

## LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>AUDIT AND GOVERNANCE COMMITTEE</b>	
<b>DATE OF DECISION</b>	<b>19 JANUARY 2023</b>	
<b>REPORT TITLE:</b>	<b>UPDATE ON THE WHISTLEBLOWING POLICY AND PROCEDURE</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 CABINET MEMBER FOR FINANCE</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>	REASON: N/A
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>NO</b>	
<b>WARDS AFFECTED:</b>	<b>N/A</b>	

### 1 SUMMARY OF REPORT

- 1.1 The purpose of this report is to update the Committee on the Council's arrangements for whistleblowing through the Whistleblowing Policy and Procedure and the minor amendments to be made. Effective whistleblowing arrangements should function as a deterrent to malpractice, encourage openness, promote transparency, and underpin the risk management systems of the Council. Whistleblowing is an essential safety valve within the internal control environment. The Audit Committee has a key role in the monitoring of arrangements for the proper management of risks to the Council. The report also provides an update on recent disclosures made.

## **2 RECOMMENDATIONS**

- 2.1 The Committee is asked to consider and comment on the Council's Whistleblowing Policy and Procedure and the minor amendments made.
- 2.2 The Committee is asked to note recent whistleblowing disclosures received and action taken.

## **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that the Council's Whistleblowing Policy and Procedure is regularly reviewed and updated in line with best practice and legislation.
- 3.2 To provide that independent review of the Council's governance, risk management and control frameworks.

## **4 BACKGROUND AND DETAILS**

- 4.1 The Committee Terms of Reference provides

"Governance, risk and control

To monitor the effective development and operation of the Council's risk management arrangements, the control environment and associated anti-fraud, whistleblowing and anti-corruption, strategies, actions, and resources. To consider a quarterly report on whistleblowing activity in the Council.

- 4.2 In May 2022, the Council 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. The policy has been communicated to staff and training provided to Designated Assessors in July 2022. There is a dedicated intranet webpage available here [Whistleblowing - policy documents | Croydon Intranet](#). There is also an e-learning module on whistleblowing and why it is important.
- 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). Since July 2022, the Council has 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.

- 4.4. Following the training in July 2022, 11 officers have been nominated as Designated Assessors. These have now been added on to the Policy document in tracked changes.

## **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 The Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 ("the Act") to 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.

### **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. The recommendations do not give arise to any equality's issues.

## **9 APPENDICES**

Appendix 1 Whistleblowing Policy and Procedure

## **10 BACKGROUND DOCUMENTS**