

<b>Report to:</b>	Audit and Governance Committee	<b>Date of Meeting:</b>	Wednesday 20 March 2024
<b>Subject:</b>	Review of Whistleblowing Policy and Review of Whistleblowing Referrals 2022 - 2023		
<b>Report of:</b>	Executive Director of Corporate Resources and Customer Services	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

### Summary:

The report summarises all complaints received by the Council via its whistleblowing policy in the municipal year 2022 to 2023 and presents a revised policy for approval by the committee.

### Recommendations:

- (1) That the revised policy as detailed in appendix 1 is approved
- (2) That the summary of the referrals received during the municipal year 2022 to 2023 be noted.

### Reasons for the Recommendation(s):

It is good practice to review policies from time to time and to appraise the Committee of all complaints received by the Council via its whistleblowing policy in accordance with the terms of reference of the committee and the terms of the policy.

### Alternative Options Considered and Rejected: (including any Risk Implications)

None. The report is required to comply with the terms of reference for the committee.

**What will it cost and how will it be financed?**

**(A) Revenue Costs** None

**(B) Capital Costs** None

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>								
<b>Legal Implications:</b>  The policy is required in order to comply with the terms of the Employment Relations Act 1996 and Public Interest Disclosure Act 1998								
<b>Equality Implications:</b>  There are no equality implications.								
<b>Impact on Children and Young People:</b> No								
<b>Climate Emergency Implications:</b>  The recommendations within this report will								
<table border="1"><tr><td>Have a positive impact</td><td>No</td></tr><tr><td>Have a neutral impact</td><td>Yes</td></tr><tr><td>Have a negative impact</td><td>No</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>Yes</td></tr></table>	Have a positive impact	No	Have a neutral impact	Yes	Have a negative impact	No	The Author has undertaken the Climate Emergency training for report authors	Yes
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**Contribution to the Council's Core Purpose:**

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services:
Place – leadership and influencer:  Whistleblowing is important to safeguard the effective delivery of public services, and to ensure value for money. It serves to protect and reassure the workforce, and to maintain a healthy working culture and an efficient organisation.

Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD.7553/24) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer is the report author (LD.5653/24)

**(B) External Consultations**

None

**Implementation Date for the Decision**

Immediately following the Committee meeting.

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**Appendices:**

- **Appendix 1 – revised whistleblowing policy**

**Background Papers:**

There are no background papers available for inspection.

**1. Introduction/Background**

- 1.1 Whistleblowing has been defined as the act of an employee or worker making a qualifying disclosure, in the public interest, to an employer, regulator, legal

adviser, minister, MP or other responsible or prescribed person about a criminal offence, breach of a legal obligation, miscarriage of justice, danger to health and safety, damage to the environment or deliberate concealment of any of those.

1.2 In these circumstances and subject to fulfilling certain criteria, it will be a 'protected disclosure' and the whistleblower will be protected from being dismissed or subjected to a detriment on grounds of that disclosure.

1.3 The principal objectives of a whistleblowing policy and procedure should be to:

- Convey the seriousness and importance that the employer attaches to identifying and remedying wrongdoing.
- Encourage workers to raise concerns internally as soon as possible and to give them the confidence to do so.
- Remind workers (often by cross-referring to other policies and codes of conduct) of the standards of behaviour expected of them.
- Ensure workers know whom to approach with a concern, and to enable them to bypass the person, management level or part of the organisation to which the concern relates.
- Outline the procedures for investigating disclosures and what steps might be taken if wrongdoing is uncovered.
- Make it clear what will happen to those who victimise genuine whistleblowers or abuse the system by making malicious allegations.
- Provide access to further sources of advice and guidance on whistleblowing.

1.4 The Council is committed to running the organisation in the best way and to facilitate this the Whistleblowing Policy was introduced to reassure staff that it is safe and acceptable to speak up and raise any concern about malpractice at an early stage and in the right way. The Government expects all public bodies to have written policies.

1.5 The Council's current Whistleblowing Policy was approved by Audit and Governance Committee at its meeting on 19th June 2019 and a revised version is attached as appendix 1. Members will see that the changes, marked in red, are moderate and bring the policy up to date and add explanatory narrative.

1.7 All employee policies and procedures should be easy to understand and operate. In general, whistleblowing policies should not be legalistic in their approach. A key measure of success will be whether the policy gives workers the confidence to come forward with their concerns. They are unlikely to do this if the policy is complex or unclear, or littered with legal jargon.

## 2 Referrals

2.1 Four referrals were received in the year 2022/23 which compares with seven referrals in the year 2020/21. A summary of the referrals and the outcomes is outlined below.

### **3 Referral 1**

3.1 A referral was received from a member of the public who was complaining about the manner in which her application to be a member of one of the Council's panels was dealt with. It transpired that the member of the public had already made a complaint to the relevant service area which had dealt with it appropriately and the member of the public made the whistleblowing referral as they were unhappy with the complaint outcome.

3.2 As part of the complaint and whistleblowing referral the member of the public also made a request for information under the Freedom of Information Act and this was replied to appropriately.

### **4 Referral 2**

4.1 An employee of the Council made a whistleblowing referral as they were concerned about the level of service a service user was receiving. The matter was referred to the appropriate service manager who met with the employee to discuss their concerns. It transpired that the employee was new to the Council and made the referral as they were unsure how to raise their concerns with senior management. Following discussion, the employee was happy for the matter to be dealt with within the service area and outside the whistleblowing policy.

### **5 Referral 3**

5.1 An anonymous referral was made claiming that a teacher in a Sefton school was undertaking private paid work whilst on maternity leave. Personnel confirmed that Council policies would not prohibit such action. It was not possible to feedback to the person who made the referral.

### **6 Referral 4**

6.1 An anonymous referral was made by a parent of a child at a Sefton school that the school were not dealing with bullying incidents appropriately. Senior management in Childrens Services raised the issue with the school and they were able to identify the parent who made the referral, as they had also made a complaint to the school. The matter was considered by the Headteacher and the Chair of Governors who wrote to the parent with a full response to her concerns. The Childrens Services senior manager reviewed the letter and was happy that it adequately dealt with the issues and were able to confirm that the school had appropriate policies and procedures in place to deal with bullying and safeguarding issues.