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## Chelmsford City Council Governance Committee

31 October 2022

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### Annual Whistleblowing Report

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#### Report by:

Director of Connected Chelmsford

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#### Officer Contact:

Lorraine Browne, Legal and Democratic Services Manager, tel: 01245 606560,  
email: [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk)

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#### Purpose

To provide an annual update to members of the Governance Committee on the operation of the Council's Whistleblowing Policy and Procedure.

#### Recommendations

1. To note the contents of the report as regards complaints received.
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#### 1. Background

- 1.1. The Council's Whistleblowing Policy and Procedure was first introduced in October 1997. Since that time the policy has been updated and reviewed periodically to ensure it is compliant with any changes in legislation or guidance.
- 1.2. The policy establishes a system whereby employees of the Council, including agency workers, consultants, users of its services, members of the public and Councillors, are able to report suspected wrongdoing. By doing so the Council

publicly declares that, it does not tolerate malpractice or fraudulent activities in the operation of its services.

- 1.3. The Council's Whistleblowing Policy highlights the legal protection for workers who "blow the whistle" (i.e. the 'Whistleblower') and ensure that they do not suffer any recriminations, victimisation or harassment as a result of raising a concern with the Council. An employee who makes a protected disclosure benefits from legal protection if they have a reasonable belief that the issue being raised is in the public interest.
- 1.4. Employees are protected under the Public Interest Disclosure Act 1998 as amended, which means that the Council cannot discriminate against them because they made such a complaint. That protection is not subject to any qualifying period of employment and is referred to as a 'day one' right in employment law. The principles of protection are also applied to non-employees under the Council's Whistleblowing Policy and Procedure.
- 1.5. The Council's appointed Whistleblowing Officer is the Director of Connected Chelmsford. However, the day-to-day management and handling of issues raised is dealt with by the Legal & Democratic Services Manager or, in their absence, the Human Resources Services Manager. Both have delegated authority to receive and investigate complaints under the procedure whilst safeguarding the confidentiality of the complainant as far as is possible. Normally this means the identity of the whistleblower will only be known by the officer managing the complaint and any investigator. All complaints raised are fully considered and dealt with swiftly.
- 1.6. In many cases the issue raised is not strictly a whistleblowing matter but a complaint about a service received from the Council. In those cases the matter is passed to the relevant department to resolve direct with the complainant. This is noted on the papers and is then dealt with outside the Whistleblowing procedure.
- 1.7. As is best practice an annual report is made to the Governance Committee regarding the issues addressed. The last such report was made in 2021 and this report provides the update since that time. As part of this year's review the Council's existing Retention and Destruction Policy has been considered in relation to Whistleblowing complaints. The retention period for ordinary complaints has been applied to Whistleblowing complaints which means that records are kept for 6 years after matters are completed.

## 2. Position Update and Analysis

2.1. The table below provides a history of the number of whistleblowing reported cases received over the previous years:

Year	Number of complaints received
2012 - 2013	6
2013 - 2014	13
2014 - 2015	12
2015 - 2016	10
2016 - 2017	13
2017 - 2018 (to Oct 2017 only)	8
2018-2019 ( to Oct 2018 only)	13
2019 (October 2018 – December 2019)	5
2020 (January - October 2020)	5
2021 (November 2020 to November 2021)	12
2022 (December 2021 to September 2022)	5

2.2. A summary of the complaints received since November 2021 are set out below. Members are reminded that further information cannot be provided due to the confidentiality protection to which whistle blowers are entitled. 1 email contact was not a valid whistleblowing complaint but a request for information. 2 alleged involvement/responsibility by CCC but upon investigation did not directly involve CCC and were the responsibility of a 3<sup>rd</sup> party. Appropriate follow up action with those third parties was taken. The remaining 2 reports alleged wrongdoing by staff. Both reports were investigated and action taken as appropriate. One of the reports also involved a service complaint element which was also dealt with appropriately.

**How they were processed**

No public interest dimension so could not be dealt with as a WB complaint, or was instead assessed and investigated as a service complaint	0
Assessed and investigated as a whistleblowing complaint.	2
Not capable of resolution by the City Council (i.e. outside our jurisdiction)	2

2.3. It is apparent that both staff and members of the public have confidence in the Council and are willing to raise concerns. The electronic facilities for logging complaints through the dedicated whistleblowing mailbox and through website forms remain the preferred method of communication. The publicity arrangements for whistleblowing also appear to be embedded and working well.

2.4. Every effort is made to maintain confidentiality where requested. When this is not possible complainants are advised and provided with the reasons. Complainants' details are not disclosed until they are made aware of how they will be used. This allows officers to follow up on concerns raised and to provide progress updates and feedback when a case is concluded. This approach instils trust and confidence in the arrangements in place and fosters a relationship of openness and accountability.

2.5. The policy forms an essential part of newly appointed staff induction training and contained in the information pack issued. It is easily accessible on the Council's intranet and internet sites. Posters are also placed on staff notice boards to remind them about their responsibilities and the importance of whistleblowing at work. Periodic reminders are also issued to remind and update staff.

2.6. The Council's Whistleblowing Policy and Procedures can be easily accessed through our website.

**3. Conclusion**

3.1. Members of the Governance Committee are asked to note the details as to the complaints received for the latest annual review.

List of appendices: None

Background papers: None

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### Corporate Implications

Legal/Constitutional: The legislative requirements are addressed in the report

Financial: None, although the process enables reporting of potential fraudulent activities and malpractices that may affect the financial position of the Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: The process underpins the promotion of a culture of openness and transparency and creates an environment where whistleblowing is encouraged and supported.

Risk Management: The process assists to minimise the risk of malpractice and fraud within the Council

Equality and Diversity: The policy and procedure has not changed so no impact assessment is required

Health and Safety: Establishment of whistleblowing procedures ensures that both Council employees and users of its services are able to confidentially report matters of concern (including those with H&S implications) and for these to be proactively addressed.

Digital: None

Other: None

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### Consultees:

None

**Relevant Policies and Strategies:**

The report takes into account the following policies and strategies of the Council:

- Whistleblowing Policy and Procedure
  - Fraud and Corruption Strategy
  - Anti-bribery Policy
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