

Slough Borough Council

Report to:	Standards Committee
Date:	20 March 2025
Subject:	Whistleblowing annual report
Chief Officer:	Sukdave Ghuman - Monitoring Officer
Contact Officer:	Sarah Wilson – Assistant Director Legal and Governance
Ward(s):	All
Exempt:	No
Appendices:	None

1. Summary and Recommendations

- 1.1 The purpose of this report is to provide members with an annual update in relation to the Council's whistleblowing arrangements.

Recommendations:

The Committee is recommended to:

1. Note the contents of this report

Reason:

The Whistleblowing Code provides for the Monitoring Officer to review the Council's whistleblowing arrangements annually. It is considered best practice in many authorities for the relevant member committee to receive an annual report in relation to whistleblowing. The provision of an annual report to the committee increases the profile of whistleblowing across the Council and affords the opportunity to highlight areas of good practice and identify any requirements for improvement. This is particularly important for a council in intervention where there may be issues of trust with both staff and residents.

Commissioner comments

"The committee should receive an annual report to allow any intelligence, trends or issues to be considered. The audit follow up report (February 2023), indicated that the Council had demonstrated progress in improving its whistleblowing practices, however identified issues that were evident at the time that needed to be improved and limitations of scope. No amendment to the code is proposed at this stage and the number of concerns raised from the last report remains low. As such it is difficult to draw conclusions; a very low number may indicate a lack of confidence in whistleblowing arrangements or a low number of problems.

The committee should seek assurance that the current whistleblowing code and procedures are effective and robust in maintaining the highest standards of

openness, honesty and integrity to prevent and detect; fraud, bribery, corruption, non-compliance with legislation and maintains public confidence in the Council's adopted procedures. The committee can make recommendations as may be necessary to other committees and or to Council on the whistleblowing code and procedures."

2. Report

- 2.1 The Whistleblowing Code was last amended in 2022. It has been reviewed and it is not recommended that any further changes are made to it, aside from removing reference to the former Leader of the Council in the introduction section and replacing this with reference to the Chief Executive and Monitoring Officer. The Code provides a mechanism for current and former employees, interim staff, contractors and suppliers, volunteers, elected members and the public to raise issues of concern where they relate to potential criminal conduct or other failures to comply with legal obligations. The Council's former internal auditors, RSM, conducted a follow up audit in 2022/23, reporting in February 2023. In the previous audit only a partial assurance opinion was provided. The review found that the Council has demonstrated in improving its whistleblowing practices. This has included increased communications, the agreement of reporting arrangements and evidence of initial enquiries being completed for concerns raised.
- 2.2 In terms of internal controls, the audit noted that the following controls were adequately designed and operating effectively:
- (a) Guidance for staff – The Code was published on the Council's website and intranet pages and there had been regular communication to staff on its existence. Whistleblowing guidance was accessible and information outlined how to raise concerns and highlighted prescribed individuals.
 - (b) Training content – there is a whistleblowing module in the Council's e-training for staff. This defined whistleblowing, referenced relevant regulations and legislation, outlined the type of concerns to be raised and ended with a ten question assessment. In person training had been delivered to senior managers which also highlighted avenues available to staff to raise concerns.
 - (c) Culture improvement – the Corporate Plan 2022-25 contained two themes of leadership and culture and governance which linked to whistleblowing. There was evidence of promotion of the Council as a learning organisation in the Chief Executive's staff roadshows and improvement and recovery plans.
 - (d) Reporting arrangements – an annual report was to be provided to the Standards Committee to include all reported whistleblowing concerns. A review of the report to Standards Committee in July 2022 demonstrated appropriate reporting and changes to the Code were agreed by Full Council.
 - (e) Whistleblowing cases – a review of documented concerns showed that initial enquiries were completed where relevant and in line with timescales, with appropriate reporting to stakeholders. Conclusions not to proceed with formal investigations were supported by the outcomes from initial enquiries and agreed through correspondence with those involved.

2.3 The audit resulted in three medium and two low priority actions as set out below:

- (a) Confidential Whistleblowing Code – The Council’s website has the up to date Code. This action has been completed.
- (b) Whistleblowing training compliance – CLT continue to have reports on compliance with mandatory training. There are low levels of completion in some directorates and a review has been undertaken as to whether it is necessary to run training on an annual basis. In the 2024 staff survey, 90.9% of staff responded positively to the question asking whether they are aware of the whistleblowing policy and procedures, therefore there does not appear to be a significant issue with understanding of whistleblowing.
- (c) Temporary / Contractor staff training –The Code of Conduct for Employees has been reviewed and amended to a Code of Conduct for Officers. This Code emphasises officers’ personal responsibility for reporting concerns, whether these relate to criminal wrongdoing, health and safety or bullying or harassment. The Whistleblowing Code is open to staff, contractors and elected members.
- (d) Staff survey – the staff survey in 2024 asked questions about awareness of the whistleblowing policy and procedures (90.9% positive), whether staff knew where to go to report bullying, harassment or discrimination (83.3% positive), feeling confident to raise concerns about inappropriate behaviour and it being taken seriously (75.75% positive) and feeling safe to speak up and that their voice would be heard (64.3%).
- (e) Whistleblowing cases – Democratic Services monitor the Monitoring Officer email box to ensure any referrals are picked up promptly.

2.4 The number and nature of whistleblowing concerns raised in 2024/25 are shown below:

Since the last report, 4 complaints have been raised.

Complaint 1 – In February 2024 a former employee raised concerns in relation to institutional racism, culture, member development, leadership and community assets. The individual was asked to confirm whether any of the allegations came within the whistleblowing code in relation to the following categories:

- (i) *criminal offences;*
- (ii) *failure to comply with an obligation set out in law;*
- (iii) *miscarriages of justice;*
- (iv) *endangering of someone’s health and safety;*
- (v) *damage to the environment;*
- (vi) *deliberate concealment of any of the above.”*

The individual did not request that any specific matters were investigated under the Code and did not provide further information to allow investigation. New senior officers met with the individual to discuss his concerns and this information has been taken into account in the ongoing work on workforce strategy and culture.

Complaint 2 – In January 2025 an anonymous complaint was made to the Monitoring Officer email. The complaint related to the alleged misuse of the expenditure control panel processes and mis-coding of costs associated with staffing. The Head of Internal Audit was asked to conduct an initial review to determine whether there was any information to support a formal investigation. Checks were made of records,

including recruitment processes, finance records and ECP reports and minutes and no evidence was found to support the allegation. It was therefore decided that no further action was necessary and this was communicated to the anonymous email account of the whistleblower.

Complaint 3 – In February 2025 a submission was received in the Monitoring Officer using the staff whistleblowing form. The content related to health and safety concerns in relation to the functioning of toilets and appeared to be intended for facilities management. The email was referred to the relevant team for action.

Complaint 4 – In March 2025 an elected member submitted information in relation to allegations of corruption in the housing department. The information had been provided to the elected member via a resident who wished to ensure anonymity prior to contacting the Council. The elected member has been provided with contact details for the resident to utilise and a commitment to anonymity. At this stage, no further details have been provided and there is insufficient information to determine whether an investigation is warranted.

Review of current practice

- 2.6 Whistleblowing is the term used when an employee passes on information concerning wrongdoing. An employee is protected in law from being subjected to detriment or dismissed on the basis of whistleblowing if they reasonably believe that they are acting in the public interest and they reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into prescribed categories.
- 2.7 The DBEIS guidance recommends that employers should have clear policies and procedures for dealing with whistleblowing, which will help demonstrate that the organisation welcomes information being brought to the attention of management. This is demonstrated by the following:

- Recognising workers are valuable ears and eyes – getting information can prevent wrongdoing, which can negatively impact on performance and in extreme cases prevent people from harm and death

Council response: The staff survey results indicate a good knowledge of the policy and procedures and improved results in terms of feeling confident to raise issues of concern, however there is a lower level of confidence in speaking up and feeling that their voice is heard. The Council's workforce strategy and action plan will include steps to introduce a "speak up" campaign and to introduce additional training for a small volunteer of staff to be upskilled by ACAS as 'fair treatment ambassadors'. These staff will be on hand to listen to staff and where required signpost staff on how to raise concerns. In addition, we will be supporting staff to train as mediators, to help resolve issues locally. Further detail will be reported to the Employment Committee.

- Getting the right culture – the lack of a supportive culture will be a barrier to disclosures, firstly because workers may fear reprisals and secondly that no action will be taken in response to the disclosure.

Council response: It is positive that the staff survey results have improved in terms of staff confidence to report concerns, however more work is required to

ensure that all staff feel confident to raise concerns. The Council also needs to regularly ask staff about their understanding of the policy and procedures and confidence with using it to ensure it is aware of any changes over time, this will be addressed through the Line Manager training, ensuring line managers are upskilled in their understanding of key HR policies and wider staff comms will also routinely remind staff of any policy updates.

- Training and support – training, mentoring, advice and support systems should be in place to ensure workers can approach a range of people within the organisation

Council response: the Council has mandatory training in place, which appears to be effective. It also has advice and support systems, however the fact that some staff do not feel safe in raising concerns and having their voice heard demonstrates that more work is required. As set out in the paragraphs above, the introduction of Fair Treatment Ambassadors will support staff to feel safe to raise a concern.

- Being able to respond – prompt investigation and where appropriate feedback is in the interests of the organisation

Council response: there has been a limited number of referrals. The one complaint dealt with formally via the whistleblowing code was dealt with promptly and within policy timescales. Clear reasons have been given where a decision has been made not to commission a formal investigation and complainants are encouraged to submit further information where available. With such low numbers of complaints it is difficult to draw out themes.

- Better control – embracing whistleblowing will ensure that managers have better information to make decisions and control risk

Council response: the Council encourages staff to use the whistleblowing code where appropriate and communicates this via mandatory training. Many staff may also feel confident raising concerns in other ways and therefore a low level of referrals under this policy does not indicate a poor culture or inability to access the procedure.

- Resolving the wrongdoing quickly – the benefits of internal disclosures are that there is an opportunity to act promptly and put right any wrongdoing.

Council response: the Council has not needed to commission any formal investigations to respond to complaints, however the one matter that was dealt with under the code was dealt with promptly. For one other referral, a meeting was held with senior officers to ensure any learning and experiences were captured. Where whistleblowing indicates a lack of understanding of process, the Council will take steps to improve the guidance available both to staff and to the wider public. The Council will also consider other information and avenues to consider improvements required. For instance the concerns raised in relation to equality issues and culture helped inform an LGA equality peer review.

3. Implications of the Recommendation

3.1 Financial implications

- 3.1.1 Encouraging staff to raise concerns will help ensure the Council meets its best value duties and delivers safe, lawful and value for money services.

3.2 Legal implications

- 3.2.1 Employees and other certain types of workers are provided with protection when whistleblowing under the Employment Rights Act 1996. The protection is from being dismissed or subjected to a detriment because they have made a protected disclosure (blown the whistle). There are a number of conditions which an individual must fulfil in order to qualify for the protection. There must be a disclosure of information which the individual reasonably believes tends to show that one or more of six specified types of malpractice or failure has taken place. The individual must also have a reasonable belief that the disclosure is in the public interest. Further, the disclosure must be made to one of the categories of people listed in the Act, one of which is their employer.

3.3 Risk management implications

- 3.3.1 Having effective systems in place to allow councillors and officers to raise whistleblowing concerns is a critical part of the Council's risk management systems. By improving the policy, procedures and culture to allow for concerns to be raised and acted upon, the Council will reduce its risks of fraud, being the victim of criminal offending, permitting or allowing a criminal offence to be committed, failing to comply with the law, endangering someone's health and safety, damaging the environment and individuals or organisations deliberately concealing any wrongdoing.

3.4 Environmental implications

- 3.4.1 None, although damage to the environment is listed as a category of wrongdoing.

3.5 Equality implications

- 3.5.1 Section 149 of the Equality Act 2010 requires public bodies to pay due regard to the need to
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and those who do not.
- 3.5.2 Failing to comply with an obligation set out in law is covered as a category of wrongdoing. By having in place an effective system for whistleblowing, individuals can raise concern that the Council is not properly complying with its equality duties.

4. Background Papers

None.