

## Report on Whistleblowing for the Municipal Year 2022-23

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### Purpose of the Report

1. To provide the Audit Committee with a summary of Whistleblowing disclosures recorded during 2022-23.

### Public Interest

2. This report covers the operation of the Council's Whistleblowing Policy during the municipal year 2022-23 (to 12 March). The purpose of the Policy is to ensure that employees of the Council are aware of their responsibility to disclose information concerning any 'malpractice' within the Council appropriately and at the earliest opportunity and to protect individuals who do so in accordance with the Policy from unfair treatment. It is important for local authorities to have a robust policies in place and to monitor their operation to ensure the efficient and proper delivery of services and to protect the public purse.

### Recommendation

That the Audit Committee note the report

Reason for Recommendation: To ensure effective monitoring of whistleblowing incidents is undertaken.

### Background

3. The Council first adopted a Whistleblowing Policy in 2015. The Policy was updated in December 2021. This Policy provides an opportunity for all workers to highlight concerns regarding the way SSDC works, ensuring resources are used sustainably and in a way that best benefits residents.
4. The Employment Rights Act 1996 (ERA) offers protection to employees who make "protected disclosures" (commonly referred to as "whistleblowing") and a key purpose of any whistleblowing policy is to provide a protective framework within which employees are enabled and encouraged to report serious concerns about wrongdoing at work to enable the Council to address those concerns. The South Somerset District Council (SSDC) Whistleblowing Policy applies to all workers, including workers who undertake activities on SSDC's behalf, such as employees;

locum, agency and casual staff; volunteers and work experience students. In addition, SSDC applies the principles of the Policy to elected Members, contractors, partner organisations and members of the public.

5. In general terms, protected disclosures under the ERA cover:
  - criminal offences
  - failure to comply with legal obligations
  - miscarriages of justice
  - health and safety risks likely to cause danger
  - damage to the environment (e.g. land, water, air, waste, energy, natural habitat) and
  - the deliberate concealment of a matter relating to any of the above.

To qualify for protection under the ERA, a worker must disclose the information to their employer and reasonably believe it to be true. SSDC's reporting and investigatory procedure is set out in sections 8 – 10 of the Policy.

6. Although the requirements set out in the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 are not directly applicable, it seems sensible to apply the reporting content provisions set out in regulation 5. Accordingly, this report sets out the following information for the year 2022-23, without including any information that would identify a worker who has made a disclosure of information or any person in respect of whom a disclosure of information has been made:
  - (a) the number of workers' disclosures received that are reasonably believed to be qualifying disclosures within the meaning of section 43B of the ERA;
  - (b) the number of those disclosures in relation to which further action was taken;
  - (c) a summary of the action taken in respect of those workers' disclosures.

### **Disclosures in 2022-23**

7. No new disclosures were received in 2022-23.
8. SSDC recognises the importance of being able to learn from disclosure investigations not only to deal with specific situations, but also to learn and apply any lessons more widely to reduce the risk of similar issues arising. As a result of the disclosures made in 2021-22, action has been taken to revise and strengthen processes and procedures, improve communication with staff and ensure they are appropriately trained. A revised Employee Code of Conduct was introduced during 2022-23 and the associated mandatory training has been completed by the majority of staff.



9. Currently, there are no publicly available compiled statistics for local authority whistleblowing incidents so it is not possible to ascertain whether the level of reporting for SSDC is comparable with similar authorities.

### **Financial Implications**

There are no financial implications arising from the recommendation.

### **Council Plan Implications**

There are no Council Plan implications arising from the recommendation.

### **Carbon Emissions and Climate Change Implications**

There are no carbon emissions and climate change implications arising from the recommendation.

### **Equality and Diversity Implications**

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No

### **Background Papers**

- South Somerset District Council Whistleblowing Policy
  - Department for Business Innovation & Skills - Whistleblowing – Guidance for Employers and Code of Practice (2015)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf)
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