

## LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>AUDIT AND GOVERNANCE COMMITTEE</b>	
<b>DATE OF DECISION</b>	<b>1<sup>st</sup> FEBRUARY 2024</b>	
<b>REPORT TITLE:</b>	<b>WHISTLEBLOWING DISCLOSURES</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL SERVICES &amp; MONITORING OFFICER JANE WEST CORPORATE DIRECTOR OF RESOURCES</b>	
<b>LEAD OFFICER:</b>	<b>STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL SERVICES &amp; MONITORING OFFICER</b>	
<b>LEAD MEMBER:</b>	<b>CLLR JASON CUMMINGS LEAD MEMBER FOR RESOURCES</b>	
<b>DECISION TAKER:</b>	<b>N/A</b>	
<b>AUTHORITY TO TAKE DECISION:</b>	<b>N/A</b>	
<b>KEY DECISION?</b> [Insert Ref. Number if a Key Decision]	<b>No</b>	<b>REASON: N/A</b>
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>NO</b>	
<b>WARDS AFFECTED:</b>	<b>N/A</b>	

### 1 SUMMARY OF REPORT

- 1.1 The Council's Whistleblowing Policy provides for six monthly reports to the Committee on whistleblowing referral received. This report provides an update on disclosures for the period January 2023 to December 2024.

### 2 RECOMMENDATIONS

- 2.1 The Committee is asked to note the whistleblowing disclosures and the outcomes.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 The responsibility of the Committee includes oversight of the effectiveness of the arrangements for whistleblowing.
- 3.2 The Whistleblowing Policy provides for 6 monthly reports to the Committee on whistleblowing disclosures.

### **4 BACKGROUND AND DETAILS**

- 4.1 Effective whistleblowing arrangements should function as a deterrent to malpractice, encourage openness, promote transparency, and underpin the risk management systems of the Council.
- 4.2 The Council has adopted the Whistleblowing Policy and Procedure attached as Appendix 1. The policy seeks to enable individuals to feel confident in raising concerns in the public interest about suspected serious wrongdoing in the Council and its services without fear of reprisals or victimisation even where the concern or allegations are not subsequently confirmed by the investigation. The policy commits to deal with disclosures of wrongdoing made, sets out how to raise concerns, the role of the Monitoring Officer to review disclosures and appoint Designated Assessors to investigate, the protection and support for disclosers, and the action to be taken following an investigation.
- 4.3 The policy provides that reports will be presented to Audit Committee on a six-monthly basis detailing the number of incidents which have been reported including a brief summary of the nature of the issues raised in the allegation and action being taken (but without compromising anonymity in any way).
- 4.4 The last report to the Committee on whistleblowing disclosures were at the meeting on 19<sup>th</sup> January 2023 and at which the Committee was advised that since July 2022, the Council had received 3 whistleblowing disclosures. *“First was anonymous relating to the use of Council vehicle for non-work purposes. The relevant service and staff were not identified, and so no further action could be taken. The second related to alleged financial abuse in a supported living accommodation. The allegation was the subject of a safeguarding enquiry and investigation under the Care Act 2014 and there was no evidence to substantiate the alleged abuse. But further oversight enquiries are being considered. The third related to alleged impropriety in recruitment and is the subject of ongoing investigation.”* The outcome of the investigation was that the referral was not upheld, and no further action was required.
- 4.4. For the period January 2023 to December 2023, the table below shows the disclosures received, and the outcomes of investigation undertaken.

Ref No	Discloser Known	Subject Matter	Outcome
002/2023	Yes	Council employees plugging in their cars to office power supply	Following Investigation, the substance of the disclosure was upheld, practice ceased, and disciplinary action taken against responsible officers. Manager was required to advise staff that this is not an acceptable use of Council infrastructure.
003/2023	No. Anonymous	Staff smoking at entrance to Council site.	Investigation found that there was a breach of the Council's policy of no smoking policy at its premises. The findings shared with responsible Head of Service to take action to enforce the no smoking policy.
004/2023	Anonymous	Alleged financial impropriety and abuse of power at a School	Ongoing investigation
005/2023	Anonymous	Alleged abuse of position to give an advantage or favour, bias, and conflict of interest in recruitment.	Following investigation, the referral was not upheld, and no further action taken.
006/2023	Yes.	Alleged malpractice, abuse of power and inappropriate conduct at a School.	Following investigation, the referral was not upheld, and no further action taken.
007/2023	Anonymous	Concerns relating to the strategy and operations of a Council service and the professional relationship between staff and service manager.	There was no suggestion of malpractice and such that the Whistleblowing Policy will apply. However, concern referred to the responsible Director to make enquiries to see if there are any merits and action required.

4.5 Although, there are no specific themes arising from these disclosures, there is however a gradual increase in the numbers of disclosures. It does also suggest that there is an awareness of the Council's Whistleblowing Policy and Procedure.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

Not applicable.

## **6. CONSULTATION**

Not applicable

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

7.1 The recommendation aligns with the Mayor's Business Plan 2022-26 Outcome 1 Priority 4: Ensure good governance is embedded and adopt best practice.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

8.1.1 There are no financial implications arising from the recommendations.

### **8.2 LEGAL IMPLICATIONS**

8.2.1 There are no legal implications arising from the recommendations. However, the Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 ("the Act") create a framework for whistleblowing across the private, public, and voluntary sectors. The Act provides individuals in the workplace with protection from victimisation where they make a protected disclosure about malpractice or wrongdoing at work in accordance with the Act's provisions. The Council's Whistleblowing Policy and Procedure gives effect to this statutory requirement.

### **8.3 EQUALITIES IMPLICATIONS**

8.3.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advance equality of opportunity between people who share those protected characteristics and people who do not.

- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex, and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. There are no equalities implications arising from the recommendations.

## **9 APPENDICES**

Appendix 1 Whistleblowing Policy and Procedure

## **10 BACKGROUND DOCUMENTS**