

<b>Subject:</b>	<b>Whistleblowing update</b>		
<b>Date of Meeting:</b>	<b>12 January 2021</b>		
<b>Report of:</b>	<b>Executive Lead Officer- Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Abraham Ghebre-Ghiorghis</b>	<b>Tel: 01273 291500</b>
	<b>Email:</b>	<b>Abraham.ghebre-ghiorghis@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of the report is to update the committee on the whistleblowing policy and suggest some steps to improve the operation of the changes.

**2. RECOMMENDATIONS:**

- 2.1 That the report be noted
- 2.2 That the proposed changes as set out in this report, including the revised whistleblowing policy, a dedicated whistleblowing e-mail address, publicity to the policy and a whistleblowing template/form be agreed.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Council has had a whistleblowing policy for some 20 years. It is reviewed periodically and an update report presented to the Audit & Standards Committee. The arrangements have, overall worked well over the years with the number of cases fluctuating in in line with the level of related publicity.

**Current arrangements**

- 3.2 The current Brighton & Hove City Council's Whistleblowing Policy is attached to this report at Appendix 1. The policy encourages members of staff with concerns to raise these with their line manager. However, if they are not comfortable doing this then several key contacts are provided (Head of HR, Chief Internal Auditor/Audit Manager, s151 Officer, Monitoring Officer, and Chief Executive).
- 3.3 No dedicated whistleblowing reporting 'hotline' or email address is provided to those wishing to raise a concern.
- 3.4 A register of all whistleblowing allegations received (via HR, Legal, or Internal Audit) is maintained by the Monitoring Officer, who retains overall responsibility for corporate whistleblowing arrangements.

3.5 A quarterly whistleblowing meeting is hosted by the Monitoring Officer and is attended by representatives from the two other key stakeholders: HR and Internal Audit. This meeting is used to ensure that all relevant allegations that fall under the policy are included in the register, and monitors progress made against each allegation until a conclusion is reached and the file is agreed by all parties to be closed.

#### 4. Current trends and themes

4.1 We reviewed the range of whistleblowing cases we have had in 2019-20. The numbers and themes are set out in the following table.

2019-2020	
Theme	Total
Industrial relations	1
Allegations against a staff member(s)	2
Fraud	7
Management/processes	4
Cllr conduct	0
Bullying (cases above that include allegations of bullying)	2
<b>Total</b>	<b>14</b>

4.2 In past years, there were times when the number of whistleblowing case was near zero and in other times significantly higher. A key factor in this has been the level of publicity and awareness raising measures undertaken. There is evidence of a direct correlation between the level of publicity undertaken and the number of whistleblowing cases. Publicity included messages in payslips, council’s website, internal blogs etc. It is proposed to undertake similar publicity with the support of the Council’s comms team over the coming months. Although the number of whistleblowing cases may give a negative impression, it is actually a sign of a healthy, robust governance and a framework that enables the detection and elimination of unlawful and improper practices.

#### 5. Benchmarking

5.1 In June 2020 the Council undertook benchmarking research with neighbouring local authorities to compare:

- who was responsible for oversight of whistleblowing arrangements and maintenance of the log;
- whether a dedicated email and phone ‘hotline’ was available to facilitate internal and external referrals;
- who monitored the hotline, if this was available;
- the volume of allegations recorded in 2019/20 by each respondent and recorded on their whistleblowing log.

5.2 Five County Council’s responded detailing their arrangements. We have also included data from Orbis partners: East Sussex County Council and Surrey County Council. Note that in two cases we have included 2018/19 statistics as the latest data was not yet available. Following a suggestion at the Audit & Standards Committee, we are attempting to collect comparator data from unitary authorities,

but this has not been available at the time of publication of the report. Any data that received will be reported to the committee at the meeting.

Local Authority	Responsibility	Hotline	Who Monitors Hotline?	2019/20 referrals
Brighton & Hove City Council	Monitoring Officer	No	-	14
East Sussex County Council	HR	Yes	Internal Audit	2
Surrey County Council	HR	Yes	Navex Global	13
Essex County Council	HR	Yes	Navex Global	7
Suffolk County Council	Monitoring Officer	Yes	Internal Audit	2
Hertfordshire County Council	Monitoring Officer	Yes	Monitoring Officer	9*
West Sussex County Council	Monitoring Officer	No	-	4*
Hampshire County Council	HR	No	-	6

\*2018/19 data

- 5.3 Three other respondents allocate responsibility for maintenance of the whistleblowing log to their Monitoring Officer, as is the case at BHCC. Four respondents have HR as responsible, and two of these use an outsourced independent contractor (in these cases 'Navex Global') to receive allegations and pass these to HR. It should be noted that East Sussex arrangements are currently under review and we are working with leadership on this currently.
- 5.4 Five of the seven respondents offer a dedicated telephone and email address whistleblowing reporting tool (BHCC do not currently offer this).
- 5.5 The volume of referrals recorded on the BHCC whistleblowing log in 2019/20 is comparatively high when compared with other Authorities. It should however be noted that in 2018/19, 51 referrals were recorded via Expolink at Surrey County Council. We believe this to be a result of significant organisational restructuring and changes of leadership staffing.
- 5.6 Although current arrangements are deemed to be working well, we have seen positive results at Surrey County Council where an external independent supplier is engaged to receive whistleblowing concerns. An outsourced solution provides some benefits, including:
- Potential increases in reports;
  - increased confidence over independence;
  - callers can speak to a 'real person' 24/7;
  - ability to enter into completely anonymised correspondence with the complainant via an intermediary, which may assist with gaining valuable follow up intelligence;
  - access to reporting tools thus saving administrative time.
- 5.7 The exact costs of outsourcing receipt of whistleblowing reporting is not known, however this is believed to be in the region of £5k pa.

5.8 For the time being, it is suggested that a dedicated whistleblowing email address is introduced and built into the Policy (whistleblowing@brighton-hove.gov.uk). This would also provide an opportunity to promote the new arrangements to staff. It is proposed that the dedicated whistleblowing e-mail is monitored by Internal Audit.

## **6. Accessibility**

6.1 It is proposed that the Council's Whistleblowing Policy is put in a more prominent place on the Council's website so that potential whistle-blowers can find it easily. It is also proposed to provide a whistleblowing form similar to the one for Member complaints. The suggested form with accompanying text is attached as Appendix 2.

## **7. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

7.1 It is possible to take no action, but that risks the arrangements becoming ineffective. The option of an external Whistleblowing service is an alternative, but the cost implications make this not advisable at this stage.

## **8. COMMUNITY ENGAGEMENT & CONSULTATION**

8.1 There has been no engagement or consultation with the community, but we can invite comments/suggestions in the next review.

## **9. CONCLUSION**

9.1 The proposed changes and publicity will improve the operation of the Council's whistleblowing policy and are recommended.

## **10. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

10.1 There are no direct financial implications arising from this report. Any costs arising from the proposed changes would be met within existing resources.

*Finance Officer Consulted: Name Peter Francis*

*Date: 04/01/21*

### Legal Implications:

10.2 The proposed changes will contribute to better governance and compliance with legal requirements as well as assisting the Council in discharging its duty of best value under the Local Government Act 1999.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 29/12/2020*

### Equalities Implications:

10.3 There are no adverse equalities implications arising from the report. An effective whistleblowing policy contributes to tackling discrimination by making it easier to report allegations in confidence.

Sustainability Implications:

10.4 There are no adverse sustainability implications arising from this report

Brexit Implications:

10.5 None

Crime & Disorder Implications:

10.6 The proposals in the report will help ensure better effectiveness of the whistleblowing policy and contribute to tackling fraud and other forms of illegal behaviour.

**SUPPORTING DOCUMENTATION**

**Appendices**

1. Whistleblowing Policy
2. Whistleblowing reporting form

**Background Documents**

None

