

**HERTFORDSHIRE COUNTY COUNCIL**

**AUDIT COMMITTEE  
FRIDAY 7 JULY 2017 AT 10.30 AM**

**WHISTLEBLOWING ANNUAL REPORT 2016/17**

*Report of the Director of Resources*

<p>Agenda Item No: <b>9</b></p>
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Author: Kathryn Pettitt, Chief Legal Officer (Tel: 019952 555527)

**1. Purpose of Report**

- 1.1 To provide members with an overview of the disclosures made through the Council's whistleblowing process and the operation of the Whistleblowing Procedure in the year 2016/17.
- 1.2 To seek members' approval to recommend to Council the revised Whistleblowing Procedure as attached at Appendix A to this report.

**2. Summary**

- 2.1 The Council's Whistleblowing Procedure provides that a report will be made annually to the Audit Committee on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report.
- 2.2 The number of concerns raised under the Whistleblowing Procedure in 2016/17 was six and of these allegations two proceeded to an investigation.
- 2.3 The Council's Whistleblowing Procedure was last updated in May 2013 and has been refreshed during the course of the year. As a result of the review some minor revisions and clarifications are proposed.

**3. Recommendations**

The Committee is invited:

- 3.1 to note the contents of the report and the on-going work to raise awareness and provide assurance on the effectiveness of the Council's whistleblowing arrangements
- 3.2 to recommend to full Council that they adopt the revised Whistleblowing Procedure attached to this Report for inclusion in the Constitution

## **4. Background**

- 4.1 The Council's Whistleblowing Procedure is intended to provide a means for employees and others (including agency workers, contractors working for or providing services to the County Council) to raise concerns about any suspected serious misconduct, wrong doing, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those who raise such concerns in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.
- 4.2 The Whistleblowing Procedure provides that a report will be made annually to the Audit Committee on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report.
- 4.3 The Chief Legal Officer in her role as Monitoring Officer has overall responsibility for the Whistleblowing Procedure. The Chief Legal Officer meets regularly with the Head of Assurance and the Assistant Director – HR Services (all three of whom are 'Reporting Officers' as defined in the Whistleblowing Procedure) to monitor the effectiveness of the Whistleblowing Procedure, any allegations made under it and learning from the allegations/process.
- 4.4 During the year 2016/17 the campaign to raise awareness of the Whistleblowing Procedure ('Speak Out') has continued with regular publicity through payslips, on the intranet and by the use of posters in the Council's offices.

## **5. Whistleblowing Allegations 2016/17**

- 5.1 The Chief Legal Officer maintains a register of whistleblowing allegations that are made through the Whistleblowing Procedure. The number of allegations that are included in the register for 2016/17 is 6. The numbers for the preceding 2 years are:
- 2014/15 - 5
  - 2015/16 - 3
- 5.2 Of the 6 allegations received in 2016/17 five were from employees and one was from an agency worker. The allegations concerned:
- a) Poor management practice (2 allegations relating to one service area)
  - b) Quality of induction procedures and staff handover and impact on service users
  - c) Potential fraud by a manager (2 separate allegations relating to different service areas )
  - d) Adult safeguarding

- 5.3 Investigations were undertaken into one of the allegations of potential fraud and the allegation relating to adult safeguarding. The investigation into the allegation of potential fraud was not able to establish with certainty that the matter alleged occurred. It did, however, highlight practice issues for the relevant service area which senior managers have taken forward. The adult safeguarding allegation was not upheld. A senior manager in Adult Care Services, however, is keeping the situation under review.
- 5.4 The remaining allegations were not investigated. The second allegation of fraud (which related to an alleged incident several years ago) on discussion with the employee was identified as a bullying and harassment allegation which the employee could pursue through that procedure. The other allegations were referred to senior managers to be considered through appropriate management procedures.

## **6. Whistleblowing Procedure**

The Council's Whistleblowing Policy was last updated in May 2013 and has been refreshed during the course of the year. The key changes are:

- a) Inclusion of a section which advises on the approach to be taken by school based staff when raising a concern in their workplace
- b) Updating the details of the Reporting Officers (i.e. the officers responsible for operating the Whistleblowing Procedure)
- c) Updating the procedure concerning how the Reporting Officers consider whistleblowing allegations when first made
- d) The inclusion of a section identifying those external bodies to whom a worker can raise concerns and still obtain protection under the Public Interest Disclosure Act 1998
- e) Inclusion of specific provision for feedback from the person making the whistleblowing allegation on the process

## **7. Work Programme in 2017/18**

- 7.1 The Chief Legal Officer, Head of Assurance and the Assistant Director - HR will continue to meet in 2017/18 to review the effectiveness of the Whistleblowing Procedure at the Council and in particular will:
- a) continue to look at ways of raising awareness of the Council's whistleblowing procedures amongst all staff;
  - b) review the intranet and the Council's website to ensure accessibility of the Whistleblowing Procedure

### ***Background documents***

Public Interest Disclosure Act 1998 and associated guidance