

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee **DATE:** 30 July 2019

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WARD(S): All

PART I **FOR INFORMATION**

SCHEDULE OF ACTIVITY – WHISTLEBLOWING COMPLAINTS

1 **Purpose of Report**

The purpose of this report is to update members of the Committee on the activity undertaken by the Council's Monitoring Officer in relation to Complaints received under the Confidential Whistleblowing Code.

2 **Recommendation(s)/Proposed Action**

The Committee is requested to note this report.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The delivery of all these strategic priorities is dependent on the highest possible standards of openness, honesty and accountability. This is underpinned by The Confidential Whistleblowing Code and good governance arrangements being in place.

4 **Other Implications**

(a) **Financial**

There are no financial implications arising from this report.

(b) **Human Rights Act and Other Legal Implications**

The law relating to Whistleblowing is contained in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

(c) **Equalities Impact Assessment**

There is no identified need for an EIA arising from the subject matter of this Report.

5 Supporting Information

- 5.1. The Committee at its meeting on 20 September 2018 received a report on the number and status of recent and current whistleblowing complaints and investigations. That report identified two complaints which remained undetermined at that date of that report. Since that date two further complaints have been received. The position on these complaints is summarised below in paragraph 5.4.
- 5.2 “Whistleblowing” is the term used when an employee passes on information concerning wrongdoing. The Council’s Whistleblowing Code also applies to members of the public.
- 5.3 The Code aims to encourage people to use the process with confidence so that legitimate concerns can be raised and addressed by the Authority so that standards can be improved within the organisation.
- 5.4 The following table sets out summary details on whistleblowing complaints since the last report to the Committee on this matter on 20 September 2018, their subject matter, actions taken and the outcome.

Ref	Complainant	Subject Matter	Action	Outcome
2018/D	Resident of the Borough	The Complaint alleges that the Council could be aiding and abetting suspected criminals being investigated by the Serious Fraud Office in connection with the proposed purchase of a property by the Council and that the matter was being investigated by the Police.	The Monitoring Officer after enquiries was satisfied that no police enquiries were being pursued. Assurance was also obtained that the Council’s external Solicitors acting on the purchase had carried out due diligence on the vendors and no matters of concern had been found.	Determination that no further action to be taken.
2018/E	Member of the Council	Verbal allegation that a payment was offered to another Member with the implication that the person who offered the payment would secure a	Investigation by the Monitoring Officer that established that there was no cause for concern.	Determination that no further action to be taken.

		<p>favourable decision from the Council on a planning matter.</p>		
2018/F	<p>Former employee of the Council in an educational setting who resigned their position.</p>	<p>The complaint alleged wrongful concerted action on the part of officers responsible for overseeing performance issues in the educational setting to procure the complainant's dismissal, based upon allegedly unjustified complaints about the performance of the complainant in their role.</p>	<p>The Monitoring Officer invited the complainant to provide specific evidence of conduct by officers which would constitute conduct meriting investigation within the terms of the Whistleblowing Code. The complainant failed to do so and indicated that the matter would be pursued by alternative means.</p>	<p>Determination that no further action was merited.</p>
2019/A	<p>Former employee of the Slough Children's Services Trust</p>	<p>A former employee of the Slough Children's Services Trust alleged to the Chief Executive, through Solicitors, that they were unfairly dismissed by the Trust because they were wrongly identified as the source of an anonymous complaint about critical discussions amongst staff about the work culture at the Trust. The complainant</p>	<p>Chief Executive advised to respond to say that as the complainant was an employee of the Trust and not of the Council any claim for unfair dismissal could only properly be made to the Trust and not to the Council. Chief Executive and Director for Children, Learning &</p>	<p>Follow up to be tabled to obtain assurance about soundness of processes at Slough Children's Services Trust for dealing with whistleblowing complaints.</p>

		threatened an unfair dismissal claim against the Council.	Skills advised of allegation by the former employee that they were told by Management that the reason for their dismissal was for whistleblowing Chief Executive and Director for Children, Learning & Skills advised to seek assurance that processes for dealing with Whistleblowing complaints at the Trust are sound.	
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6. **Conclusion**

The Committee is asked to note the contents of this report.

7. **Background Papers**

None.