

Audit Committee

22 March 2021



Report of: Chief Internal Auditor

Title: Whistleblowing Annual Review 2020/21

Ward: Citywide

Officer Presenting Report: Simba Muzarurwi – Chief Internal Auditor

Recommendation

The Audit Committee note the outcomes from the annual review of Whistleblowing arrangements and endorse the actions being taken to address any issues identified.

Summary

The Audit Committee is responsible for ensuring that arrangements are in place for the independent investigation, and follow-up action of Whistleblowing allegations, in line with recommended best practice. A review of Whistleblowing arrangements is undertaken annually to enable the Audit Committee to exercise its governance role over Whistleblowing arrangements. Following this management put in place appropriate arrangements designed to resolve any issues identified by the audit.

The significant issues in the report are:

As Internal Audit has the responsibility for managing the Whistleblowing arrangements, an independent review has been undertaken by the South West Audit Partnership (SWAP) to mitigate against the risk of self-review. SWAP were appointed following a procurement process that involved requesting quotes from audit teams within Core Cities, SWAP, Devon Audit Partnership and councils in the WECA region. The Council does not have any commercial relationship with SWAP. The objective of the audit was to independently review the process for referring, assessing, investigating and managing potential whistle-blowing allegations and the extent to which these arrangements are clear and accessible to staff, consistent with the Council's whistle-blowing procedure. A **substantial assurance** opinion was given which is an improvement from last year's reasonable assurance opinion.

The audit did not identify any significant weaknesses and only three low priority recommendations were made. The recommendations have been accepted and will be implemented within the agreed timeline. The Whistleblowing annual review report is Appendix A of this report. Colleagues from SWAP will be in attendance to present the report and answer any questions the Committee may have.



Policy

The Council is committed to conducting its business with honesty and integrity. In this context, the Council has a Whistleblowing Procedure which is designed to ensure that employees feel able to report any concerns they may have regarding wrongdoing or dangers arising from Council activities.

Consultation

1. **Internal**
Section 151 Officer, Corporate Leadership Board
2. **External**
N/A

Context

3. The Council is committed to conducting its business with honesty and integrity and to this end it expects that all employees operate with the same honesty and integrity. In this context, the Council has a Whistleblowing Procedure which is designed to ensure that employees can report any concerns they may have regarding wrongdoing or dangers arising from Council activities.
4. An independent review of the Council's Whistleblowing arrangements has been undertaken by SWAP. Appendix A provides full details of the key findings from the audit. SWAP have provided a **substantial assurance** opinion based on the following:
 - The majority of key controls have been assessed as being in place and operating effectively.
 - Satisfaction that there are clear procedures and guidance for reporting whistle-blowing events, with appropriate mechanisms to protect whistle-blowers.
 - Referrals are investigated appropriately and recorded on a central system.
 - Monitoring and reporting is provided to management in a timely manner.
5. SWAP made three low priority recommendations which have been accepted relating to:
 - the Whistle-blowing Procedure being formally approved and subject to version control;
 - the creation of a documented procedure to provide guidance and awareness of the Whistle-blowing process for all volunteer workers and publication of successful external prosecutions to increase awareness within the organisation; and
 - summarising outcomes of investigations within the reports, which will enable thematic areas or trends to be identified.

These recommendations will be implemented within the agreed timeline considering the Audit Committee meeting cycle as reflected in Appendix A.

6. As part of continuous improvement, we also have identified the following as key priorities in 2021/22
 - Implementing the recommendations from the independent review.
 - Reviewing the scope of Whistleblowing and how it is communicated to interested parties.
 - Agreeing a protocol for Schools Whistleblowing allegations.
 - Continuously enhancing arrangements for the protection of Whistleblowers.

Proposal

7. The Audit Committee note the outcomes from the annual review of Whistleblowing arrangements and endorse the actions being taken to enhance effectiveness of processes.

Other Options Considered

8. N/A

Risk Assessment

9. Failure to define and promote Whistleblowing arrangements and for employees to have confidence in Whistleblowing arrangements could result in malpractice going undetected, financial loss and possible reputational damage to the City Council.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 8b) The recommendations have no specific bearing on equality issues.

Legal and Resource Implications

Legal

Not applicable

Financial

Not applicable

Land/Property

Not applicable

Human Resources

Not applicable

Appendices:

Appendix A – Whistleblowing Annual Review Report

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

PAS1998 Whistleblowing Code of Practice