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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES AND MONITORING OFFICER**

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**WHISTLEBLOWING REPORTS 2021-22**

**APPENDIX A IS EXEMPT FROM PUBLICATION PURSUANT TO THE LOCAL GOVERNMENT ACT 1972, SCHEDULE 12A, PART 4 PARAGRAPHS 13 & 14; AND APPENDIX B IS EXEMPT FROM PUBLICATION PURSUANT TO THE LOCAL GOVERNMENT ACT 1972, SCHEDULE 12A, PART 4 PARAGRAPH 14**

**Reason for this Report**

1. To allow the Committee to consider reports made under the Policy during 2021-22 and any ethical issues arising.

**Background**

2. Whistleblowing is a phrase used to describe circumstances where a person believes that there is something so seriously wrong that he, or she, must disclose information in a manner which will draw attention to it in the public interest.
3. The Public Interest Disclosure Act 1998 ("PIDA") gives workers (including contractors' staff, certain agency staff, work experience trainees and homeworkers) certain protection if they make what are termed "qualified disclosures". A 'qualified disclosure' is made if the information disclosed relates to one of the following matters:
  - A criminal offence
  - A breach of a legal obligation
  - A miscarriage of justice
  - A danger to the health or safety of any person
  - Damage to the environment
  - Deliberate concealment of information about any of the above
4. The Whistleblowing Policy sets out the arrangements adopted by the Council aimed at ensuring that workers are able to raise concerns about danger, risk, malpractice or wrongdoing within the Council, in the public interest, without fear of adverse consequences. The Policy explains the statutory protection

available to workers under the Public Interest Disclosure Act 1998, and is intended to encourage and enable workers to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

5. The Standards & Ethics Committee has responsibility to 'oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising' (paragraph (e) of the Committee's terms of reference).
6. The Whistleblowing Policy was substantively revised on the recommendations of this Committee, and approved by Cabinet in October 2014. Since then, a number of minor amendments have been made by the Monitoring Officer under her delegated authority, for example, to clarify the position of schools staff (Policy paragraph 2.5) and to update the Contacts List at the end of the Policy.
7. At its meeting on 6<sup>th</sup> October 2021, the Committee considered a report on whistleblowing reports made during 2020, with brief details of the concerns raised and outcome in each case.

## Issues

8. In order to 'oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising', the Committee is provided with an annual report on the number of whistleblowing reports notified to the Monitoring Officer under the Whistleblowing Policy, the type of concerns raised and the outcomes in each case. The number of whistleblowing reports recorded in 2021, along with comparative numbers for previous years, is set out below:

<b>YEAR</b>	<b>NUMBER OF WHISTLEBLOWING REPORTS</b>
2016	4
2017	3
2018	1
2019	6
2020	2
<b>2021</b>	<b>3</b>

9. In Cardiff, the number of whistleblowing reports has historically been reported to the Committee on the basis of a calendar year (as shown in the table above). However, for consistency with other Council reporting cycles, including annual audit arrangements and the Committee's annual report, it is proposed to change the reporting cycle henceforth to the financial year, starting 1<sup>st</sup> April and ending on 31<sup>st</sup> March.
10. To facilitate the transition to the new financial year reporting cycle, this report provides the Committee with information on whistleblowing reports made during the period running from 1<sup>st</sup> January 2021 until 31<sup>st</sup> March 2022, in which a total of 4 reports were made (3 being within the financial year 2021/22). Further information on the concerns raised and the outcomes in each case are set out in **Appendix A (Exempt from publication)**.

11. Comparative data on the number of whistleblowing reports recorded by other Welsh Local Authorities during 2021/22, which has been shared on a confidential basis, is set out in **Appendix B (Exempt from publication)**.
12. The Committee should note that a substantive review of the Policy is being carried out, taking account of recommendations made by Internal Audit following its review of the Council's whistleblowing arrangements, as well as other issues identified through operational experience. A draft revised Policy has been prepared for consideration by the Council's Senior Management team, and is scheduled to be reported to the Committee's next meeting. A training and communications plan will be reported to Committee for consideration along with the updated Policy.

### **Legal Implications**

13. There are no direct legal implications arising from the recommendations of the report.

### **Financial Implications**

14. There are no direct financial implications arising from this report.

## **RECOMMENDATIONS**

The Committee is recommended to note the information set out in the report and **Appendix A** in respect of whistleblowing reports made under the Policy during the period running from 1<sup>st</sup> January 2021 to 31<sup>st</sup> March 2022, and make observations about any ethical issues arising, as considered appropriate.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

3 February 2023

### **Appendices**

- Appendix A - Whistleblowing Reports 2021-22 **EXEMPT FROM PUBLICATION**
- Appendix B - Comparative data from other Welsh Local Authorities on Whistleblowing Notifications 2021/22 - **EXEMPT FROM PUBLICATION**

#### Background papers

Cabinet report, Whistleblowing Policy, 9 October 2014 [Revised Whistleblowing Policy \(143k\).pdf \(moderngov.co.uk\)](#)

Report of Monitoring Officer to the Standards & Ethics Committee - 'Whistleblowing Reports 2020', October 2021 [CARDIFF COUNTY COUNCIL \(moderngov.co.uk\)](#)