strategy"*.
- 1.4 In order to protect the confidentiality of whistleblowers and other parties involved, no information is included in this report that could lead to the identification of a whistleblower or the subject of the whistleblowing or compromise the confidentiality of an on-going investigation.

**2. Options considered and recommended proposal**

- 2.1 During 2021-22, the Council received three whistleblowing disclosures. Of these, one was made by a third party and as such, the legal protection afforded to employees who raise concerns does not extend to these individuals. However, the Council considers that any disclosure made by members of the public should be treated in the same way as disclosures made by employees and consequently have made every reasonable effort to protect all individuals under the whistleblowing process.

2.2 A summary of the disclosures made by type and service area is provided in Table One below.

**Table One – Whistleblowing Disclosures 2021-22**

Number	Nature of concern (grounds for whistleblowing)	Service area
1	Corruption	Adult Services
2	Breach of a legal obligation	Adult Services
3	Breach of a legal obligation	Children’s Services

2.3 Whilst all concerns are taken seriously, the response will differ on a case-by-case basis. In some cases, if the disclosure has been made anonymously and insufficient details have been provided, the Council may be restricted in the action it can take. However, typically a preliminary fact-finding investigation will be undertaken which if required, will result in a full investigation and formal action being considered. A summary of the responses to the disclosures made in 2021-22 are provided in Table Two below.

**Table Two – Responses to Whistleblowing disclosures 2021-22**

Number	Response
1	Preliminary investigation – Not substantiated
2	Preliminary investigation – Partially substantiated but known national issue and the Council’s process is in line with guidance issued. Management action taken to provide clearer audit trails around decision making.
3	No further action – did not satisfy grounds for whistleblowing. Employee advised of appropriate route to raise concern.

2.4 **Learning from disclosures** – Where appropriate, responsible officers will identify learning points from any issues raised and ensure that they are acted upon to prevent similar issues recurring. If required, this includes consideration of whether there are any systematic improvement actions for the wider organisation. In one case considered in 2021-22 management action was agreed to make improvements. Whilst this action was specific to the concern raised, rather than organisation wide improvements, opportunities to learn from disclosures will continue to be considered as part of the investigation process and will be included as appropriate in future reports to the Audit and Procurement Committee.

2.5 **Benchmarking** - The Chartered Institute of Public Finance and Accountancy (CIPFA) Fraud and Corruption Tracker provides benchmarking information relating to counter fraud activity across all local authorities. The last survey was undertaken in 2020, where respondents reported a total of 486 whistleblowing cases, which is an average of six disclosures per local authority. As the survey has not been repeated since 2020, it has not been possible to consider whether the Council’s figures for 2021-22 remain comparable to the current national average. It is also worth noting that employees do not have to use the Whistleblowing Policy to raise concerns and are able to resolve matters using other routes if they wish to do so, for example through discussion with their line manager or reporting concerns to one of the “prescribed persons” set out in the Public Interest Disclosure (Prescribed Persons) Order 2014, such as the Health and Safety Executive.

### **3. Results of consultation undertaken**

None

### **4. Timetable for implementing this decision**

There is no implementation timetable as this is a monitoring report.

### **5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance**

#### **5.1 Financial Implications**

There are no specific financial implications associated with this report. Effective whistleblowing arrangements assists the Council to ensure that any misconduct / wrongdoing which could have a detrimental financial impact on the Council is appropriately dealt with.

#### **5.2 Legal implications**

Review of the Council's arrangements for whistleblowing on an annual basis ensures that the organisation continues to meet its statutory obligations in respect of whistleblowing legislation and represents good governance.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the One Coventry Plan?**

The Whistleblowing Policy assists in contributing to the objective of improving outcomes and tackling inequalities within our communities. The policy helps to achieve this by encouraging the raising of concerns in order to help to protect our most vulnerable people.

#### **6.2 How is risk being managed?**

The legislation gives all employees protection from suffering any detriment as a result of making a protected disclosure. Whilst members of the public are not protected by law, the Council treats all whistleblowers in the same way. Information is available to employees and members of the public on how they can access the Council's whistleblowing process and the Council considers actions to raise awareness. Assurance that concerns are dealt with effectively is provided to the Council's Audit and Procurement Committee through this annual report.

#### **6.3 What is the impact on the organisation?**

Where an investigation establishes that misconduct / wrongdoing has taken place, appropriate action would be taken, including, where appropriate use of the Council's formal disciplinary procedure and / or referring matters to third party organisations including the police.

#### **6.4 Equalities / EIA**

Section 149 of the Equality Act 2010 imposes a legal duty on the Council to have due regard to three specified matters in the exercise of their functions:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The "protected characteristics" covered by section 149 are race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment. The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership.

The Council acting in its role as investigator / Prosecutor must be fair, independent, and objective. Views about the ethnic or national origin, gender, disability, age, religion or belief, political views, sexual orientation, or gender identity of the suspect, victim or any witness must not influence the Council's decisions.

#### **6.5 Implications for (or impact on) climate change and the environment**

None

#### **6.6 Implications for partner organisations**

None

**Report author(s):**

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**Service:**

Finance

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Paul Jennings	Finance Manager Corporate Finance	Finance	8/9/2022	9/9/2022
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Barry Hastie	Chief Operating Officer	-	8/9/2022	14/9/2022
Julie Newman	Director of Law and Governance	-	8/9/2022	8/9/2022
Councillor G Duggins	Cabinet Member for Policy and Leadership	-	8/9/2022	8/9/2022

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