

Review of Whistleblowing  
Referrals 2023 - 2024

Date of meeting:	11 December 2024		
Report to:	Audit and Governance Committee		
Report of:	Executive Director of Corporate Services and Commercial		
Portfolio:	Corporate Services		
Wards affected:	All		
Is this a key decision:	No	Included in Forward Plan:	No
Exempt/confidential report:	No		

**Summary:**

The report summarises all complaints received by the Council via its whistleblowing policy in the municipal year 2023 to 2024. It is good practice to appraise the Committee of all referrals received by the Council via its whistleblowing policy in accordance with the terms of reference of the committee and the terms of the policy.

**Recommendation(s):**

(1) That the summary of the referrals received during the municipal year 2023 to 2024 be noted.

**1. The Rationale and Evidence for the Recommendations**

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. A key measure of success will be whether the policy gives workers the confidence to come forward with their concerns.
- 1.6 The Council publicises its policy on its website and members of the public utilise the referral process to refer concerns that they have about the Council.

## 2 Referrals

- 2.1 Sixteen referrals were received in the year 2023/24 which compares with four referrals in the year 2022/23 and seven in the year 2021/22. A summary of the referrals and the outcomes is outlined below.

### 3.1 Referral 1

An anonymous referral was received alleging that a member of the public was wrongly claiming single occupancy Council Tax relief. The referral was passed to the Council Tax section for investigation. It was not possible to provide any feedback to the referrer.

### 3.2 Referral 2

A referral was received from a member of the public who was unhappy about the manner in which the Taxi Licensing Section dealt with his complaint about a taxi driver. The referral

was dealt with as a corporate complaint and was resolved at stage 1 on the complaint's procedure.

### 3.3 Referral 3

An anonymous referral was received alleging that a member of the public was wrongly claiming single occupancy Council Tax relief. The referral was passed to the Council Tax section for investigation. It was not possible to provide any feedback to the referrer.

### 3.4 Referral 4

An anonymous referral was received alleging that a named individual was running a soccer school in the borough and was paid in cash and was not declaring the income to HMRC. This was forwarded to HMRC for consideration. It was not possible to provide feedback to the referrer.

### 3.5 Referral 5

An anonymous referral was received complaining about the service provided by the Cleansing Department in a particular area of Bootle. The referral was passed to the relevant service manager for investigation and the complaint was not upheld but it was not possible to feedback to the referrer.

### 3.6 Referral 6

An anonymous referral was received alleging that a member of the public was wrongly claiming housing benefit. The referral was passed to the Revenues and Benefits Section for investigation. It was not possible to provide any feedback to the referrer.

### 3.7 Referral 7

An anonymous referral was received alleging that a member of the public was wrongly claiming single occupancy Council Tax relief. The referral was passed to the Council Tax section for investigation. It was not possible to provide any feedback to the referrer.

### 3.8 Referral 8

An anonymous referral was received alleging that a member of the public was wrongly claiming housing benefit. The referral was passed to the Revenues and Benefits Section for investigation. It was not possible to provide any feedback to the referrer.

### 3.9 Referral 9

A referral was made by a member of the public claiming that he used his debit card to pay a fee to the Housing Standards Team in the Council and the card was later used to fraudulently purchase goods. Whilst he accepted that he had no evidence of wrongdoing on behalf of the Council he thought it must have been a council employee. The complaint was investigated by the relevant service manager in conjunction with the Council's ICT Department and there the complaint was not upheld.

### 3.10 Referral 10

An anonymous referral was received alleging that a member of the public was wrongly claiming DWP benefits. The referral was passed to the DWP's Single Fraud Investigation Service. It was not possible to provide any feedback to the referrer.

### 3.11 Referral 11

An anonymous referral was received claiming that a member of the public had falsely claimed a 'council house'. Whilst the Council does not own any council housing the matter was considered by an appropriate service manager and nothing untoward was disclosed. It was not possible to provide feedback to the referrer.

### 3.12 Referral 12

An anonymous referral was received claiming that a member of the public was falsely claiming housing benefit. Enquiries disclosed that the named person was not claiming housing benefit. It was not possible to feedback to the referrer.

### 3.13 Referral 13

A referral was received from a headteacher of a Sefton school complaining about the operation of a service level agreement between the school and the Council. The matters raised were already known to the service manager and senior management. A meeting was held with the school to try and resolve the issues and the school subsequently withdrew from the service level agreement.

### 3.14 Referral 14

A referral was received from a member of the public claiming benefit fraud on behalf of another member of the public. It was not a matter for the Council but for the DWP. The referrer was given details of how to raise the concern with the DWP.

### 3.15 Referral 15

An anonymous referral was received alleging that a member of the public was wrongly claiming DWP benefits. The referral was passed to the DWP's Single Fraud Investigation Service. It was not possible to provide any feedback to the referrer.

### 3.16 Referral 16

A referral was received from an ex-employee of the Council about the practice within a service area and the conduct of a senior manager. The matter was handled via the Council's complaints process which led to a stage 2 review and the complaint was not upheld.

## **2. Financial Implications**

None

## **3. Legal Implications**

A whistleblowing policy is required in order to comply with the terms of the Employment Relations Act 1996 and Public Interest Disclosure Act 1998

## **4. Corporate Risk Implications**

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 the public, and to maintain a healthy working culture and an efficient organisation.

## **5 Staffing HR Implications**

None

## 6 Conclusion

The report provides a brief summary of all referrals received by the Council under its whistleblowing policy in the municipal year 2023/24. A similar report will be presented to the committee annually.

### Alternative Options Considered and Rejected

None

<b>Equality Implications:</b> There are no equality implications.
<b>Impact on Children and Young People:</b> None
<b>Climate Emergency Implications:</b>  The recommendations within this report will have a neutral impact.

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

#### (A) Internal Consultations

The Executive Director of Corporate Services & Commercial (FD.7874/24) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer is the author of the report (LD 5974/24)

#### (B) External Consultations

None

### Implementation Date for the Decision:

With immediate effect.

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**Appendices:** There are no appendices to this report

**Background Papers:** None