

## **Report to Standards Committee**

**19 June 2023**

### **Whistleblowing Policy Referrals**

#### **Report by the Director of Law and Assurance**

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##### **Summary**

The Committee is responsible for oversight of the use and effectiveness of the Council's whistleblowing policy. From time to time the Committee receives a report covering the use of the policy.

This report covers the activity generated by referrals made by reference to the policy since July 2022 and provides the Committee with an opportunity to understand the scope and nature of referrals and how they are addressed.

##### **Recommendation**

To note the activity generated by referrals made pursuant to the Council's Whistleblowing Policy.

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#### **1. Background**

- 1.1 The County Council's Whistleblowing Policy fulfils its obligation as an employer to make provision for any officer or interested individual to report general or particular concerns about practice or aspects of Council business on a confidential basis outside the Council's complaints procedures and separate from the Council's audit arrangements. The policy provides access to a process that guarantees personal confidentiality to the complainant and protection from adverse treatment (e.g. disciplinary action) as a result of any complaint made in good faith.
- 1.2 The policy extends to staff working for suppliers and contractors of the County Council. The policy is also applicable to schools and any referrals from or about a school settings are dealt with under the same process.
- 1.3 The number of referrals under the policy has always been small. The role of this Committee is to provide a forum for member awareness and assurance in relation to the Council's approach to whistleblowing and how the Council responds to issues raised by whistleblowing investigations.

#### **2. Activity since July 2022**

- 2.1 During the twelve months since the Committee last considered activity under the policy there has been a small number of complaints raised by reference to it. One was redirected to be dealt with through the Council's grievance policy and the complainant accepted that this was appropriate. There were

two other complaints under the policy, one in relation to a school setting and one in relation to procurement practice.

- 2.2 The school referral raised concerns about the propriety of governance arrangements within a primary school and led to the Assistant Director of Education and Skills commissioning an independent report. This made findings and recommendations for changes to be made to the school's internal governance arrangements. Those were followed through by the Assistant Director of Education and Skills exercising powers available to the County Council in relation to the oversight of school governance.
- 2.3 The referral on procurement practice related to the proper application of conditions attaching to an external grant used by the County Council in the procuring of works. Due to the complex financial nature of the issues raised this complaint was referred to be investigated by the Council's internal audit service. That investigation remains on-going. It is too early to establish whether the grounds for complaint have been made out.

### **3. Resource Implications and Value for Money**

- 3.1 None arise in relation to this report. Investigations are largely undertaken by established staff, including internal audit officers. The latter will incur an additional cost as the internal audit service is provided by Hampshire County Council. The costs will be met from within current budgets.

### **4. Risk Management Implications**

- 4.1 It is important that the Council's whistleblowing policy is sound and effective and used appropriately if the Council is to be confident in protecting those who wish to express concerns about misconduct or impropriety of any kind. The financial and reputational risks to the Council from failing to provide a route for individuals to express concerns in confidence are recognised. It is equally important to provide the forum of this committee to ensure that members have assurance as to the effective operation of the policy.

### **5. Other Considerations – Equality – Crime Reduction – Human Rights**

- 5.1 The policy forms one element of the Council's range of systems to reduce crime, to ensure compliance with the public sector equality duty and with the Human Rights Act.

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### **Background Papers**

None