

Meeting of:	Governance and Audit Committee
Date of Meeting:	Monday, 16 December 2024
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Annual Whistleblowing Report
Purpose of Report:	To provide Governance and Audit Committee with an annual update
Report Owner:	Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services
Elected Member and Officer Consultation:	There are no matters in this report that relate to an Individual Ward
Policy Framework:	This is a matter for Executive Decision

Executive Summary:

- The Council adopted the Whistleblowing Policy (the Policy) in 2014. Following a review in 2019, the revised Policy was endorsed by the Audit Committee on 3rd February 2020.
- In June 2022, the Council launched the “Speak Out” Hub on Staffnet, providing a single point of access for staff to obtain information about the Policy. The hub includes an online form for quick and easy reporting of issues, supported by a confidential Speak Out Line telephone service, ensuring a safe and confidential way for staff to report concerns covered by the Policy.
- In October 2023, a comprehensive promotional campaign was conducted to raise staff awareness of the Policy and the available reporting options. Staff awareness, understanding, and willingness to report issues are critical to the success of the Policy.
- The increase in reported whistleblowing incidents demonstrates the effectiveness of the communications and promotional efforts in raising awareness of the Policy and the legal protections afforded to whistleblowers, thereby encouraging staff to report issues. There is no discernible pattern, but recent trends indicate an increase in staff behaviours involving bullying, victimisation, and discriminatory actions. Notably, some of these pattern's stem from multiple repeated reports concerning the same individual.
- Further awareness-raising will be integrated into the Annual Staff Survey, conducted early next year, followed by a mid-year review. Progress in these cases will be tracked, with results reported to the Governance and Audit Committee before the summer recess of 2025/26.

- Since 2022/23, there has been an increasing trend in reporting. Prior to this period, there was no discernible pattern, with a low number of instances, peaking at seven in 2018/19.
- The average number of whistleblowing reports per month has significantly increased from the 2021/22 financial year to the 2023/24 financial year, rising to an average of 1.6 reports per month compared to 0.1. For the 2024/25 financial year up to 31 October 2024, the average stands at 0.9 reports per month.
- This upward trend in reporting can be attributed to greater promotion of the Policy and easier reporting via the Speak Out Hub on Staffnet and the Speak Out telephone line. A total of 41 reports have been received since its launch in 2022 up to October 2024.
- Of the 64 incidents reported since 2015/16, 13 (20%) are currently under investigation. Nine of these reports were received since 1 April 2024, three were reported during 2022/23, with the oldest dating back to March 2023. Eight (12%) reports were considered to fall outside the Policy and were addressed under other Council Policies such as the Grievance Policy.
- Of the 42 investigations concluded, 31 (74%) were not upheld. Only three (7%) of allegations were fully upheld, and eight (19%) were partially upheld. No allegations were upheld in 2023/24, with only one partially upheld. For 2024/25 to date, no allegations have been upheld or partially upheld.
- Of the 11 whistleblowing reports received during the 2024/25 financial year to date, three were related to Environment and Housing, two to Learning and Skills, one to Corporate Resources, four to Social Services, and one to Place.
- When compared to records held since 2015/16, all Directorates show an upward trend in reporting allegations, although overall numbers remain low. Most reports since 2015/16 relate to Environment and Housing, generating 25 allegations, followed by Social Services with 20 allegations.

Recommendations

1. That Governance and Audit Committee note the contents of the report.
2. That Governance and Audit Committee continue to receive a mid-year review in relation to policy implementation and incidents.

Reasons for Recommendations

3. To ensure the effective monitoring of whistleblowing incidents and staff awareness of the Policy is undertaken.

1. Background

- 1.0** The Council adopted the Whistleblowing Policy (the Policy) in 2014. The Policy was reviewed in 2019, and the revised Policy was adopted in 2020.
- 1.1** The Policy aims to ensure that Council employees are aware of their responsibility to the public and to protect individuals who may need to disclose information concerning any 'malpractice' within the Council, including any confidential information, dangers, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or a fellow employee.
- 1.2** The Policy and procedures apply to employees of the Vale of Glamorgan Council (excluding those employed at a school by a School Governing Body except those schools who have adopted the Policy), temporary employees, trainees, independent contractors, and those engaged through an agency.
- 1.3** The Policy sets out the standards expected from employees and provides a framework within which staff can make a "protected disclosure" without fear of victimisation or dismissal, provided the disclosure is made in the public interest in accordance with the Public Interest Disclosure Act 1998 (the Act).
- 1.4** Under the Act, staff can make a "protected disclosure" if they reasonably believe that the disclosure shows one or more of the following: illegal practices, failure to comply with legal obligations, the health and safety (of the public or staff), being endangered, damage to the environment, miscarriage of justice, and/or deliberate concealment of these issues.
- 1.5** The Operational Manager for Customer Relations is responsible for registering and maintaining a central record of all whistleblowing concerns, as well as monitoring the progress and outcomes of each investigation.
- 1.6** Directors are responsible for the receipt and population of the whistleblowing central register and for the effective operation of the Policy within their Directorate. This includes ensuring that each employee is aware of the Policy and how to use it, that managers are effectively trained in the Policy, and that whistleblowing concerns are appropriately recorded and managed.

- 1.7 The Governance and Audit Committee, acting through the Monitoring Officer, has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Head of Human Resources and Organisational Development is responsible for updating the Policy as needed. The Monitoring Officer is responsible for reporting to the Governance and Audit Committee in a confidential format.
- 1.8 Since June 2022, staff, managers, and internal audit have been able to report whistleblowing incidents on the Granicus GovService platform, which has become the central register for incidents. The platform records investigation progress and outcomes, with access to records strictly controlled by user access permissions.
- 1.9 In October 2023, a comprehensive promotional campaign was undertaken to raise staff awareness of the Policy and the reporting options available. This included a staff survey to assess awareness of the Policy, the legal protections available to whistleblowers, and staff willingness to report incidents and concerns.

2. Key Issues for Consideration

- 2.1 **Trends in reporting:** Since the introduction of reporting in 2015/16 there has been an upward trend in Whistleblowing allegations across all Directorates, although overall numbers remain low. Environment and Housing generated the highest number of allegations (25), followed by Social Services (20).
- 2.2 **Recent Increases:** Greater promotion of the Whistleblowing Policy and easier reporting mechanisms, simplified language (via Speak Out on Staffnet and the telephone line) have made access to t. Since the Policy's re-launch in 2022, a total of 41 reports have been received.
- 2.3 **Monthly reporting analysis and 2023/24 Trends:** During December 2023 and February 2024, there was a notable increase in Speak Out Reports, peaking at 3 in February. This was followed by a slow decline through April 2024, then a steady increase between April and August 2024. 4 reports were received in August 2024, dropping to 2 by October 2024.
- 2.4 **Financial Year Comparisons:** The average Whistleblowing reports per month have increased significantly between the 2021/22 and 2023/24 financial years:
- 2.5 **2021/2022:** Average of 0.1 reports per month
- 2.6 **2023/2024** Average of 1.6 reports per month
- 2.7 For the 2024/2025 financial year to date, the monthly average stands at 0.9 reports.
- 2.8 **Reports and Investigations:**
- 2.9 2024/2025 Financial Year (to 31 October 2024):
- 2.10 11 Whistleblowing reports have been received:

- 2.11** Environment and Housing – 3 reports; Social Services – 4 reports; Learning and Skills – 2 reports; Corporate Resources – 1 report and Place – 1 report
- 2.12 Breakdown of Report Outcomes)** Of the 64 incidents reported since 2015/16, 13 (20%) are currently under investigation. 9 of these reports were received since 1 April 2024, 3 were reported during 2022/23 with the oldest dating back to March 2023. 8 (12%) reports were considered to fall outside of the Policy and were considered under other Council Policies such as the Grievance Policy.
- 2.13 Incident Outcomes:** Of the 42 investigations concluded up to 31 October 2024 – 31 (74%) were not upheld; 3 (7%) were upheld; 8 (19%) were partially upheld. No allegations were upheld in 2023/2024; one was partially upheld. In 2024/2025 to date, no allegations have been upheld or partially upheld, though 10 investigations remain ongoing.
- 2.14** During 2022/23 11 reports were made through the Whistleblowing Policy, 5 relating to Social Services, 4 to Environment and Housing and 1 each for Corporate Resources and Place. No reports were received in relation to Learning & Skills.
- 2.15** Of 19 reports received in 2023/24, a total of 4 incidents related to Illegal Practices (including Fraud or misuse of Council assets and equipment), 8 related to failure to Meet Legal Obligations (including mishandling of funds, and employment disputes). No incidents related to Health and Safety, Damage to the Environment or Miscarriage of Justice.
- 2.16** It should be noted that previously issues reported using the Policy, but which were deemed to fall outside of Policy have not been formally recorded or reported but instead redirected and dealt with under the appropriate Policy.
- 2.17** The Council recognises the importance of being able to learn from Whistleblowing investigations to improve the specific situation and where applicable to apply this learning more widely to reduce the risk of similar issues arising. Actions arising from investigations have been included to revise and strengthen processes and procedures, improving communication with staff, undertaking staff training and instigation of disciplinary procedures (1 instance).
- 2.18** The need to promote a wider awareness of the Policy emerged as a key theme from the most recent survey results. The percentage of respondents who stated that they had heard of the Policy increased from 75% in 2022 to 92% in 2023. In addition, the number of respondents who said that they had read the Policy improved from 41% to 49%.
- 2.19** The Council recognises the vital role Trade Unions play in supporting their members who report whistleblowing concerns anonymously. In certain cases, Trade Unions have acted as intermediaries, allowing us to communicate with whistleblowers while maintaining their anonymity. This collaboration ensures that necessary information can be provided through the Trade Union representative, which is crucial for the effective investigation of Speak Out reports. Early in the new year, we will engage in discussions as part of a brief review of the forms and processes underpinning this, Policy. This review will also explore enhancements to

the online form, including in addition to the ability to freely write certain information, prompts to include certain information, for example, the date(s) the behaviours occurred, and whether it is continuing, which aids investigations.

- 2.20** The team is committed to continuous learning, and the Policy will be updated as part of an ongoing review process.
- 2.21** The key themes emerging from a review of the Whistleblowing Policy will be addressed during the next promotional campaign, and tracked through annual staff surveys, with results of a further mid-year review being reported to members of the Committee prior to the Summer recess 2025/2026.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Policy provides opportunity for staff to highlight concerns regarding the way the council works, ensuring resources are used sustainably and in a way the best benefits residents.

4. Climate Change and Nature Implications

- 4.1** The Policy provides opportunity for staff to highlight concerns regarding the way in which council activities impact on the local environment.

5. Resources and Legal Considerations

Financial

- 5.1** The Policy helps ensure that Council funds and resources are used appropriately.
- 5.2** There are significant challenges in identifying investigators who possess the necessary experience and skills. This difficulty is compounded by the fact that the market is experiencing a shortage of suitable investigators. Additionally, there is a resource impact associated with the investigation and resolution of concerns raised under the Policy. This impact is borne by directorates and Internal Audit.

Employment

- 5.3** As an employer, it is good practice to foster an open, transparent, and safe working environment where employees feel comfortable speaking up. While the law does not mandate a whistleblowing policy, having one demonstrates an employer's commitment to addressing workers' concerns. Clear policies and procedures for whistleblowing show that an organisation values and encourages the reporting of issues to management.

Legal (Including Equalities)

- 5.3** The Policy helps to ensure that any criminal activities by Council employees during their duties are detected and addressed promptly.
- 5.4** Whistleblowing legislation is outlined in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998. This law grants workers the right to take their case to an employment tribunal if they have been victimised at work or dismissed for whistleblowing.

6. Background Papers