



Department for  
Business, Energy  
& Industrial Strategy

# WHISTLEBLOWING PRESCRIBED PERSONS ANNUAL REPORTS 2018/19

Compilation of the 2<sup>nd</sup> annual reports by whistleblowing Prescribed Persons covering the 2018/19 reporting period under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

PART 1 (A-H)

January 2020



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# Contents

Introduction	5
The Duty to Report	5
Annual Reports 2018/19: Part 1 (A-H)	7
Audit Scotland	8
<i>Accounts Commission (Scotland)</i>	
<i>Auditor General for Scotland</i>	
Auditor General for Wales (Wales Audit Office)	10
The Bank of England	12
Care Inspectorate (Social Care and Social Work Improvement Scotland)	17
Care Quality Commission	22
Certification Officer	25
Charity Commission for England and Wales	27
Chief Executive of the Criminal Cases Review Commission	29
Chief Executive of the Scottish Criminal Cases Review Commission	31
Children's Commissioner	35
Children's Commissioner for Wales	37
Civil Aviation Authority	39
Commissioner for Children and Young People in Scotland	41
Commissioner for Ethical Standards in Public Life in Scotland	42
Commissioners for Her Majesty's Revenue and Customs	44
Competition and Markets Authority	46
National Audit Office (Comptroller and Auditor General)	48
Director of the Serious Fraud Office	57
Environment Agency	59
The Financial Reporting Council Limited and its Conduct Committee	67
Food Standards Agency	69

---

Food Standards Scotland	72
Gas and Electricity Markets Authority (Ofgem)	73
Healthcare Professional Regulators	81
<i>General Chiropractic Council</i>	
<i>General Medical Council</i>	
<i>General Dental Council</i>	
<i>General Optical Council</i>	
<i>General Osteopathic Council</i>	
<i>General Pharmaceutical Council</i>	
<i>Health and Care Professions Council</i>	
<i>Nursing and Midwifery Council</i>	
Health Education England	104
Health and Safety Executive	106
Healthcare Improvement Scotland	108
Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted)	109



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# Introduction

Under the whistleblowing framework<sup>1</sup>, a worker will qualify for legal protection against detriment or unfair dismissal if they make a whistleblowing disclosure which they reasonably believe is in the public interest and shows one or more types of wrongdoing.

To qualify for the protections, the worker must generally make their disclosure either to their employer, a legal adviser, Minister of the Crown or to a 'prescribed person'<sup>2</sup>. Prescribed persons are most often organisations with a regulatory responsibility for a sector, or for the type of wrongdoing that is being disclosed.

Whistleblowers will often contact prescribed persons rather than their employer if they feel unable to make a disclosure to their employer or if they feel that no action has been or will be taken. In so far as their statutory functions beyond the whistleblowing legislation permit, prescribed persons can encourage organisations they oversee to have whistleblowing policies in place and assist in ensuring the arrangements are effective.

In a 2013 Call for Evidence, the Government found that whistleblowers did not have confidence that their reports to prescribed persons were being investigated. To address this, the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 were introduced. These require certain prescribed persons to report annually on selected information relating to the whistleblowing disclosures that they have received from 2017.

The first set of reports for 2017/18 were published in 2018. The second set of annual reports for the 12 months from 1 April 2018 to 31 March 2019 were due for publication by prescribed persons by 30 September 2019.

BEIS stated that it would collate the annual reports and provide them to Parliament.

## The Duty to Report

The aim of this duty is to increase transparency in the way that whistleblowing disclosures are dealt with and to raise confidence among whistleblowers that their disclosures are taken seriously. Producing reports highlighting the number of qualifying disclosures received and how they were taken forward will go some way to assure individuals who blow the whistle that action is taken in respect of their disclosures.

The report should cover the following:

- The number of disclosures of information made by workers to the relevant prescribed person in a twelve month period. The prescribed person must reasonably believe the disclosure of information is a qualifying disclosure which falls within the scope of matters for which that person is prescribed.
- Out of the total number of qualifying disclosures made, the number of those disclosures where the prescribed person decided to take further action in that period.

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<sup>1</sup> Part IVA of the Employment Rights Act 1996 (as inserted by the Public Interest Disclosure Act 1998)

<sup>2</sup> As set out in the Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended)

- 
- An explanation of the prescribed person's functions and objectives.
  - A summary of the action taken by the prescribed person in respect of qualifying disclosures of information.
  - A summary of how the information disclosed has impacted on the prescribed person's ability to perform its functions and meet its objectives.

The relevant prescribed person must publish the report by placing the report on its website, or by publishing it in whatever manner the relevant prescribed person considers appropriate for bringing the report to the attention of the public. This report can either be included within an existing report, such as the organisation's annual report, or as a standalone document.

In collating these reports, BEIS has not assessed them for compliance with the duty. The legal obligation falls on the prescribed person to meet the annual reporting duty requirement.

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# Annual Reports 2018/19: Part 1 (A-H)

The following pages contain the published whistleblowing reports for the named prescribed persons for the period 1 April 2018 to 31 March 2019. This is the 2<sup>nd</sup> annual reporting period.

In some cases, the whistleblowing report has been included in the prescribed person's annual report, in which case, only the whistleblowing section has been included here. The full report can be found on the relevant prescribed person's website.

# Correspondence and whistleblowing

Annual report 2018/19



 AUDIT SCOTLAND

# Correspondence in 2018/19

## Whistleblowing

9. Audit Scotland, the Auditor General, the Accounts Commission and the auditors they appoint, are prescribed persons under the Public Interest (Prescribed Persons) Disclosure Order (2014). Workers (as described by the guidance) can raise disclosures about fraud, corruption or wrongdoing within the public bodies we audit. Our role is to provide workers with an alternative method for making a protected disclosure where they do not feel they can contact the public body directly.
10. Whistleblowing cases are reported in the overall number of issues of concern we receive. In 2018/19, we received 22 whistleblowing disclosures, a slight decrease on the 27 in 2017/18. The breakdown by prescribed person is as follows:
  - 21 to Audit Scotland <sup>1</sup>
  - 1 to the Auditor General.
11. We take our whistleblowing responsibilities very seriously and have a process in place to ensure we deal with disclosures appropriately.
12. Audit Scotland, the Accounts Commission and the Auditor General and the auditors they appoint do not have the power to issue fines or enforcements on the public bodies we audit. The guidance does not place any additional power or duty on 'prescribed persons' and we do not have a legal obligation to act on a whistleblowing disclosure.

### Outcomes of 22 whistleblowing disclosures

**One** disclosure resulted in auditors carrying out a forensic investigation over and above planned audit work.

**Seven** disclosures were included as part of routine audit work.

**Eight** disclosures did not warrant an investigation but were considered as useful audit intelligence.

**Five** cases were not able to be actioned because there was insufficient information or no contact details were provided. Nonetheless we shared these with the auditors for information.

**One** case was about a body we do not audit.

<sup>1</sup> 12 of the 21 did not specify they were raising a concern under whistleblowing legislation however we treated them as whistleblowing due to the nature of the disclosure.

Archwilydd Cyffredinol Cymru  
Auditor General for Wales

# ANNUAL REPORT AND ACCOUNTS

## 2018-19



WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU



## The Auditor General's report on disclosures of information

The Auditor General is a 'prescribed person' for making whistleblowing disclosures about the proper conduct of public business and fraud, value for money, and corruption in relation to the provision of public services. The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require the Auditor General to publish a report for each financial year setting out:

- a the number of disclosures made to the Auditor General in that year that he believes to be qualifying disclosures<sup>68</sup>;
- b the number of qualifying disclosures where the Auditor General has decided to take action;
- c a summary of the types of action that the Auditor General has taken; and
- d a summary of how the information disclosed has affected the Auditor General's ability to perform his functions.

The Auditor General's main functions are summarised in our [Annual Plan](#) for each year and are described in more detail in our Guide to [Welsh public audit legislation](#).

In 2018-19, 23 individuals wrote to or telephoned the Auditor General or the Wales Audit Office indicating that they wished to make a whistleblowing disclosure. However, in only 15 cases did the Auditor General have a reasonable basis to believe that the disclosure qualified and was within the matters in respect of which he is prescribed. This was because individuals either did not give details of their employment situation, or it was clear that they were not employees or other qualifying workers.

Of the 15 apparently qualifying disclosures, in 11 cases the relevant audit team reviewed the matters raised, but they were not found to amount to substantive matters on which the Auditor General would need to report or take other action. In the other four cases, after initial consideration by audit staff, significant further review work has been undertaken or is pending. One or more of these cases may result in a published report.

Generally, where the Auditor General has received information that has been relevant to his functions, this has helped to inform his work, and in four cases, the information has enabled the Auditor General to identify issues meriting significant examination.

<sup>68</sup> Disclosures that meet the criteria set out in section 43B of the Employment Rights Act 1996 and which engage the protection from detriment provided by that Act.



BANK OF ENGLAND

June 2019

# The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 Annual Report

1 April 2018–31 March 2019

Bank of England | Prudential Regulation Authority



# The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

## Annual Report 1 April 2018 – 31 March 2019

The Bank of England ('the Bank') and Prudential Regulation Authority ('PRA') are both Prescribed Persons as defined by Parliament under The Public Interest Disclosure (Prescribed Persons) Order 2014.

Since April 2017, all 'Prescribed Persons' are required to report in writing annually on workers (whistleblowing) disclosures they have received. The report must be published within 6 months of the end of the reporting period.

The report must contain, without including any information in the report that would identify a worker who has made a disclosure of information, or an employer or other person in respect of whom a disclosure of information has been made—

- (a) the number of workers' disclosures received during the reporting period that the relevant prescribed person reasonably believes are—
  - (i) qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996; and
  - (ii) which fall within the matters in respect of which that person is so prescribed;
- (b) the number of those disclosures in relation to which the relevant prescribed person decided during the reporting period to take further action;
- (c) a summary of—
  - (i) the action that the relevant prescribed person has taken during the reporting period in respect of the workers' disclosures; and
  - (ii) how workers' disclosures have impacted on the relevant prescribed person's ability to perform its functions and meet its objectives during the reporting period;
- (d) an explanation of the functions and objectives of the relevant prescribed person.

## In the period 1 April 2018 to 31 March 2019 inclusive

(a)(i)	We received a total of 160 disclosures that have been subject to assessment against the Public Interest Disclosure Act 1998 (hereafter 'PIDA') and discrete statutory requirements of the Bank and the PRA, to assess whether they are protected disclosures.
(a)(ii)	<p>We reasonably believed that 128 disclosures were protected disclosures within section 43B of the Employment Rights Act 1996 and that fell within the matters in which the Bank and PRA are Prescribed Persons. We considered that 29 of the remaining 32 disclosures were not protected disclosures because:</p> <ul style="list-style-type: none"> <li>• 1 disclosure was related to employment issue disputes (and were of no public interest);</li> <li>• 4 disclosures were undetermined due to the poor quality of information provided and/or inability to engage further with the worker;</li> <li>• 10 disclosures did not fall within the Bank or the PRA's remit; and</li> <li>• 14 disclosures fell within the remit of the PRA but were not qualifying disclosures.</li> </ul> <p>A further 3 disclosures related to firms that were regulated solely by the Financial Conduct Authority (FCA).</p>
(b)	We decided to take further action on the 128 disclosures that we reasonably believed to be protected disclosures.
(c)(i)	<p>All 128 disclosures were the subject of supervisory consideration, from which:</p> <ul style="list-style-type: none"> <li>• 4 cases (including 3 cases considered by the PRA originating from the FCA) were referred to the Bank's Enforcement Litigation Division; and</li> <li>• 24 cases were referred to the FCA.</li> </ul>
(c)(ii)	<p>Of the 128 protected disclosures that were the subject of supervisory consideration:</p> <ul style="list-style-type: none"> <li>• 0 disclosures directly contributed to enforcement activity or other intervention;</li> <li>• 13 disclosures were of significant value and contributed to the discharge of regulatory activity;</li> <li>• 41 disclosures were, or may be in the future, of value but not immediately actionable and/or did not meet current regulatory risk thresholds; and</li> <li>• 43 disclosures were of little value and unlikely to assist in the discharge of regulatory or supervisory activity.</li> <li>• A further 31 disclosures are still currently being assessed to determine if further action is warranted.</li> </ul>

(d)	<p>An explanation of the functions and objectives:</p> <p><b>The Bank of England</b></p> <p>The Bank of England’s mission is to promote the good of the people of the United Kingdom by maintaining monetary and financial stability. The Bank of England is a prescribed person for -</p> <ul style="list-style-type: none"> <li>• the functioning of clearing houses (including central-counterparties and central securities depositories)</li> <li>• payment systems and securities settlement systems</li> <li>• the treatment, holding and issuing of banknotes by the Scottish and Northern Ireland banks authorised to issue banknotes (and their agents)</li> <li>• the custody, distribution and processing of Bank of England banknotes under the Bank of England’s Note Circulation Scheme</li> </ul> <p>Bank of England (IAWB) Threadneedle Street London EC2R 8AH</p> <p>Tel: 020 3461 8703 Email: <a href="mailto:BOEwhistleblowing@bankofengland.co.uk">BOEwhistleblowing@bankofengland.co.uk</a></p> <p><b>The Prudential Regulation Authority</b></p> <p>The Bank of England Prudential Regulation Authority (PRA) regulates and supervises around 1,500 banks, building societies, credit unions, insurers and major investment firms.</p> <p>The PRA has the general objective to promote the safety and soundness of the firms it regulates. It has a secondary objective to facilitate effective competition between firms.</p> <p>In relation to insurers, it has an additional objective, to contribute to securing an appropriate degree of protection for insurance policyholders.</p> <p>The PRA is a prescribed person for matters relating to the carrying on of deposit-taking business, insurance business, or investment business and the safety and soundness of persons authorised for such purposes.</p> <p>Prudential Regulation Authority (IAWB) 20 Moorgate London EC2R 6DA</p> <p>Tel: 020 3461 8703 Email: <a href="mailto:PRAwhistleblowing@bankofengland.co.uk">PRAwhistleblowing@bankofengland.co.uk</a></p>
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## Useful links

[Employment Rights Act 1996](https://www.legislation.gov.uk/ukpga/1996/18/contents): <https://www.legislation.gov.uk/ukpga/1996/18/contents>

[Public Interest Disclosure Act 1998](https://www.legislation.gov.uk/ukpga/1998/23/contents): <https://www.legislation.gov.uk/ukpga/1998/23/contents>

[The Prescribed Persons \(Reports on Disclosures of Information\) Regulations 2017](https://www.legislation.gov.uk/uksi/2017/507/regulation/5/made):

<https://www.legislation.gov.uk/uksi/2017/507/regulation/5/made>

[Whistleblowing: list of prescribed people and bodies](https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies):

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

[Whistleblowing Prescribed persons guidance - Annual reporting requirements](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604935/whistleblowing-prescribed-persons-guidance.pdf):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604935/whistleblowing-prescribed-persons-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604935/whistleblowing-prescribed-persons-guidance.pdf)

[Whistleblowing and the Bank of England](https://www.bankofengland.co.uk/prudentialregulation/whistleblowing-and-the-pra):

<https://www.bankofengland.co.uk/prudentialregulation/whistleblowing-and-the-pra>

PRA Supervisory Statement 28/15: [‘Strengthening individual accountability in banking’](https://www.bankofengland.co.uk/prudential-regulation/publication/2015/strengtheningindividual-accountability-in-banking-ss), July 2018:

<https://www.bankofengland.co.uk/prudential-regulation/publication/2015/strengtheningindividual-accountability-in-banking-ss>

PRA Supervisory Statement 35/15: [‘Strengthening individual accountability in insurance’](https://www.bankofengland.co.uk/prudential-regulation/publication/2015/strengtheningindividual-accountability-in-insurance-ss)

<https://www.bankofengland.co.uk/prudential-regulation/publication/2015/strengtheningindividual-accountability-in-insurance-ss>

PRA Supervisory Statement 39/15: [‘Whistleblowing in deposit-takers, PRA-designated investment firms and insurers’](https://www.bankofengland.co.uk/prudentialregulation/publication/2015/whistleblowing-in-deposit-takers-pra-designated-investment-firmsand-insurers-ss), July 2018:

<https://www.bankofengland.co.uk/prudentialregulation/publication/2015/whistleblowing-in-deposit-takers-pra-designated-investment-firmsand-insurers-ss>

# Report on “Whistleblowing” Disclosures 2018-19

Publication date: 27 September 2019

Publication code: LEG-0919-089

## Introduction

The Care Inspectorate is the scrutiny and improvement support body for social care in Scotland and is responsible for regulating and inspecting the standards of care that people experience. It regulates and inspects care services to try to ensure that the care they provide meets the needs of people who experience care, aligns with the Health and Social Care Standards and supports improvement where this is required. The Care Inspectorate also carries out joint inspections with other scrutiny bodies to ascertain how well different organisations in local areas are working to support adults and children. It seeks to ensure that social work, including criminal justice social work, meets high standards. Across all its work, it provides independent assurance and protection for people who experience care, their families and carers and the wider public. In addition, the Care Inspectorate plays a significant role in supporting improvement in the quality of care across Scotland through a variety of ways.

The Care Inspectorate was established on 1 April 2011, by s44 of the Public Services Reform (Scotland) Act 2010. In terms of s102 of that Act, it is the statutory successor to the Scottish Commission for the Regulation of Care, established on 1 April 2002, by s1 of the Regulation of Care (Scotland) Act 2001. The Care Inspectorate has the general duty of furthering improvement in the quality of social services and must act in accordance with the following principles, set out at s45(2) – 45(5) of the 2010 Act-

- The safety and wellbeing of all persons who use or are eligible to use any social service are to be protected and enhanced;
- The independence of these persons is to be promoted;
- Diversity in the provision of social services is to be promoted with a view to those persons being afforded choice; and
- Good practice in the provision of social services is to be identified, promulgated and promoted.

In terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, the Care Inspectorate is required to report annually on certain matters. Those matters are:

(a) the number of workers' disclosures received during the reporting period that it reasonably believes are qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996 and which fall within the matters in respect of which the Care Inspectorate is prescribed ( "*Matters relating to the provision of care services, as defined in the Public Services Reform (Scotland) Act 2010*" );

(b) the number of those disclosures in relation to which the Care Inspectorate decided during the reporting period to take further action;

(c) a summary of—

(i) the action that the Care Inspectorate has taken during the reporting period in respect of the workers' disclosures; and

(ii) how workers' disclosures have impacted on the Care Inspectorate's ability to perform its functions and meet its objectives during the reporting period;

(d) an explanation of the Care Inspectorate's functions and objectives

## Complaints received

In 2018/19 we received 1,178 whistleblowing complaints. These were complaints from workers in care services relating to alleged failures to comply with legal obligations or allegations that the health and safety of an individual or individuals had been or was likely to be, endangered.

In November 2017, we introduced a new procedure for handling complaints about care services. This procedure is designed to be open, transparent, risk-based and focused on people's experiences. The changes give us more flexibility in how we can respond, to try to resolve simple matters quickly and focus more attention on more serious issues. Our new approach emphasises frontline resolution which is where we try to resolve a matter at the first point of contact, without the need for a formal investigation. We have developed a risk assessment process that allows us to assess the risk identified by a complaint, taking into account what else we know about the service. This enables us to decide how we will proceed and what action we need to take to achieve the best outcome for people experiencing care. There are four routes we can take:

- **Intelligence:** where we receive information about a care service, we may use the information given by a person as intelligence about the service, to help inform future scrutiny activity
- **Direct Service Action** (frontline resolution): where we contact services and ask them to engage directly with complainants to resolve the complaint. Typically, this is used for straightforward or simple matters where people are unsatisfied with their experiences and we intervene quickly with a care service to achieve a positive result.
- **Provider investigation:** where we contact the provider and ask them to investigate the concerns and send us written confirmation of the action taken to resolve the complaint.
- **Investigation by the Care Inspectorate:** depending on our assessment of risk, we may decide that we need to formally register and investigate the complaint.

Of the 1,178 whistleblowing complaints received in 2018/19, 198 complaints (17%) were resolved by direct service action (frontline resolution) without the need for a formal investigation; we logged 235 concerns as intelligence (20%); and 118 cases (10%) were passed directly to providers to investigate. A further 73 cases (6%) identified child or adult protection concerns and were passed to the appropriate authorities (police or local authority) to investigate. These cases are included in the total number of complaints received during the year.

## Revoked complaints

Many complaints do not proceed to a full complaint investigation for a number of reasons, for example concerns not being within our remit, the issues raised in complaints being addressed through the inspection process and complainants not wishing to proceed with the complaint. In these cases, the complaint is revoked. Of

the 1,178 whistleblowing complaints received in 2018/19, 673 were revoked (excluding those which were resolved through front-line resolution as these complaints are acted upon and resolved).

## **Complaint investigations completed**

Once our investigation is complete the inspector decides if the complaint should be “upheld” or “not upheld” based on evidence examined. We say we have not upheld a complaint where we have investigated and found there is a lack of evidence to validate the complaint. Where we have investigated and found evidence that the cause of the complaint is valid the complaint will be upheld and we will take action, letting both the complainant and the care service know about any requirements or areas for improvement we have made.

In 2018/19 we completed 290 investigations of whistleblowing complaints, of which 118 (41%) were upheld.

## **Impact of whistleblowing complaints**

Complaints generally are an important source of information, and whistleblowing complaints form a significant part of the overall number of complaints we receive. In 2018/19, 24% of the complaints we received were whistleblowing complaints. These complaints serve an important purpose in informing the nature and extent of the regulatory activity that we undertake in the services to which they relate, and can bring to our attention, situations where people who use care services are at risk and where we need to act urgently to ensure their safety and wellbeing.



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## Other languages and formats

This publication is available in other formats and other languages on request.

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# Annual report and accounts 2018/19



In the adult social care sector we carried out 12,227 inspections and of these, 62% were within our agreed re-inspection timescales against a target of 90%. We prioritise returning to services with a lower rating, for example we were close to meeting our target of returning to 90% of inadequate locations within six months with 86% re-inspected. In quarter four, we made a substantial effort to drive up performance and by April 2019, inspection teams were meeting the timescale targets for locations rated as inadequate, requires improvement and good. Maintaining this improved performance in the Adult Social Care directorate is a priority for 2019/20 and works in tandem with improvements to our data collection and analysis systems.

In the hospitals sector we carried out 861 inspections overall – 222 of these were NHS inspections and 639 were independent health inspections.

As part of our inspections of NHS hospitals we inspected 1,088 NHS core services (these are services such as maternity care or urgent and emergency care). Of those that involved a re-inspection, 99% of core services were re-inspected within target timescales.

We met our commitment to inspect 10% of all active dental locations and carried out a total of 1,228 inspections.

We continued to keep the Mental Health Act (MHA) under review. The number of visits has increased since 2017/18, and we have spoken to more people than ever before. We also made sure that people detained under the MHA who lack the capacity to consent or who have refused treatment, have their treatments reviewed by an independent professional. Second Opinion Appointed Doctor (SOAD) visits performance remained stable, but we did not meet our target for visits within agreed timescales. We are increasing our capacity in 2019/20 to respond to the demand for SOAD visits.

## Safeguarding

We quickly inform local authorities of the most urgent and serious information of concern that we receive (known as ‘safeguarding alerts’). In 2018/19 our performance remained good at 94%, although not quite reaching our target of 95% of referrals within one day. We have strengthened our safeguarding alerts process and risk management system to make sure that our decision-making is informed effectively (Governance statement, page 61). We need to improve how quickly we take our mandatory actions for ‘safeguarding concerns’ (where we need to find out more information before we take a decision).

## Whistleblowing enquiries

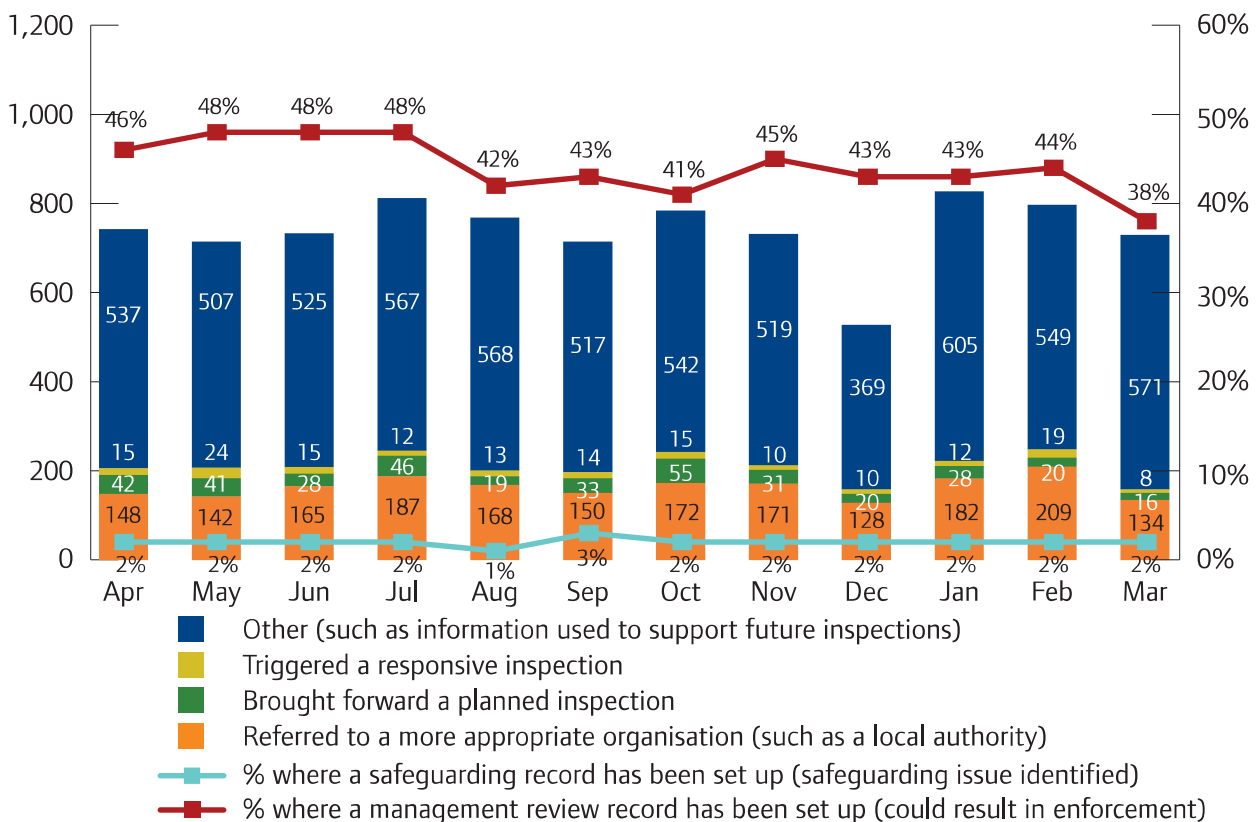
Some of the information we receive is shared with us by people who work (or who have worked) for health and care organisations that are registered with us, or who provide services to those organisations (such as agencies). It is important that people who work at health and care organisations feel they can speak to us about any issues that cause them concern and that our response will be prompt and appropriate. We describe the concerns we receive from them as ‘whistleblowing enquiries’.

In 2018/19 we received 8,878 enquiries. This was an increase from 2017/18 when we received 8,449 enquiries. The majority of the enquiries (85%) were about adult social care services, 12% were about hospitals, and the remainder were about primary medical services.

When we receive an enquiry we consider the information carefully and prioritise which action to take according to the level of risk (figure 4). The most serious enquiries, for example where there is a risk of harm to an individual, will trigger a safeguarding process that may include a referral, such as to the local authority. Other actions include bringing forward inspections and conducting responsive inspections. There are some enquiries that remain completely



Figure 4: Whistleblowing volume and action taken



anonymous and in these instances we may not be able to progress an action due to lack of information.

### Transforming registration

Registration needs to evolve to reflect changes in the health and social care sector, including new models of care and types of providers, such as online providers and integrated care. A priority for our intelligence-driven approach is to transform our registration service. We are reshaping the service to be more responsive, flexible, and useful for providers and CQC colleagues. Feedback from our 2018 inspection team survey has shown that the information provided at registration is useful, but that it needs to feed into the intelligence we already gather to provide more tailored support.

We continued our work to reshape the service during the year. This will continue to be a major focus in 2019/20 as we start developing and testing the service, starting with community

adult social care providers and then expanding to include residential social care and dentists. The new service will be easier to use and save time for providers. It will provide useful and relevant information for CQC colleagues as they prepare for inspections.

Our registration performance against agreed timescales remains stable. However, we are not yet meeting the targets we have set ourselves and more improvement work is being undertaken to achieve this. Our performance should be considered in the context of increased demand, particularly around refusing registration to providers where the quality of care is not good enough. We issued 564 ‘notices of proposal’ (which are most often our proposals to refuse registration), compared with 445 in 2017/18. In addition to our registration change programme, we will make continuous improvements to our existing registration processes during 2019/20 to make them easier for providers and colleagues.

**Certification Officer  
for Trade Unions and Employers' Associations**

# Annual Report

## In this report

### Review of the Year

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**The Certification Office**

**Our Work this Year**

**Trade Unions – Overview of the Year**

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**Lists of Trade Unions and Employers' Associations**

**Annual Returns**

**Mergers**

**Political Funds**

**Complaints**

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**Appendices –**

**Trade Union and Employers' Association Data**

**Statutory Fees**

**Certification Office Publications**

**Certification Officer Functions**



**2018-19**

## Protected Disclosures and the Certification Officer

The Certification Officer is a designated or a 'prescribed person' under the Public Interest Disclosure Regulations 2014 in relation to relevant disclosures by employees/workers of trade unions and employers' associations. Under Part IVA of the Employment Rights Act 1996 and the 2014 Regulations, employees/workers of a trade union or employers' association may be protected if they make a relevant disclosure to me. A relevant disclosure to the Certification Officer is defined in the 2014 Regulations as being one related to fraud, and other irregularities relating to the financial affairs of trade unions and employers' associations.

During this reporting period the Certification Officer received no relevant disclosures.



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

# **Charity Commission**

# **Annual Report**

2018-2019

552 during 2017-18). During the same period, we concluded **888** cases involving concerns about safeguarding, out of a total of **2,473** concluded compliance cases.

### **A new approach to whistleblowing from within charities**

We have seen a significant increase in whistleblowing reports this year; receiving 185 such reports, up from 101 the previous year, an 83% increase. Of these, 88 (48%) related to concerns about safeguarding in charities.

Looking ahead, we consider whistleblowing as an effective way of detecting wrongdoing. We will, therefore, continue to encourage and support those who have serious concerns about a charity to speak up and let us know about them.

To help with this, we have taken significant steps over the last year to improve how we handle whistleblowing, including by:

- Putting in place new guidance for whistleblowers, to help people better understand when and how to report possible wrong doing to us
- Revising our approach to handling whistleblowing complaints; we are piloting a new process that is designed to improve communication with whistleblowers, reassure them that we have understood the points they have made, and provide more clarity on what we will be doing as a result of their disclosures

We are also piloting a dedicated helpline, staffed by independent specialists from the whistleblowing charity Protect. The helpline sits alongside the new process, widening our ability to encourage concerns to be raised advising the whistleblowing on how to bring the issue to our attention.

To support these measures, we have undertaken training for our operational staff to increase their understanding of whistleblowing and improved our approach to recording disclosures in our systems.

We will carefully monitor the success and impact of both these pilot projects later in 2019.

### **Significant increase in reports from auditors**

Auditors and independent examiners have an important role to play in reporting matters of material significance in charities to us. Their reports inform our regulation of the sector and enable us to engage more promptly with charities in difficulty.

Reports from charity auditors about matters of material significance increased nearly three-fold year-on-year. In 2018-19, we received 662 reports on matters of material significance, up from 287 the previous year.

This increase follows work we have undertaken with partners in the accountancy profession to raise auditors' awareness of the requirements, which was prompted by our concern about significant underreporting by auditors and independent examiners.

### **Formal inquiries**

In 2018-19, we opened 103 new inquiries. Among the high-profile charities into which we announced investigations during the year were The Save the Children Fund, and The Royal National Institute for the Blind (RNIB). Information about the scope of these investigations is available on GOV.UK.

Last year, we brought 155 inquiries to a conclusion, nearly twice as many as during the previous year (79). This increase results in part from the conclusion of cases within our class inquiry into RAF mess charities; we intend to publish a report later in 2019.

### **Robust use of new enforcement powers**

The Charities (Protection and Social Investment) Act 2016 granted the Commission a range of new powers. These include powers to disqualify individuals from charity trusteeship, to issue Official Warnings to a charity or an individual trustee and to issue certain directions to charities. The new powers help us tackle wrongdoing and harm in charities.





# CCRC

Criminal • Cases • Review • Commission

ANNUAL REPORT & ACCOUNTS

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# 2018/19

Through our mitigation activity we seek to manage these key risks down to acceptable levels. Based on our assessment of current risk exposure as reflected in the Commission's Risk Register at year end, we consider our top risks as at March 2019 to be:

- People - maintaining and motivating a highly qualified workforce of staff and Commissioners with sufficient skills and manageable workload in a demand led organisation.
- Money - obtaining sufficient resource and capital funding on an on-going basis to maintain the level of casework personnel and to improve the IT environment to facilitate more agile ways of working.
- Reputation – ensuring that we raise awareness of what we do with all of our stakeholders, being increasingly transparent about how we work whilst ensuring the security of information and data.

### Assurance

The framework within the Commission that provides assurance is based on HM Treasury's three "lines of defence" model. The conceptual model of three lines of defence is derived from:

1. First line: Management assurance from front-line or business operational areas
2. Second line: oversight of management activity, separate from those responsible for delivery, but not independent of the organisation's management chain
3. Third line: independent and more objective assurance, including the role of internal audit and from external bodies (e.g. accreditation and Gateway reviews)

Assurance activities include coverage over financial and commercial processes, human resources, key business processes, management information, information security, fraud and error, whistle-blowing and occupational health and safety.

### Effectiveness of Whistleblowing Policy

The CCRC Whistleblowing Policy was reviewed and revised during 2018/19, and nominates the independent Non-executive Directors as Whistleblowing champions. In 2018/19 there were no occasions when staff raised a concern under the Whistleblowing Policy.

### Prescribed body for Whistleblowing

The CCRC is a prescribed body under the legislation dealing with the making of public interest disclosures (whistleblowing). This means that, quite apart from our statutory responsibility to deal with the applications we receive, we are the body to which individuals can report concerns of actual or potential miscarriages of justice. As Chief Executive I am the prescribed person within the meaning of section 43F of the Public Interest Disclosure Act 1998 to whom individuals with such concerns can make protected disclosures.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require the Commission to report annually on any such disclosures made to us, on how they were handled and what actions were taken. During 2018/19 we received only one relevant report (during 2017/18 we received none). The report received in the current reporting period came close to the end of March 2019 and at the time of writing this report the matter was still being investigated. If appropriate, the outcome will be discussed in our next Annual Report and Accounts.

### Accounting Officer

In their annual report, our internal auditors have given a moderate assurance opinion as some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control. I have been advised on the implications of the result of my review by the Board and the ARAC. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed.



### Karen Kneller

Chief Executive and Accounting Officer  
9 July 2019



Scottish Criminal Cases  
Review Commission

Annual Report

SCCRC

**2018-19**



## Accountability

The Commission strives to maintain the highest levels of accountability with regard to how it undertakes its core function and delivery of its service to all stakeholders. The Commission has in place a number of governance related structures and processes which are outlined below.

### Whistleblowing

“Whistleblowing” is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, the disclosure must be a ‘qualifying disclosure’. This is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- *A criminal offence (this may include, for example, types of financial impropriety such as fraud);*
- *a breach of a legal obligation;*
- *a miscarriage of justice;*

- *danger to the health or safety of any individual;*
- *damage to the environment; or*
- *the deliberate covering up of wrongdoing in the above categories.*

Anyone who makes a “qualifying disclosure” is entitled under the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998 not to suffer any detriment as a result of making the disclosure.

Under the Public Interest (Disclosure) Order 2014 the Chief Executive of the SCCRC is listed as a “prescribed person” to whom potential “whistleblowers” may report to if they feel either that it would be inappropriate to make the disclosure to their employers, or they have made such a disclosure but they feel that their employers are not addressing the matter. Any such disclosure to the SCCRC should relate to the “description of matters” applying to the SCCRC – i.e., “actual or potential miscarriages of justice”. In such circumstances the Commission can choose to use its own statutory powers to investigate and review the allegation that a miscarriage of justice may have occurred.

During the current financial year the Commission was contacted separately by two external “whistleblowers” (both police officers) who wished to discuss their entitlement to make a “protected disclosure” in terms of the Public Interest Disclosure Act 1998. In both cases the Chief Executive of the SCCRC discussed the concerns directly with the potential whistleblower.

Only one of the cases where information was disclosed was classed as a qualifying disclosure. In the other case it was agreed that no action would be taken.

In relation to the case classed as a qualifying disclosure the Chief Executive wrote to Police Scotland identifying the nature of the matter disclosed and requesting further information. The matter is currently an ongoing investigation.

As this is the first year that the Commission has received disclosures under the Public Interest (Disclosure) Order 2014 it is reporting these matters in its annual report. Reports in future years will be recorded separately on our website.

### **Stakeholders Engagement**

The Commission continues to focus on stakeholder engagement as a key priority within its 2018-19 Business Plan and has undertaken further work during the year to strengthen existing arrangements.

During 2018-19 the Commission continued to work closely with representatives at the CCRC and NCCRC, and in particular hosted a visit from the CCRC Management Team to discuss and compare working practices and procedures. Further talks were also held with representatives from the Ministry of Justice in New Zealand and the Canadian Government Department responsible for reviewing alleged miscarriages of justice.

## Whistleblowing Disclosures

1 April 2018 to 31 March 2019

### Introduction

The Children's Commissioner is named in the Prescribed Persons Order 2014 as someone to whom whistle-blowers can raise concerns relating to the rights, welfare and interests of children. Whistle-blowing arrangements offer a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing.

The Children's Commissioner's role as a prescribed person is to provide those working with children with a mechanism to make their public interest disclosure to an independent body. The Children's Commissioner is not a regulatory body and does not have enforcement powers, but will consider concerns, ensure they are passed to the responsible bodies and will seek reassurance that the correct processes have been followed.

The Office of the Children's Commissioner's [OCC] whistle-blowing procedures are consistent with the Public Interest Disclosure Act and have been in place throughout 2018-19.

The OCC receives whistleblowing disclosures in letters, emails and via our advice helpline (Help at Hand). Sometimes, the information is provided anonymously. We always discuss anonymity and confidentiality with whistle-blowers and we never close a case until we are sure that the necessary safeguarding action has been taken.

Sometimes we are the first people that the whistle-blower has raised the concern with and sometimes they have raised it many times before and felt no one was listening. The Employment Tribunal may also refer claims to us when they feel we are the relevant prescribed person.

We have policy and guidance for whistleblowers published on our website - [Whistleblowing to the Children's Commissioner about the rights, welfare and interests of children in England](#)

The Office of the Children's Commissioner recognises, in accordance with established protocols that whistleblowing as an important avenue for those with genuine concerns about an organisation and its conduct towards children to raise such concerns without fear and in such a way as to be able to address those concerns without that individual being concerned for their employment or position.

### Activity in 2018/19

The OCC in the year received **eleven** whistle-blowing concerns from a variety of people including employees of children's services and residential schools and care settings.

Several different types of concerns have been raised and these include failures in safeguarding procedures and restraint in schools and residential children's homes.

### Breakdown of disclosures received from 1 April 2018 to 31 March 2019

Service the disclosure relates to	Number of Disclosures Received
Children's Homes	2
Local Authority Children's Services	5
Residential Schools	3
Nursery	1
Other	0
<b>Total</b>	<b>11</b>

Action taken in the reporting period	Number of Disclosures Received
All concerns were sent to the appropriate bodies including the local authority, police and Ofsted	8
Not taken forward: closed through lack of engagement/ information from the whistle-blower	3

Summary of the overall categories under which the whistleblowing disclosure were classified	Number of Disclosures Received
Concerns that a specific child or children may be at risk of harm	8
Concerns that there are wider or systematic failures in safeguarding practice	3



# Children's Commissioner for Wales

## Whistleblowing Disclosures

### Annual Report 2018 — 2019

This report has been completed in line with the legal requirements of "The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017".

These regulations set out the reporting requirements for organisations and individuals who are Prescribed Persons for Whistleblowing. Prescribed persons are people and bodies you can blow the whistle to rather than your employer.

The Children's Commissioner for Wales is a prescribed person for Whistleblowing in relation to children's interests and can be contacted about matters relating to the rights, welfare and issues affecting children, young people and those who care for them, in Wales.

The following report provides information in respect of Whistleblowing as outlined in the Department for Business, Energy and Industrial Strategy "Whistleblowing — Prescribed Persons Guidance 2017".

#### 1. Statistics

Number of qualifying disclosures of information made by workers during the twelve month period 1.4.18 — 31.3.19	1
The number of qualifying disclosures where the Children's Commissioner for Wales decided to take further action	1

#### 2. Summary of the type of action taken by the prescribed person in respect of qualifying person in respect of qualifying disclosures of information.

Concerns were raised in relation to a residential childcare provision. Advice was provided to the Whistleblower about the role of the Children's Commissioner for Wales as a prescribed whistleblowing organisation.

The Whistleblower had raised their concerns with the owner of the home but felt intimidated by the response they had received and had decided to leave the company.

The childcare provision is one that is regulated by Care Inspectorate Wales and following the disclosures that were made and with the permission of the Whistleblower our office passed on the concerns to Care Inspectorate Wales who agreed to deal with the issues as part of their regulatory role. The Whistleblower was happy with this outcome.

#### 3. Summary of how the information disclosed has impacted on the Children's Commissioner for Wales' ability to perform its functions and meet its objectives.

There has been no impact on the Children's Commissioner for Wales ability to perform its functions and meet its objectives following the disclosure.

#### 4. **Explanation of the Children's Commissioner for Wales, functions objectives and statutory powers**

The Children's Commissioner for Wales (the "**Commissioner**") is an office established pursuant to the Children's Commissioner for Wales Act 2001 which amended the Care Standards Act 2000 ("**2000 Act**"). The Commissioner's powers and functions are derived from the 2000 Act.

Further powers are granted to the Commissioner pursuant to The Children's Commissioner for Wales Regulations 2001 ("**2001 Regulations**"). In essence, these regulations expand on the powers and functions granted to the Commissioner under the 2000 Act.

The principal aim of the Commissioner is to safeguard and promote the rights and welfare of **children**.

The Commissioner's main statutory powers can be divided into two headings:

- Powers to review the activities of certain public bodies; and
- Powers to assist individual **children**.

##### **Powers to Review**

The Commissioner has the power to:

- review the functions or exercise of functions of various public bodies including the Welsh Government; and
- review and monitor the arrangements which certain public bodies have in place to safeguard and promote the rights of **children** in respect of:
  - dealing with complaints or representations;
  - ensuring that proper action is taken in response to **whistle blowing**;
  - representing the views and wishes of **children**;
  - providing **children** with **advice and support**.

##### **Powers to Assist**

In relation to individual **children**, the Commissioner has the power to:

- examine individual cases in certain circumstances; and
- provide assistance to a **child** in:
  - making a complaint or representation in relation to the services the **child** receives; or
  - certain **proceedings** (there are restrictions in relation to **legal proceedings**).

## ➤ Whistleblowing reports received annually

The CAA will investigate all disclosures of information in accordance with [our statutory duties \(/Our-work/About-us/Our-role/\)](#), where sufficient information has been provided to enable a meaningful investigation.

The disclosures identified below, where we were able to take further action, were investigated, or passed on to another appropriate authority for investigation, in accordance with our whistleblowing policy while applying our [enforcement policy \(/cap1326\)](#) as the individual case required.

Information disclosed to the CAA under the whistleblowing process can greatly assist us in performing our regulatory oversight functions. The value each disclosure provides us in achieving [our role \(/Our-work/About-us/Our-role/\)](#), is evaluated upon closure of each investigation and for the periods below was split approximately evenly between High, Medium and Low.

### How reports are categorised

#### High

Intelligence directly contributed to CAA enforcement activity or the protection of consumers through other intervention.

#### Medium

Intelligence was of value to the CAA and contributed to the discharge of its functions.

#### Low

Intelligence was of little value and is unlikely to assist the CAA in the discharge of its functions.

	<b>April 2016 to March 2017</b>	<b>April 2017 to March 2018</b>	<b>April 2018 to March 2019</b>
Total number of disclosures of information handled by the CAA under its whistleblowing process, including qualifying disclosures	202	242	265
The number of those disclosures of information where the CAA were able to take further action	196	238	254
The number of qualifying disclosures of information that were made by a worker to the CAA, where we believe the disclosure of information is a qualified disclosure within the meaning of section 43B of the Employment Rights Act 1996	82	75	104
The number of qualifying disclosures of information where the CAA were able to take further action	81	73	101

### Guidance on definitions

#### Qualifying disclosures

To be covered by whistleblowing law, the disclosure must be a 'qualifying disclosure'. This is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence (this may include, for example, types of financial impropriety such as fraud);
- a breach of a legal obligation;
- a miscarriage of justice;
- danger to the health or safety of any individual;
- damage to the environment;
- or
- the deliberate covering up of wrongdoing in the above categories.

## Worker

Worker includes a person who works for or who has worked for the organisation being reported within the meaning of section 43K of the Employment Rights Act 1996.

## Whistleblowing reporting

The Commissioner is required to report on an annual basis the number of disclosures made to him under [the Public Interest Disclosure Act 1998](#). The Commissioner's statutory function is to promote and safeguard the rights of children and young people. This is set out in [the Commissioner for Children and Young People \(Scotland\) Act 2003](#). The Commissioner's approach to whistleblowing disclosures is informed by that role and by the Commissioner's statutory powers as set out in the same Act. The range of responses open to the Commissioner is the same as with any other enquiry received by the office and is subject to the same decision-making process on the most appropriate course of action.

In the period 1 April 2018 to 31 March 2019, two disclosures were made by individuals presenting as whistleblowers: one raising concerns about exclusion of looked after young people from schools and the lack of local authority implementation of the Scottish Government's [Included, Engaged, Involved Part 2](#) guidance on school exclusions. The other was about teaching standards in a primary school special unit.

In the first disclosure it was agreed with the whistleblower to await the outcome of the Scottish Government's review of the guidance, which will include information on local authority implementation, before deciding on further action.

In the second disclosure the whistleblower was concerned about possible repercussions and requested that no further action be taken with the local authority due to the risk of identification. After further consideration we contacted [Education Scotland](#) about issues of this kind raised by the public and were able to provide information to the enquirer about how to report concerns to Education Scotland and what action they would be able to take.

From: <https://www.cypcs.org.uk/footer/whistleblowing>

Accessed: 2 September 0219

# Ethical Standards Commissioner

ANNUAL REPORT AND ACCOUNTS

2018-19

During the reporting period 1 April 2018 to 31 March 2019 CESPLS received no whistleblowing disclosures. The statutory template of reporting is published below:

<b>Category</b>	<b>Number of disclosures</b>
Number of non-qualifying disclosures	0
Number of qualifying disclosures	0
Number of qualifying disclosures requiring no further action	0
Number of qualifying disclosures requiring further action	0

No investigations were carried out and no actions or improvement objectives were required during this reporting period.

Authorisation



Caroline Anderson FCA  
Ethical Standards Commissioner

Date: 21 October 2019

# HM Revenue and Customs

Corporate report

## Whistleblowing: prescribed person report the tax year 2018 to 2019

Published 18 July 2019

The Commissioners for HM Revenue and Customs meet the definition of a 'prescribed person' under the [Public Interest Disclosure Act 1998](#).

The Act provides protection for employees who pass on information concerning wrongdoing in certain circumstances. The protection only applies where the person who makes the disclosure reasonably believes:

- that they are acting in the public interest, which means that protection is not normally given for personal grievances
- that the disclosure is about one of:
  - criminal offences (this includes financial improprieties, such as fraud)
  - failure to comply with duties set out in law
  - miscarriages of justice endangering someone's health and safety
  - damage to the environment
  - covering up wrongdoing in any of these categories

[The Prescribed Persons Regulations 2017](#) came into force on 1 April 2017. Prescribed persons are required to report annually on whistleblowing disclosures made to them.

### Reporting

Matters relating to the functions of the Commissioners for HMRC, as set out in the Commissioners for Revenue and Customs Act 2005, include:

- the administration of the UK's taxes, including Income Tax, Inheritance Tax, Corporation Tax, Capital Gains Tax, VAT, and the excise duties
- the administration of the National Insurance and tax credits systems
- customs and border-related functions
- criminal investigations



HMRC receives referrals from the public through its fraud hotline, and separately in respect of its National Minimum Wage (NMW) responsibilities.

Not all of these referrals fall within the definition of qualifying disclosures (allegations of wrongdoing about the referrer's own employer), but all are assessed and actioned in the same way.

HMRC systematically captures the number of referrals that are relevant to the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

During the reporting period 1 April 2018 to 31 March 2019, HMRC received 10,836 whistleblowing disclosures.

This is the statutory template for reporting:

<b>Category</b>	<b>Number of disclosures</b>
Qualifying disclosures (total)	10,836
Number of qualifying disclosures requiring further action	6,704
Number of qualifying disclosures requiring no further action	4,132

HMRC values the information that we receive from employees who have concerns about their employer.

Clamping down on those who try to cheat the system through evading taxes and/or failing to pay the minimum wage to which their employees are legally entitled are key priorities for us, and we are committed to ensuring that the tax system and labour markets operate fairly, efficiently and within the law.

We carefully assess all the information that we receive before making a decision on the most appropriate course of action.

We action all worker complaints about non-payment of the NMW reported to us through the Advisory, Conciliation and Arbitration Service (ACAS) helpline or an online NMW complaint form in line with the agreement in place.

Other reports are subjected to tests relating to the risk of non-compliance, and further action is taken where deemed appropriate and/or cost effective.

## Whistleblowing Disclosures made to the Competition and Markets Authority for the period 1 April 2018 to 31 March 2019

1. Under the Public Interest Disclosure Act 1998 (PIDA 1998) and The Prescribed Persons Order 2014 (PPO 2014) the Competition and Markets Authority (CMA) is designated a 'Prescribed Person'. This legislation enables employees to contact the CMA and make 'qualifying disclosures' whilst being afforded the protections provided by PIDA 1998.
2. To be considered a qualifying disclosure, the person providing the information must reasonably believe that they are acting in the public interest and that the disclosure falls in to one or more of the following categories:
  - a. criminal offences (this includes financial improprieties, such as fraud),
  - b. failure to comply with duties set out in law,
  - c. miscarriages of justice,
  - d. endangering someone's health and safety,
  - e. damage to the environment, or
  - f. covering up wrongdoing in any of the above categories.
3. Under the PPO 2014, the scope of the CMA's role is limited to disclosures relating to 'matters concerning the sale of goods or the supply of services which adversely affect the interests of consumers' and 'competition affecting markets in the United Kingdom'.
4. The Prescribed Persons Regulations 2017 came into force on 1 April 2017. These regulations require Prescribed Persons submit annual reports on whistleblowing disclosures made to them, the action taken in respect of these disclosures and how such disclosures have impacted on the organisations ability to perform its functions and meet its objectives. This is the second report compiled by the CMA.
5. The CMA is the UK's lead competition and consumer authority and its primary duty is to promote competition, both within and outside the UK, for the benefit of consumers. Further information is contained in the CMA Annual Plan 2018 to 2019<sup>1</sup>
6. For the period under report, the CMA received the following qualifying disclosures:

Total number of qualifying disclosures received	20
Initial investigation only – held for intelligence	8
Further investigation/action taken	12

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<sup>1</sup> <https://www.gov.uk/government/publications/competition-and-markets-authority-annual-plan-2018-to-2019/competition-and-markets-authority-annual-plan-20181>

7. This information has assisted the CMA in delivering effective enforcement, in that it has been used to initiate or progress investigations into alleged failures by businesses to comply with legal duties relating to competition affecting markets in the United Kingdom. Specific cases cannot be referred to as either activity is still ongoing or it would identify the person providing information. It is clearly essential for the CMA to have access to complete and accurate information in order to carry out investigations properly and the whistleblower process supports this.
8. This information has assisted the CMA in delivering effective enforcement, in that it has been utilised to initiate or progress investigations in to offences under competition legislation or has identified businesses that have taken steps likely to breach orders put in place by the CMA. Although limited in number, the information provided by whistleblowers has enabled the CMA to initiate and conduct targeted investigations in to activity that undermines competition in the UK economy.



National Audit Office

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# NAO Whistleblowing Annual Report

1 April 2018 to 31 March 2019



This is our second annual report on whistleblowing disclosures we have received. In the period 1 April 2018 to 31 March 2019 inclusive the C&AG received 38 whistleblowing disclosures.

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Our vision is to help the nation spend wisely.

Our public audit perspective helps Parliament hold government to account and improve public services.



The National Audit Office (NAO) helps Parliament hold government to account for the way it spends public money. It is independent of government and the civil service. The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. The C&AG certifies the accounts of all government departments and many other public sector bodies. He has statutory authority to examine and report to Parliament on whether government is delivering value for money on behalf of the public, concluding on whether resources have been used efficiently, effectively and with economy. The NAO identifies ways that government can make better use of public money to improve people's lives. It measures this impact annually. In 2018 the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £539 million.

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## Introduction

**1** This is our second annual report on whistleblowing disclosures we have received. The Comptroller and Auditor General (C&AG) who leads the National Audit Office (NAO) is a prescribed person listed in the Public Interest Disclosure (prescribed persons) Order 2014, to whom external persons can make disclosures relating to “the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services”.

**2** The Public Interest Disclosure Act 1998 (the Act) created a right to redress in the event of being dismissed or subjected to a detriment by one’s employer, or other responsible third party, because of ‘whistleblowing’ (making a disclosure in the public interest).

**3** The Act was introduced in response to the major corporate failures of the 1980s and 1990s, where workers had known of the dangers that led to disaster but were unwilling or unable to warn of them effectively.

**4** The Act aims to help prevent such disasters and corporate malpractice in general by encouraging workers with relevant information to come forward responsibly. The Act seeks to achieve this by offering a right to redress in the event of victimisation or dismissal if workers raise their concerns in the ways specified in the legislation.

## The Comptroller and Auditor General (C&AG)

**5** The C&AG, who leads the NAO, scrutinises public spending for Parliament to help the government in its drive to improve public services, nationally and locally. The C&AG has statutory authority to examine and report to Parliament on whether Departments and the bodies they fund have used their resources efficiently, effectively and with economy.

**6** This is achieved by auditing the financial statements of all central government departments, agencies and other public bodies, and reporting the results to Parliament. Our other work comprises value-for-money studies, local audit, investigations, support to Parliament and international activities.

**7** The C&AG uses his powers to:

- decide which value for money examinations to carry out;
- decide how to report results to Parliament; and
- use rights of access to documents and staff to get information and explanations.

You can read more about the C&AG and the NAO on our website.

**8** The issues we focus on in our work are:

- securing an effective centre of government that facilitates the best use of public money;
- maintaining effective local services under financial constraint;
- improving the accuracy and effectiveness of high-volume services to the public;

- improving the effective delivery of major programmes and projects;
- improving outcomes from a diverse range of providers, with effective oversight and intervention; and
- strengthening influence and regulation to make markets work effectively.

### **Role of the C&AG with reference to the Act**

**9** The C&AG, is a prescribed person listed in the Public Interest Disclosure (prescribed persons) Order 2014, to whom external persons can make disclosures relating to “the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services”.

**10** The Act does not require the C&AG to investigate every disclosure he receives; his decision whether to investigate is based upon various criteria designed to ensure the most effective use of the resources at his disposal in safeguarding the public interest.

### **Content of report**

**11** Since April 2017, all Prescribed Persons are required to report in writing annually on workers (whistleblowing) disclosures they have received.

**12** The report must contain, without including any information in the report that would identify a worker who has made a disclosure of information, or an employer or other person in respect of whom a disclosure of information has been made:

- a** the number of workers’ disclosures received during the reporting period that the relevant prescribed person reasonably believes are:
  - qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996; and
  - which fall within the matters in respect of which that person is so prescribed.
- b** the number of those disclosures in relation to which the relevant prescribed person decided during the reporting period to take further action.
- c** a summary of:
  - the action that the relevant prescribed person has taken during the reporting period in respect of the workers’ disclosures; and
  - how workers’ disclosures have impacted on the relevant prescribed person’s ability to perform its functions and meet its objectives during the reporting period.
- d** an explanation of the functions and objectives of the relevant prescribed person.

## Correspondence at the NAO

**13** The C&AG and the NAO receive approximately 1,000 items of correspondence each year from Members of Parliament, members of the public and other organisations telling us about their experiences or concerns with public bodies. The NAO's objective when handling correspondence is to deliver timely, proportionate and high-quality responses; all correspondence received is logged so that those who communicate with us know that their concerns are taken seriously and handled appropriately.

**14** Receiving, investigating and replying to correspondence is part of the NAO's core work. It is one of the direct contact points with MPs and the public and is a rich and invaluable source of intelligence with a key role to play in informing our audit work. For example, through the identification of individual or systemic issues that merit further investigation.

**15** We receive around 1,000 pieces of correspondence each year, many of these raise concerns about public bodies, some of which are concerns raised by workers about their employer. These whistleblowing disclosures are detailed below.

## Whistleblowing disclosures received from 1 April 2018 to 31 March 2019

**16** In the period 1 April 2018 to 31 March 2019 inclusive the C&AG received 38 whistleblowing disclosures.

## Outcomes

Response to disclosures	Number of disclosures	Summary of the action taken
Work performed by the National Audit Office	14	In these cases we investigated the concerns as part of our audit work or as a specific investigation.
Referred to alternative body	14	In these cases we referred the disclosure to other bodies that were better placed to investigate the concerns; these bodies included the relevant government Department, the Government Internal Audit Agency or a devolved authority.
Referred to local auditor	10	In these cases we referred the disclosure to the local auditor for the relevant local authority. The local auditor is a prescribed person where concerns relate to a local authority.



## Examples of the type of work we carried out

**17** We have not included any information in these examples which could lead to the identification of a whistleblower or the subject of the whistleblowing or compromise the confidentiality of an ongoing investigation.

- **Example 1:** We received a concern from an anonymous correspondent about procurement and contract management. We used information gathered in our year end audit to undertake analysis to establish if the concern raised warranted further enquiries. We identified that the internal audit team of the relevant arms' length body (ALB) had recently performed work which covered the complainant's concerns. We have monitored the ALB's response to this report through our ongoing engagement with internal audit and attendance at its Audit and Risk Assurance Committee (ARAC).
- **Example 2:** The whistleblower raised concerns about staff payroll arrangements and project delivery. We spoke with the Head of Internal Audit and the relevant project team at the Department. We used this information to inform our view of risk for the 2018-19 financial statement audit and wider understanding of these issues across government.
- **Example 3:** A whistleblower raised concerns about a number of HR matters, including the use of consultants and travel expenses; we contacted the whistleblower to discuss their concerns. This helped target our audit plan to focus our work accordingly, and to enhance the assurance obtained during our financial statements audit, particularly in respect of remuneration and employee reimbursements.
- **Example 4:** Protecting the confidentiality of a whistleblower is very important. Following a disclosure to us we considered the issues raised and how we would need to protect the confidentiality of the whistleblower. On this occasion we were not able to confirm with the Whistleblower whether they were content for us to contact the organisation about which the concerns had been raised. Therefore to protect their identify we planned to compare their concerns with other information we already held to develop a line of enquiry independent of the whistleblower.

## Learning from disclosures

**18** The National Audit Office carries out statutory audits on the financial statements of public bodies and examinations into the economy, efficiency and effectiveness with which government departments and many other public sector bodies have used their resources. We use the experience of people to inform our audits and take the issues raised with us into account as we conduct and plan our programme of work. The disclosures made to us provide insight into areas we may want to investigate and aid the C&AG's ability to perform his functions.

**19** The more knowledge the NAO has the more effectively it can hold Government to account. Whistleblowers raise concerns which help us target our financial audit work, ensuring we are carrying out work on the areas where there is risk of misstatement or irregularity. It also allows us to identify issues which should be scrutinised through our value for money examinations or factual investigations. Concerns raised from whistleblowing allow us to ask specific questions of government departments and other public sector bodies which inform our knowledge of the issues facing government, aiding the C&AG's ability to perform his functions.

**20** The Local Audit and Accountability Act 2014 (LAAA) gave the C&AG specific value-for-money powers in respect of certain local public bodies, including local authorities. While we cannot investigate individual local public bodies, such as individual local authorities, the LAAA allows the NAO to perform value-for-money work on groups of local public bodies. Whistleblowing disclosures therefore inform our planning and may trigger an examination across a group of local public bodies.

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National Audit Office

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# ANNUAL REPORT ON WHISTLEBLOWING DISCLOSURES 2018-2019

This report is made in accordance with the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

The Serious Fraud Office (SFO) tackles the top tier of serious or complex fraud, bribery and corruption. We investigate and prosecute a small number of large economic crime cases and use our statutory powers to recover the proceeds of such crime. It is our aim to do so fairly and effectively and this includes treating victims, witnesses and whistleblowers with dignity and respect.

The Director of the Serious Fraud Office (SFO) is a 'prescribed person' for the purpose of whistleblowing legislation and is required to publish an annual report concerning the number of whistleblowing disclosures made by workers about their employers. To meet the criteria for inclusion in the report the disclosure must be a qualifying disclosure. This means:

- the worker reasonably believes that the information disclosed is substantially true and the relevant failure relates to serious or complex fraud (including bribery and corruption), civil recovery of the proceeds of crime, civil recovery investigations or disclosure orders in relation to confiscation investigations; and



The SFO's standard policy is to treat whistleblowing disclosures in confidence. Those who wish to report wrongdoing relating to matters falling within the SFO's remit may do so via our online [Secure Portal](#).

- the Director of the SFO reasonably believes that in the reasonable belief of the worker the disclosure is made in the public interest and tends to show a criminal offence, miscarriage of justice or other relevant failure providing that the worker does not breach legal professional privilege or commit an offence by making it.

During the period from 1 April 2018 to 31 March 2019, the SFO Intelligence Division managed 137 whistleblowing disclosures that qualify for inclusion in this report. Of those, the SFO was able to take, and took, action in relation to 122 disclosures. This included sending a personalised response to the whistleblower, requesting additional information from the whistleblower, conducting further enquiries and / or making contact with partner law enforcement and regulatory agencies. In some cases where no contact details were provided it was not possible nor thought reasonable to take further action.

Whistleblowers continue to provide a vital source of information to the SFO in the fight against economic crime.



Serious Fraud Office  
2-4 Cockspur Street  
London  
SW1Y 5BS

Telephone:  
+44 (0)20 7239 7272  
[www.sfo.gov.uk](http://www.sfo.gov.uk)

1. Home (<https://www.gov.uk/>)
2. Whistleblowing: annual reports (<https://www.gov.uk/government/publications/whistleblowing-annual-reports>)



# Environment Agency

1. (<https://www.gov.uk/government/organisations/environment-agency>)

Corporate report

## **Whistleblowing: annual report 1 April 2018 to 31 March 2019**

Published 1 October 2019

### **Contents**

When to report environmental malpractice  
Contact the Environment Agency





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Under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, commonly known as 'whistleblowing', we must act on any third party disclosures made to us about environmental malpractice.

We received 20 qualifying disclosures between 1 April 2018 and 31 March 2019. Most of these were anonymous. Some of the disclosures were made by employees wishing to make qualifying disclosures about their employers or other third parties.

Here is a summary of the qualifying disclosures we received.

### **Disclosure 1**

Date of disclosure: 27 June 2018

Summary of disclosure: Water pollution - the reported incident was closed as the caller cut off and did not want to give much information.

Action taken: We spoke with the company responsible for the stretch of river concerned. We inspected the site but there were no signs of any pollution - the outfall was running clear.

Impact on the Environment Agency: None - the report was not substantiated.

### **Disclosure 2**

Date of disclosure: 7 July 2018

Summary of disclosure: Hazardous waste disposal and pollution prevention - report that a company had released coolant or oil into a drain.

Action taken: We inspected the site and met with the managing director. There were no signs of any pollution or discharge of hazardous waste. After the visit we emailed the company with information about pollution prevention and disposal of hazardous waste. We closed the reported incident.

Impact on the Environment Agency: Limited costs, no legal powers to recharge. The incident was investigated but not substantiated.

### **Disclosure 3**

Date of disclosure: 12 October 2018

Summary of disclosure: Illegal waste storage.

Action taken: Our Area Enforcement Team is formally investigating the site. The site operator is in administration. We've issued suspension notices to prevent the import of some wastes. We've suspended the site for non-payment of subsistence fees. We are still monitoring the site as waste is still being stored there. The site is currently locked and secured.

Impact on the Environment Agency: The report strengthened evidence that the site is non-compliant and provided further justification for enforcement action. The report did not stop us performing our duties.

### **Disclosure 4**

Date of disclosure: 14 November 2018

Summary of disclosure: Report of illegal waste activity through the burying of waste.

Action taken: We visited the site but the report was mostly unsubstantiated. We are already closely regulating this site – we had already issued an enforcement notice on this waste facility. No further action was necessary.

Impact on the Environment Agency: Due to previous site visits we had limited resources to deal with this complaint.

## **Disclosure 5**

Date of disclosure: 10 December 2018

Summary of disclosure: Discharge of waste water because of a broken pump – the whistleblower was concerned that raw sewage may get into a nearby creek.

Action taken: We confirmed that the sewer did not extend to the car park so raw sewage could not be discharged.

Impact on the Environment Agency: No impact

## **Disclosure 6**

Date of disclosure: 15 February 2019

Summary of disclosure: Litter outside of containment zone.

Action taken: We investigated the site and completed the remedial works that were needed. We replaced the netting and retaining wall and tidied up any escaped litter. We have increased the frequency of our area inspections.

Impact on the Environment Agency: Low.

## **Disclosure 7**

Date of disclosure: 20 July 2018

Summary of disclosure: Concerns about abstraction and low water levels.

Action taken: We had visited the site before and already issued advice about how to comply with legislation. We had already added the site to our Hostile Sites Database (a database for Environment Agency staff so that they know about potentially hostile sites) following a previous multi-agency visit. We decided not to visit the site on this occasion.

Impact on the Environment Agency: No operational impact.

## **Disclosure 8**

Date of disclosure: 8 October 2018

Summary of disclosure: Suspected permit breach.

Action taken: We contacted the whistleblower to verify the facts. There were no other reports of pollution in the area. We contacted the company, who explained that there is a buried, sealed tank which was being removed by a valid waste contractor. We verified this and did not investigate further. We checked the banks for signs of pollution and pumping equipment but did not find any.

Impact on the Environment Agency: No operational impact.

## **Disclosure 9**

Date of disclosure: 9 April 2018

Summary of disclosure: Suspected permit breach - reports of large quantities of waste, vermin and odours.

Action taken: We inspected the site but could not substantiate the permit breach. No further action was required.

Impact on the Environment Agency: None – we visited the site as a routine compliance visit.

## **Disclosure 10**

Date of disclosure: 29 September 2018

Summary of disclosure: Reports of illegal waste activity.

Action taken: We carried out the appropriate checks and established if the site or company was already known to us. We visited the site but did not find any evidence of illegal waste activity other than some illegal burning, for which we issued a warning letter.

Impact on the Environment Agency: We visited the site and found that the company was operating in accordance with its planning permission from the local authority.

## **Disclosure 11**

Date of disclosure: 1 November 2018

Summary of disclosure: Land contamination - coolant being swept out of factory onto grass.

Action taken: We contacted the company to find out what liquids they dealt with. They confirmed that the main liquid they used was machine coolant. This had been decanted into barrels and stored outside. They told us that the coolant was kept in secondary containment in case of spillage. We were satisfied with the precautions being taken and took no further action.

Impact on the Environment Agency: Little or no impact – it was a routine enquiry to the company. We did not visit the site.

## **Disclosure 12**

Date of disclosure: 27 April 2018

Summary of disclosure: Illegal waste activity.

Action taken: We visited the site and told the owner about the allegations. We found no evidence of illegal waste activity and took no further action.

Impact on the Environment Agency: One of our enforcement officers went to the site to investigate the disclosure.

## **Disclosure 13**

Date of disclosure: 12 June 2018

Summary of disclosure: Water pollution.

Action taken: We received a vague report about water pollution. We carried out pre-bathing season checks of the assets involved and found that the site was compliant with its permit. We took no further action.

Impact on the Environment Agency: No direct impact. The pre-season check was routine.

## **Disclosure 14**

Date of disclosure: 8 August 2018

Summary of disclosure: Suspected waste activity permit breach.

Action taken: We emailed the site operator with details of the allegations. We only received one allegation, concerning odour. We received no more complaints and took no further action.

Impact on the Environment Agency: Minor – we logged the report and spent a short time communicating with the site.

## **Disclosure 15**

Date of disclosure: 2 March 2018

Summary of disclosure: Water pollution - breach of permit or potentially no permit.

Action taken: We visited the site and met the operator. We advised the operator how to stop the foul sewer discharge.

Impact on the Environment Agency: Low - we visited the site.

## **Disclosure 16**

Date of disclosure: 19 March 2019

Summary of disclosure: Suspected permit breach.

Action taken: This related to an ongoing enquiry with the operator. We took no further action because we already knew about the permit breach - we were already addressing the situation.

Impact on the Environment Agency: Minor.

## **Disclosure 17**

Date of disclosure: 13 April 2019

Summary of disclosure: Suspected permit breach.

Action taken: We obtained a witness statement that has led to ongoing enquiry.

Impact on the Environment Agency: Minor.

## **Disclosure 18**

Date of disclosure: 23 June 2018

Summary of disclosure: Water pollution.

Action taken: We assessed the risk of environmental damage as low - category 3. We did not visit the site. We sent a letter to the operator to tell them about the report of pollution and reminded them that they must dispose of waste properly.

Impact on the Environment Agency: Minor.

## Disclosure 19

Date of disclosure: 23 August 2018

Summary of disclosure: Operating without a licence - an individual was carrying waste using a waste carrier registration in the name of a company that had dissolved. The individual was the only officer of the dissolved company.

Action taken: We categorised the environmental risk as low - category 3. We did not visit the site.

Impact on the Environment Agency: No impact.

## Disclosure 20

Date of disclosure: 26 August 2018

Summary of disclosure: Illegal waste activity.

Action taken: We assessed that the area was not sensitive to the alleged activities. We categorised the environmental risk as low - category 3. We did not visit the site. We closed the report in the absence of further information or reports of activity.

Impact on the Environment Agency: No impact.

## When to report environmental malpractice

We're listed as a 'prescribed person' in the Public Interest Disclosure (Prescribed Persons) Order 2014 – this means that you can contact us directly about environmental malpractice.

You should report environmental malpractice to us if it affects the environment or the management or regulation of the environment.

In England we're responsible for:

- regulating major industry and waste
- treatment of contaminated land
- water quality and resources
- fisheries
- inland river, estuary and harbour navigations
- conservation and ecology
- managing the risk of flooding from main rivers, reservoirs, estuaries and the sea

Find out more about what the Environment Agency is responsible for (<https://www.gov.uk/government/organisations/environment-agency/about>).

Find out about other ways you can report whistleblowing (<https://www.gov.uk/whistleblowing>).

## Contact the Environment Agency

### General enquiries

National Customer Contact Centre  
PO Box 544  
Rotherham

S60 1BY

Email enquiries@environment-agency.gov.uk

Telephone 03708 506 506

Telephone from outside the UK (Monday to Friday, 8am to 6pm GMT) +44 (0) 114 282 5312

Monday to Friday, 8am to 6pm



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**FINANCIAL REPORTING COUNCIL**

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REPORT AND FINANCIAL STATEMENTS  
FOR THE YEAR ENDED  
31 MARCH 2019

HC 2421



## MANAGING COMPLAINTS

### WHISTLEBLOWING TO THE FRC AS A PRESCRIBED PERSON

#### Public Interest Disclosures

Whistleblowing is the term used when a worker passes on information concerning suspected or known wrongdoing by their employer (it is also known as 'making a disclosure'). The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 provides the legal framework for protecting workers from harm if they blow the whistle. The purpose of a prescribed person is to provide workers with a way of whistleblowing to an independent body that may be able to act on those concerns.

The FRC is a prescribed person and as such, individuals working outside the FRC, but in the accounting or actuarial professions, may get in touch with the FRC if they want to make a disclosure about their employer in relation to matters which are within the scope of the FRC's regulatory duties.

During 2018/19 the FRC received 16 disclosures in its capacity as a prescribed person. In respect of the disclosures made, the following action was taken:

- four were referred to the relevant professional accountancy body for consideration;
- seven were referred to another regulator or organisation for consideration;
- four were of direct relevance to the FRC's responsibilities and were addressed or are being considered by the relevant team(s); and

- one did not respond to requests for further information.

The FRC's whistleblowing policy can be found here: <https://www.frc.org.uk/about-the-frc/whistleblowing>

#### COMPLAINTS ABOUT THE FRC

During 2018/19 we received new complaints under the FRC Complaints Procedure (which deals with complaints from those who are unhappy or dissatisfied about the way the FRC has exercised its functions) from seven complainants, some of which raised multiple complaints.

Concerns were raised regarding:

- the efficacy of FRC's oversight in relation to the IFoA, the ICAEW and the ACCA;
- the time taken or the lack of communication provided to individuals referring matters to our Corporate Reporting Review Team; and
- the FRC's response to references in published material regarding the potential subjects of an enforcement investigation.

Of the complaints received this year, full responses have been provided to six of the complainants and correspondence with the seventh complainant is under consideration. In two cases, relating to our handling of complaints in relation to the professional bodies, the complaints were partially upheld, and in one case it was accepted that the complaints outcome letter was not as clear as it might have been. The other complaints were not upheld. One case has been referred to the Independent Complaints Reviewer.

During the year we also concluded correspondence with five complaints from the previous year. The complaints were not upheld but improvements for the future were identified including giving complainants sufficient information on how their complaint will be considered from the outset so that they can be satisfied that the process is fair and appropriate. In two instances, referrals were made to the Independent Complaints Reviewer but the complainants subsequently decided not to pursue their referral.

This year, as in previous years, the majority of complaints received under the FRC Complaints Procedure, concern the Professional Oversight Team's review of complaints regarding the professional bodies and in particular, dissatisfaction with the FRC's inability to undo or overturn a substantive finding by a professional body. Our complaints processes make clear that our present arrangements with the professional bodies in question do not allow us to act as a route of appeal against their substantive decisions and that the scope of oversight reviews is limited to reviewing those bodies' complaints-handling.

A significant review of the FRC's complaints handling is underway, which also addresses specific recommendations made in the *Independent Review of the Financial Reporting Council* and steps are being taken to centralise and better resource complaints handling within the FRC with the aim of providing consistent complaints handling practices as appropriate, timely and effective outcomes and to facilitate transparent and regular reporting of trends, outcomes and turnaround.

## **Whistleblowing Annual Report 2018/19: The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017**

The Food Standards Agency (FSA) is a Prescribed Person as defined by the Public Interest Disclosure (Prescribed Persons) Order 2014.

Under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, all Prescribed Persons are required to provide an annual report on public interest disclosures they have received. Reports for 1 April 2018 to 31 March 2019 whistleblowing disclosures must be published no later than the end of September 2019.

The report must contain, without including any information which would identify a person who has made a disclosure, or any other person in respect of whom a disclosure has been made:

- (a) The number of workers' disclosures received during the reporting period which the Prescribed Person reasonable believes are –
  - (i) Qualifying disclosures within the meaning of section 438 of the Employment Rights Act 1996; and
  - (ii) Which fall within the matters in respect of which that person is so prescribed.
- (b) The number of those disclosures in relation to which the Prescribed Person decided during the reporting period to take further action.
- (c) A summary of –
  - (i) The action the Prescribed Person has taken during the reporting period in respect of those disclosures; and
  - (ii) how those disclosures have impacted on the Prescribed Person's ability to perform its functions and meet its objectives during the reporting period.
- (d) An explanation of the function and objectives of the Prescribed Person.

**In the period 1 April 2018 to 31 March 2019 inclusive:**

(a)(i)	We received a total of 88 disclosures which have been assessed against the Public Interest Disclosure Act 1998 (PIDA) and the statutory requirements of the Food Standards Agency (FSA).
(a)(ii)	We reasonably believe that 88 disclosures were qualifying disclosures and fell within the matters in which the FSA is a Prescribed Person.
(b)	We decided to take action on 86 of the 88 disclosures which we reasonably believed to be qualifying disclosures.
(c)(i)	<p>Of the 86 disclosures on which we decided to take action:</p> <ul style="list-style-type: none"> <li>• 58 were redacted in to sanitised, anonymised intelligence reports and provided to the appropriate authority (either within the FSA or an external public agency) for action.</li> <li>• 28 disclosures were the subject of additional intelligence development activity by the FSA, following which the Agency made an informed decision to lead, support or coordinate further action where the intelligence case indicated wrongdoing may have occurred.</li> </ul> <p>Outcomes achieved in relation to the 86 disclosures on which we decided to take action include:</p> <ul style="list-style-type: none"> <li>• Non-compliance with food safety procedures identified and addressed by the appropriate authority.</li> <li>• Lawful seizure and destruction of unsafe food by the appropriate authority.</li> <li>• Food hygiene concerns identified and addressed by the appropriate authority.</li> <li>• Prevention of non-compliant activity by food businesses and disruption of unregulated food production through targeted joint working with partner agencies.</li> <li>• Insufficient evidence identified to substantiate any wrongdoing.</li> </ul> <p>No action was taken in respect of 2 of the 88 disclosures because the concerns raised were already known to the appropriate authority.</p>
(c)(ii)	<p>All 88 disclosures impacted the ability of the Food Standards Agency to perform its functions and meet its objectives by:</p> <ul style="list-style-type: none"> <li>• Assisting the FSA and other appropriate authorities to consider potential food safety risks and implement appropriate risk management actions.</li> </ul>

	<ul style="list-style-type: none"> <li>• Enabling the FSA and other appropriate authorities to identify non-compliance with food hygiene and food safety processes, directing appropriate remedial action be taken by the relevant food businesses.</li> <li>• Build the FSA's knowledge and understanding of food safety risks, enabling strategic priorities to be determined and resources allocated to those priorities.</li> </ul> <p>In doing so, the disclosures have contributed to the FSA's work to ensure food is safe and is what it says it is.</p>
(d)	<p>The mission of the FSA is to use our expertise and influence so that people can trust that the food they buy and eat is safe and what it says it.</p> <p>The FSA is a Prescribed Person for matters which may affect the health of any member of the public in relation to the consumption of food and matters which concern the protection of the interests of consumers in relation to food.</p> <p>Food Standards Agency  Floor 7  Clive House  70 Petty France  London SW1H 9EX</p> <p>Telephone 0207 276 8787  Webform <a href="https://www.food.gov.uk/contact/businesses/report-safety-concern">https://www.food.gov.uk/contact/businesses/report-safety-concern</a>  Email <a href="mailto:foodcrime@food.gov.uk">foodcrime@food.gov.uk</a></p>

## **Whistleblowing disclosures 2018-19**

Food Standards Scotland (FSS) is designated in law as a 'prescribed person' for the purpose of receiving disclosures of information from workers ('whistleblowers') regarding matters which affect the health of any member of the public in Scotland in relation to the consumption of food and matters which concern the protection of consumers in relation to food.

FSS is the public body with responsibility in Scotland for food and feed safety and standards, policy and regulation. It is designated as a central competent authority for the regulation of food and feed safety, and monitors the delivery of food and feed regulation by its partners. FSS's Scottish Food Crime and Incidents Unit (SFCIU) is the dedicated incidents, investigations and intelligence gathering arm of Food Standards Scotland, which focuses on tackling food crime and maintaining consumer protection.

The Unit has a dedicated Intelligence Office which analyses, develops and actions information received from members of the public, food business operators and industry whistle-blowers. The Investigations team investigate instances of food crime. The team may also support Local Authorities with enquiries into serious breaches of food safety and assist with complex and protracted investigations.

During 2018/19 whistleblowers contacted us 10 times with disclosures which were qualified disclosures within the meaning of section 43B of the Employment Rights Act 1996\*. The information was variously disseminated to the appropriate agency to investigate the concerns raised and to deal with any issues accordingly.

The information disclosures received in 2018/19 allowed FSS to achieve its objective of consumer protection by passing on the information received to the appropriate agency to ensure the issues identified were addressed.

\* A qualifying whistleblowing disclosure is one where the information being disclosed falls under any of the headings below:  
a criminal offence

- a failure to comply with a legal obligation
- a miscarriage of justice
- the endangering of an individual's health and safety
- damage to the environment
- deliberate concealment of information tending to show any of the above.

# Report

## Annual Whistleblowing Report 2018-2019

<b>Publication date:</b>	16 September 2019	<b>Contact:</b>	Emma Lynch, Senior Manager
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This is our second annual Whistleblowing Report<sup>1</sup>, about disclosures made to us, as the relevant Prescribed Person, by workers in the gas and electricity market. Further detail on the types of disclosures that can be made to us are outlined in [the Public Interest Disclosure \(Prescribed Persons\) Order 2014](#). This report summarises the number of qualifying disclosures received and how they were taken forward in the relevant reporting period from 1 April 2018 to 31 March 2019.

The purpose of this report is to increase openness in the way that whistleblowing disclosures are dealt with and to raise confidence among whistleblowers that their disclosures are taken seriously.

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<sup>1</sup> As required by Regulation 3 of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

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## Contents

<b>1. Introduction .....</b>	<b>4</b>
<b>Background .....</b>	<b>4</b>
About Ofgem .....	4
About information we receive .....	5
<b>2. Disclosures .....</b>	<b>6</b>
About disclosures .....	6
<b>Disclosures.....</b>	<b>6</b>
Number of disclosures received.....	6
Outcomes .....	7
<b>3. Conclusion .....</b>	<b>8</b>



## 1. Introduction

### Background

#### Ofgem's objectives and functions

- 1.1. Ofgem is the Office of Gas and Electricity Markets. We are a non-ministerial government department and an independent National Regulatory Authority, recognised by certain EU Directives. We are the economic regulator for gas and electricity markets in Great Britain.
- 1.2. Our principal objective when carrying out our functions is to protect the interests of existing and future electricity and gas consumers. We do this in a variety of ways including:
  - promoting value for money
  - promoting security of supply and sustainability, for present and future generations of consumers, domestic and industrial users
  - the supervision and development of markets and competition
  - the regulation and the delivery of government schemes.
- 1.3. The Authority determines strategy, sets policy priorities and makes decisions on a wide range of regulatory matters, including price controls and enforcement. The Authority's powers are provided for under a number of statutes including the following:
  - Gas Act 1986
  - Electricity Act 1989
  - Utilities Act 2000
  - Competition Act 1998
  - Enterprise Act 2002
  - The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc) Regulations 2013 which enables Ofgem to monitor, investigate and enforce against market abuse in the wholesale market for electricity under EU Regulation on energy market and integrity and transparency No 1227/2011 (REMIT)
  - measures set out in a number of Energy Acts.

## About information we receive

- 1.4. Disclosures can be made to Ofgem in writing (either by e-mail or letter) or by calling our whistleblowing desk. Further information on our whistleblowing process is available via this [link](#)
- 1.5. The information we receive helps us achieve our objectives (including our principal objective) and can provide us with an early indication of future issues. For example, we may be able to direct resources and tackle issues before they escalate and become more serious or widespread. Alternatively, the disclosures may provide useful information and insight about an issue that we are already aware of and may be currently investigating.
- 1.6. Disclosures help deliver our objectives and regulate the gas and electricity market effectively. A qualifying disclosure (see section 2) can provide valuable intelligence about areas where there may be problems and can inform our regulatory actions. All qualifying disclosures are taken seriously and are given due attention. There are a number of measures we can deploy to regulate effectively and can involve the use of our statutory powers. For example:
  - where licensees are potentially breaching licence conditions we may choose to open an enforcement investigation or engage in compliance activities. This helps us achieve our principal objective of protecting the interests of all energy consumers. It can also help us achieve our other objectives, depending on the nature of the potential breach.
  - where there are potential abuses of government schemes we may choose to investigate and report criminal behaviour to a relevant law enforcement authority. Through this we are able to both penalise and deter fraudulent behaviour, denying funding to those who are not entitled to it.
  - we may investigate potential anti-competitive behaviour using our statutory powers under the Competition Act 1998. This helps us ensure the energy market is working effectively.

## 2. Disclosures

### About disclosures

Ofgem receives information from members of the public who raise a genuine concern about certain practices that they are aware of through their work, which they believe may constitute a criminal offence, a risk to the health and safety of a person or persons, pose a risk to the environment or a potential breach of a regulatory requirement and which affects others, usually customers, members of the public, or their employer.

On receipt of any information, we will consider whether the information falls within the definition of qualifying information, and if so, what action Ofgem should take bearing in mind its statutory duties and powers.

## Disclosures

### Number of qualifying disclosures received

- 2.1. A total of 76 qualifying disclosures<sup>2</sup> were made to Ofgem by workers in the gas and electricity energy sector in the period 1 April 2018 to 31 March 2019.
- 2.2. We have some general observations over the last reporting period that we highlight in order to improve our ability to assess what action (if any) to take.
- 2.3. We would encourage whistleblowers to provide contact details where possible and respond to any requests we may have for further information. Such requests can be responded to via e-mails on an anonymous basis if required. Information that assists us to act are details on what is happening and where, who is responsible, why the situation has occurred, who is aware of the situation, what action is being taken to address the situation and lastly what detriment or harm is being caused. It is also helpful to know why you have decided to pass this information to us rather than raise internally. In some cases we are unable to progress disclosures further due to insufficient information in the initial correspondence and lack of contact details to pose further questions.
- 2.4. We do not expect or encourage whistleblowers to obtain evidence of wrongdoing as the acquisition of such evidence may render whistleblowers liable to civil and/or criminal proceedings. We do have information gathering powers and may explore in follow up conversations with whistleblowers what information would be available to us if we chose to exercise those powers.
- 2.5. Where we do not have the power to act on the information provided we will endeavour to signpost whistleblowers to the correct prescribed body. This can only be achieved if contact details are provided.

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<sup>2</sup> As defined in section 43A, 43B and 43F of the Employment Rights Act 1996 and the Public Interest Disclosure (Prescribed Persons) Order 2014 (SI No. 2418 2014) as those statutory provisions apply to Ofgem.

**Outcomes**

2.6. This table shows what actions were taken and the outcomes for the 76 qualifying disclosures<sup>3</sup> made during the period 1 April 2018 to 31 March 2019.

Action taken	Outcome	Total
Led to direct contact with employer	Resolved at first contact	5
Led to direct contact with employer	Resolved but not at first contact	10
Led to direct contact with employer	Ongoing contact with employer	1
Did not lead to contacting employer	Held as intelligence <sup>4</sup>	25
Did not lead to contacting employer	No further action – no breach	5
Ofgem already had ongoing enquiries and was aware of the information the whistleblower had provided but the employer was not yet the the subject of any formal investigation or compliance action	Ongoing enquiries	1
Considered as part of ongoing investigation /compliance action	Ongoing investigation / compliance activities	7
Background enquiries still ongoing	Ongoing enquiries	20
Referred to another body <sup>5</sup>	Action completed	2

<sup>3</sup> All disclosures were external ie they were made by workers in the energy sector and disclosed to Ofgem. There were no internal disclosures made by Ofgem staff in the reporting period

<sup>4</sup> This is where there is insufficient evidence of breach, consumer harm or detriment in the disclosure that would warrant further action

<sup>5</sup> This includes where Ofgem forwards directly and also where the whistleblower is advised to contact another body

### 3. Conclusion

- 3.1. Ofgem’s statutory function is to protect and make a positive difference for all energy consumers. We work to promote value for money, security of supply and sustainability for present and future generations. We achieve this by supervising and developing markets, regulation and delivery of government schemes. The information provided by whistleblowers can highlight problems in our areas of responsibility and we can react to the information provided. A whistleblowing disclosure can be an influential factor in any decision to exercise our range of statutory powers to ensure we fulfil our statutory functions.
- 3.2. The table of outcomes shows that whistleblowing disclosures which are deemed to be qualifying disclosures have led to a number of different actions. These include the timely resolution of issues without the need for enforcement action, providing valuable information on existing issues we were aware of and providing useful intelligence on emerging issues. The information provided in some disclosures highlighted problems within our functional areas and we were able to act accordingly. For example using the disclosure to focus research, establish trends and use our statutory powers to obtain further information from licensees..
- 3.3. Ofgem values the information provided by whistleblowers and the content of this report provides greater transparency regarding how we act on the information we receive. All qualifying disclosures are taken seriously and will be investigated. The nature of the enquiries we make are tailored to the facts of each specific disclosure.

# Whistleblowing disclosures report 2019

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Healthcare professional regulators

This report has been produced by the healthcare professional regulators



General Medical Council

**General Dental Council**



**General Pharmaceutical Council**



# Contents

- 2** About the report
- 5** General Chiropractic Council
- 6** General Dental Council
- 8** General Medical Council
- 10** General Optical Council
- 12** General Osteopathic Council
- 13** General Pharmaceutical Council
- 15** Health and Care Professions Council
- 17** Nursing and Midwifery Council (NMC)
- 20** Note on data



## About the report

On April 1 2017, a new legal duty came into force which required all prescribed bodies to publish an annual report on the whistleblowing disclosures made to them by workers.

“The aim of this duty is to increase transparency in the way that whistleblowing disclosures are dealt with and to raise confidence among whistleblowers that their disclosures are taken seriously. Producing reports highlighting the number of qualifying disclosures received and how they were taken forward will go some way to assure individuals who blow the whistle that action is taken in respect of their disclosures.”

[Department for Business, Energy and Industrial Strategy \(2017\)](#)

The first report in response to the new duty was published in September 2018 and we, as healthcare professional regulators,<sup>1</sup> decided to compile a joint report to highlight our coordinated effort in working together to address the serious issues raised to us.

This year, we have chosen to take the same approach and compile a joint whistleblowing disclosures report. Our aim in this report is to be transparent about how we handle disclosures, highlight the action taken about these issues, and to improve collaboration across the health sector.

As each regulator has different statutory responsibilities and operating models, a list of actions has been devised that can accurately describe the handling of disclosures in each organisation (Table 1). It is important to note that while every effort has been made to align the ‘action taken’ categories, each regulator will have slightly different definitions, activities and sources of disclosures.

<sup>1</sup> General Chiropractic Council, General Dental Council, General Medical Council, General Optical Council, General Osteopathic Council, General Pharmaceutical Council, Health and Care Professions Council and Nursing and Midwifery Council

**Table 1: Types of action taken after receiving a whistleblowing disclosure**

Action type	Description
Under review	This applies to disclosures which have been identified as a qualifying whistleblowing disclosure but no further assessment or action has taken place yet.
Closed with no action taken	This applies to disclosures which have been identified as a qualifying whistleblowing disclosure but no regulatory assessment, action or onward referral was required.  This could be in cases where it was decided the incident was resolved or no action was appropriate at the current time.
Onward referral to alternative body	This applies to disclosures which have been identified as a qualifying whistleblowing disclosure and forwarded to another external organisation without any further assessment or action by the receiving regulator.
Regulatory action taken	This applies to disclosures where the regulator has taken an action which falls under their operative or regulatory remit.  This may include but is not limited to: <ul style="list-style-type: none"> <li>● Referral to fitness to practise team or any other fitness to practise process</li> <li>● Opening of an investigation</li> <li>● Advice or guidance given to discloser, employer, education body or any other person or organisation</li> <li>● Registration actions</li> <li>● Other enforcement actions</li> </ul> In cases where the disclosure was assessed via a regulatory action but it was then found that there was not enough information to proceed, the disclosure is categorised as 'no action - not enough information'.
No action - not enough information	This applies to disclosures which have been assessed by the regulator and a decision has been made that there is not enough information to progress any further.  This may be in cases where the disclosure was made anonymously with insufficient information to allow further investigation, a discloser in unable to provide more information or the disclosure was withdrawn before it could be investigated.
Onward referral to alternative body and regulatory action taken	This applies to disclosures where a regulatory action was taken and the disclosure was referred on to another external organisation.

To protect the confidentiality of whistleblowers and other parties involved, no information is included here that would enable a worker who has a the disclosure or the employer, place, or person about whom a disclosure has been made to be identified.

The reporting period includes activity between 1 April 2018 and 31 March 2019.

## General Chiropractic Council

The General Chiropractic Council (GCC) is the independent regulator of UK chiropractors. We are accountable to Parliament and subject to scrutiny by the Professional Standards Authority (PSA). Our statutory duty is to develop and regulate the profession of chiropractic, thereby protecting patients and the public.

- We maintain a UK-wide register of qualified chiropractors.
- We set the standards of education for individuals training to become chiropractors.
- We set the standards of chiropractic practice and professional conduct for individuals working as chiropractors.
- We investigate complaints against chiropractors and take action against them where necessary. The GCC has the power to remove a chiropractor from the register if they are found to be unfit to practise.

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019 the General Chiropractic Council received no whistleblowing disclosures.

## General Dental Council

The General Dental Council (GDC) is the UK-wide statutory regulator of approximately 115,000 members of the dental team. This includes dentists, dental nurses, clinical dental technicians, dental hygienists, dental technicians, dental therapists and orthodontic therapists.

**Our purpose:** We want patients and the public to be confident that the treatment they receive is provided by a dental professional who is properly trained and qualified and who meets our standards. Where there are concerns about the quality of care or treatment, or the behaviour of a dental professional, we will investigate and take action if appropriate.

**Our legislation, the Dentists Act 1984 (as amended), sets us the following objectives:**

- to protect, promote and maintain the health, safety and well-being of the public
- to promote and maintain public confidence in the professions regulated
- to promote and maintain proper professional standards and conduct for members of those professions.

In addition, we provide the Dental Complaints Service (DCS), which aims to support patients and dental professionals in using mediation to resolve complaints about private dental care.

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019, the General Dental Council received 75 whistleblowing disclosures.

### Actions taken in response to disclosures

Closed with no action taken	6
Onward referral to alternative body	1
Regulatory action taken	56
No action – not enough information	10
Onward referral to alternative body and regulatory action taken	2

All disclosures were made direct to the Fitness to Practise team. In 56 of those disclosures, regulatory action was taken, namely the opening of fitness to practise cases. These could lead to a range of resolving actions determined by a statutory practice committee, ranging from removal of the registrant from the Register, suspension or conditions for a determined period or the conclusion that fitness to practise is not impaired and the case could be closed. Ten cases were not progressed due to lack of sufficient information, one of which was withdrawn before it could be investigated. Two cases referred to fitness to practise for regulatory action were suspended pending the outcome of investigations by external organisations; namely the police and the CQC.

None of the disclosures have resulted in resolution via employer(s). This is largely because either we did not have jurisdiction to consider this option or because the nature of the disclosures made them unsuitable for resolution in this way.

## Learning from disclosures

The disclosures we have received have not had an impact on our ability to perform our regulatory functions and objectives during the period. Given our statutory framework the action we would take in response to a disclosure is the same as the regulatory action we would normally take. There has been a minor operational impact in terms of establishing systems and practices across the organisation to record disclosures appropriately when they are received.

The number of disclosures we received increased to 75 from 56 in 2017–8. Compared to some other regulators we have received a higher number of disclosures in comparison to the size of the register. It is worth noting that most dentistry is provided in a primary care setting and outside the more robust clinical governance frameworks that characterise some other forms of healthcare. This may mean that alternative disclosure routes are less present in dentistry, and a larger proportion are dealt with by the regulator.

## General Medical Council

The General Medical Council is an independent organisation that helps to protect patients and improve medical education and practice across the UK. Our role is to protect the public\* and act in the public interest.

- We decide which doctors are qualified to work here and we oversee UK medical education and training.
- We set the standards that doctors need to follow, and make sure that they continue to meet these standards throughout their careers.
- We take action to prevent a doctor from putting the safety of patients, or the public's confidence in doctors, at risk.
- Every patient should receive a high standard of care. Our role is to help achieve that by working closely with doctors, their employers and patients, to make sure that the trust patients have in their doctors is fully justified.

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019, the General Medical Council received 35 whistleblowing disclosures.

### Actions taken in response to disclosures

Closed with no action taken	1
Regulatory action taken	26
No action – not enough information	4
Onward referral to alternative body and regulatory action taken	4

The majority (33 of 35) of the whistleblowing disclosures we received came in to our Fitness to Practise directorate, and two were received by Registration and Revalidation. Of all the disclosures we received, 13 were made by doctors, 10 were made by other healthcare professionals and 12 were made anonymously.

Of the 33 disclosures which were assessed by our fitness to practise team:

- 13 were closed after an initial assessment

\*Medical Act 1983 (as amended)

- 15 resulted in either a preliminary or full investigation – nine of these are still going through the investigation process and six have been closed
- four disclosures were closed as there was not enough information to take any further action and no further information was provided.
- one disclosure was closed with no action taken as the information disclosed was already under investigation.

Of the 19 disclosures which closed after an initial assessment or a preliminary or full investigation, some of the reasons for closure included:

- the disclosure was or had already been handled locally
- advice was given to the discloser
- the disclosure was outside of our remit to deal with eg local employment dispute
- no concerns were found from the information provided.

Our Registration and Revalidation directorate handled two disclosures. Regulatory action was taken for both, with one case resulting in advice being given to the discloser and the second was referred to the Fitness to Practise team.

## Update on disclosures from last year

There were six disclosures which were still being investigated at the time of reporting last year. Four of these have now been concluded and two are complex cases, which are still being investigated.

## Learning from disclosures

The information disclosed to us during the reporting period has not had an impact on our ability to perform our regulatory functions and deliver our objectives. We have an operational group which meets throughout the year to reflect on the disclosures we have received.

Some complainants made disclosures anonymously as they were fearful of repercussions. This shows there is still some way to go in improving a culture that supports raising and acting on concerns. We have guidance available to doctors on what to do if they have a concern and continue to support and encourage doctors to raise their concerns through appropriate channels.

In some cases, concerns raised to us were not identified immediately as being a qualifying whistleblowing disclosure. We continue to provide training and support for staff on how to recognise and act on whistleblowing disclosures.



## General Optical Council

### The General Optical Council (GOC) is the regulator for the optical professions in the UK.

Our purpose is to protect the public by promoting high standards of education, performance and conduct amongst opticians. We currently register around 30,000 optometrists, dispensing opticians, student opticians and optical businesses.

A brief description of our four core regulatory functions is:

- setting standards for optical education and training, performance and conduct
- approving qualifications leading to registration
- maintaining a register of individuals who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians
- investigating and acting where registrants' fitness to practise, train or carry on business is impaired.

Our overarching objective, as set out in the Opticians Act 1989, is the protection of the public.

We published a 'Raising Concerns (Whistleblowing) Policy in 2016:

[https://www.optical.org/en/Investigating\\_complaints/raising-concerns.cfm](https://www.optical.org/en/Investigating_complaints/raising-concerns.cfm)

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019, the General Optical Council received 19 whistleblowing disclosures.

#### Actions taken in response to disclosures

Under review	5
Regulatory action taken	10
No action - not enough information	4

All 19 disclosures that we received in 2018-19 were placed into our fitness to practise triage system for formal assessment.

In four cases, we were unable to pursue the disclosures made as the discloser decided to withdraw their concerns and there was no way in which the GOC could have pursued the concerns further. Where possible,

for example where the discloser was not anonymous, we advised the discloser as to how they might pursue their concerns further.

In 10 cases, we have taken regulatory action of some description.

- In one case we were unable to pursue the case as the discloser was anonymous and the allegations non-specific, so we disclosed the concerns to the company and received satisfactory assurance in respect of the measures in place to prevent/detect issues of the kind raised by the discloser.
- In nine cases we have opened fitness to practise investigations. Of these, seven cases are still being investigated and have not yet gone to our case examiners for consideration. Two cases have been considered by our case examiners and closed, with no further action being taken.

A decision is pending at triage stage in five cases as to whether the disclosure should be taken forward to formal fitness to practise investigation stage. It is possible, when we have more information, that some of these may transpire to not be qualifying disclosures.

During 2018–19, a complaint (received in a prior year) against a business registrant regarding its handling of a protected disclosure by one of our registrants was considered by our Fitness to Practise Committee, resulting in a sanction of a £50,000 financial penalty against the business registrant, the maximum financial penalty available.

## Learning from disclosures

The number of disclosures received by the GOC in 2018–19 is relatively small. In total in 2018–19, we received 453 new referrals, so protected disclosures account for only 4% of these. Although protected disclosure complaints are, by their very nature, more difficult and time-consuming to investigate, they have not directly had an impact on our ability to perform our regulatory functions.

Identification of a qualifying disclosure on day one is crucial for the proper management of the disclosure and also in securing the confidence of the discloser in the regulator's willingness and ability to take the matter forward.

We continue to find it difficult to investigate concerns where the discloser is anonymous or withdraws, even if there might be a public interest in doing so. Although it is possible to find ways to continue with an investigation, this is far less effective than having the cooperation of the discloser. We have no powers of inspection or intervention and the registration of businesses with the GOC is only mandatory in certain circumstances: [https://www.optical.org/en/Registration/Applying\\_for\\_registration/Bodies\\_corporate.cfm](https://www.optical.org/en/Registration/Applying_for_registration/Bodies_corporate.cfm).

Although we have powers under the Opticians Act 1989 to demand information, this is very challenging in the absence of a discloser who can advise as to the relevant information to be sought.

## General Osteopathic Council

The General Osteopathic Council regulates osteopathic practice in the UK. Its purpose is to protect the public by ensuring high standards of education, practice and conduct among osteopaths.

Its core functions are:

- assuring the quality of osteopathic education and training
- registering qualified professionals on an annual basis and ensuring their continuing fitness to practise
- setting and promoting high standards of osteopathic practice and conduct
- helping patients with complaints or concerns about osteopaths and, where necessary, dealing with those complaints through fitness to practise procedures.

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019, the General Osteopathic Council received two whistleblowing disclosures.

### Actions taken in response to disclosures

Regulatory action taken	2
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Both concerns received were investigated under our fitness to practise procedures. In one case, no further action was taken following the conclusion of the investigation. The second case is ongoing, and no decision has yet been reached.

### Learning from disclosures

The concerns received have not impacted on the General Osteopathic Council's ability to perform its regulatory functions or meet its objectives during the reporting period.

All the concerns we receive inform the ongoing development of our policies, standards and guidance.

## General Pharmaceutical Council

**We regulate pharmacists, pharmacy technicians and pharmacies in Great Britain.**

**We work to assure and improve standards of care for people using pharmacy services.**

- Our role is to protect the public and give them assurance that they will receive safe and effective care when using pharmacy services.
- We set standards for pharmacy professionals and pharmacies to enter and remain on our register.
- We ask pharmacy professionals and pharmacies for evidence that they are continuing to meet our standards, and this includes inspecting pharmacies.
- We act to protect the public and to uphold public confidence in pharmacy if there are concerns about a pharmacy professional or pharmacy on our register.
- Through our work we help to promote professionalism, support continuous improvement and assure the quality and safety of pharmacy.

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 1 April 2018 to 31 March 2019, the General Pharmaceutical Council received 16 whistleblowing disclosures.

#### Actions taken in response to disclosures

Under review	7
Closed with no action taken	3
Onward referral to alternative body	1
Regulatory action taken	5

The action we took included a full investigation through established fitness to practise processes and follow-up action through our inspection network. The former can result in any available outcome throughout the fitness to practise process. The latter can include guidance, a follow-up visit or an unannounced inspection.

Three cases were investigated and concluded with no further action. One case was signposted to another organisation. The remaining five cases were investigated and concluded with guidance from Fitness to Practise, Inspection or Education colleagues.

In addition, one disclosure received during the previous reporting period, was concluded with guidance.

### **Learning from disclosures**

None of the disclosures had an impact on our ability to perform our regulatory functions and meet our objectives during the reporting period.

We use all concerns raised with us to inform our standards and guidance development.

Protected disclosures also inform our operational processes and approach to understanding what the most appropriate regulatory lever is to achieve the best outcome.

The concerns raised with inspectors and the associated guidance in response to the concern, including those that arise through inspections, are widely shared to ensure learning across the inspectorate. These issues inform our work on understanding the experiences of pharmacy professionals in the working environment and also informs our work on ensuring safe and effective pharmacy teams.

## Health and Care Professions Council

The Health and Care Professions Council (HCPC) is a statutory regulator of health, social work, and psychological professions governed by the Health and Social Work Professions Order 2001. We regulate the members of 16 professions.

We maintain a register of professionals, set standards for entry to our register, approve education and training programmes for registration and deal with concerns where a professional may not be fit to practise. Our role is to protect the public.

### Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019, the Health and Care Professions Council received nine whistleblowing disclosures.

### Actions taken in response to disclosures

Onward referral to alternative body	8
Regulatory action taken	1

The majority of the whistleblowing disclosures we received came in to the Policy and Standards department, in the form of policy enquiries. These were from registrants who had concerns about their employers and were seeking advice to ensure they continued to meet our standards.

These came from the following registered professionals; social workers in England, occupational therapists, operating department practitioners, arts therapists and practitioner psychologists. The subject of the disclosures ranged from concerns about the provision of supervision, changes to on call policies or shifts, and an employer's approach to investigating concerns.

In these scenarios, as the concerns relating to specific health and care providers and therefore fell outside of our remit, we directed to the relevant organisation (such as the CQC).

The Education department also received one disclosure from a member of an approved programme team, who raised concerns about staff being put under pressure to pass failing students learners, the programme

increasing student marks to ensure they passed and regulator notification procedures not being followed meaning learners were included without checking if they had passed.

We investigated this concern, through our programme concern process. This was considered by our Education and Training Committee in December 2018, which decided that there was no case to answer. No further action was therefore taken against the programme in question.

## Learning from disclosures

Most disclosures we have received during this reporting period relate to matters outside of our statutory remit, and so have had little impact on our ability to perform our regulatory functions and objectives.

We have previously decided, in response to some of the disclosures, to provide additional information to our registrants about scope of practice, and how they can assess whether or not activities fall within their remit. We have also developed a blog post on how to raise concerns, where we sign post to relevant organisations such as CQC.

We will continue to develop resources on topics such as these through our Meeting our Standards hub on our website.

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## Nursing and Midwifery Council

### Better, safer care for people is at the heart of what we do

Nurses, midwives and nursing associates are highly skilled, compassionate and caring professionals. They strive to deliver the best care possible for people but all too often workforce pressures hold them back.

As the professional regulator of nurses, midwives and nursing associates, we work with these dedicated practitioners to ensure they have the knowledge and skills to deliver consistent, quality care that keep people safe.

### Better, safer care today: working with professionals to drive up standards of care

We set the education standards that nurses, midwives and, in England, nursing associates, must achieve to practise. When they have shown both clinical excellence and a commitment to kindness, compassion and respect, we welcome them onto our register of nearly 700,000 professionals.

Once registered, professionals must uphold day in, day out the standards and behaviour set out in our code so that people can have confidence that they will consistently receive quality, safe care wherever they're treated.

We operate a revalidation process that encourages nurses, midwives and nursing associates to promote lifelong learning. It's a journey that asks professionals to reflect on their practice and how the code applies to their day-to-day work.

Professional regulation enables better care and keeps people safe. But on the rare occasions when care goes wrong or falls short of people's expectations, we step in to investigate and take action when needed.

We promote a culture that encourages professionals to be open and learn from mistakes, gives the public an equal voice, and where everyone involved is treated with kindness and understanding.

### Better, safer care together: working with partners and the public to improve the health and social care system

When demand from the public for health and social care is increasing across the UK, it is vital there are enough professionals to deliver world-class care and keep the public safe.

We work with partners to influence policy and decision-making that supports and develops the future health and social care workforce.



We're also delving deeper into the data we hold on our register and from other activities to shine a light on the many different environments in which nurses, midwives and nursing associates provide care.

Using our influence and data effectively has a positive impact on the recruitment and retention of nurses, midwives and nursing associates across the UK.

When the health and social care system fails, we engage with the public and work closely with partners to learn from these mistakes and ensure appropriate action is taken to prevent this happening again.

## A better NMC: improving how we operate for everyone's benefit

To enable professionals to deliver better, safer care and improve the system nurses, midwives and nursing associates work in, we are committed to becoming a better regulator.

We are changing our culture to be kinder to each other, and everyone else we engage and interact with. We are adopting new ways of working to become smarter at pinpointing opportunities for and barriers to enabling consistent, quality care that keeps people safe. We are investing in our people to become a great place to work, delivering a high quality, value for money service.

To demonstrate our commitment to change, we are working with people, partners, professionals and employees to co-produce a new long-term strategy. Join us today, and together we'll develop an ambitious new plan for the next five years – one that helps us become the best NMC possible, supporting nurses, midwives and nursing associates to deliver even better, safer care for people.

## Whistleblowing disclosures received from 01 April 2018 to 31 March 2019

From 01 April 2018 to 31 March 2019, the Nursing and Midwifery Council received 34 whistleblowing disclosures.

### Actions taken in response to disclosures

Regulatory action taken	18
Onward referral to alternative body and regulatory action taken	16

The table above shows the action taken on all 'qualifying disclosures' received between 01 April 2018 and 31 March 2019.

In all 'qualifying disclosures' we have taken action either by way of regulatory action; or both regulatory action and an onward referral to another body. Regulatory action taken on these disclosures is as follows (some disclosures have been dealt with by more than one team and so will be duplicated in the overall number):

- 34 out of the 34 'qualifying disclosures' were dealt with via our Fitness to Practise directorate
- three disclosures were referred to our Education and Standards directorate
- two were referred to our Employer Link Service who engaged with employer in respect of the issues raised
- we have made onward referrals to the Care Quality Commission and the General Medical Council.

We still took action on many disclosures where we did not reasonably believe the whistleblowing criteria were met. We either took regulatory action or made referrals to a range of other bodies including Care Quality Commission, Health and Care Professions Council, Healthcare Improvement Scotland, Healthcare Inspectorate Wales and Regulation and Quality Improvement Authority. The main reasons why information was not treated as a 'qualifying disclosure' was because it did not fall within our regulatory remit or did not meet the public interest criterion.

## Learning from disclosures

The disclosures we received during the reporting period did not have an impact on our ability to perform against our regulatory functions and objectives. We were able to use the disclosures to enhance our knowledge and understanding of the wider healthcare landscape.

We continue to have a panel that meets weekly to discuss any disclosures and the appropriate course of action. This panel also looks into any learning from each piece of information we assess.

## Note on data

All measures are activity occurring in the reporting date range. Disclosures received may not equal the number of actions taken because some disclosures may have been received in a previous year or still being investigated at the end of the year.

It is possible that some disclosures have been counted and reported on more than once in this report. This may be due to incidences where one regulator has referred the disclosure on to another regulator or when an anonymous discloser has raised a concern multiple times. While checks are done to mitigate for the latter, it is not always possible to avoid this completely.

General Chiropractic Council

Park House, 186 Kennington Park Road, London, SE11 4BT

Website: [www.gcc-uk.org](http://www.gcc-uk.org)

General Dental Council

37 Wimpole Street, London, W1G 8DQ

Website: [www.gdc-uk.org](http://www.gdc-uk.org)

General Medical Council

Regent's Place, 350 Euston Road, London, NW1 3JN

Website: [www.gmc-uk.org](http://www.gmc-uk.org)

General Optical Council

10 Old Bailey, London, EC4M 7NG

Website: [www.optical.org](http://www.optical.org)

General Osteopathic Council

Osteopathy House, 176 Tower Bridge Road, London, SE1 3LU

Website: [www.osteopathy.org.uk](http://www.osteopathy.org.uk)

General Pharmaceutical Council

25 Canada Square, London, E14 5LQ

Website: [www.pharmacyregulation.org](http://www.pharmacyregulation.org)

Health and Care Professions Council

Park House, 184 Kennington Park Road, London, SE11 4BU

Website: <http://www.hcpc-uk.co.uk/>

Nursing and Midwifery Council

23 Portland Place, London, W1B 1PZ

Website: [www.nmc.org.uk](http://www.nmc.org.uk)

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**MENU****Health Education England**

Search

Search

[Home \(/\)](#) > [Our work \(/our-work\)](#) > [Whistleblowing](#)

# Whistleblowing

Health Education England is listed as a prescribed person under the Public Interest Disclosure Act 1998. This means that workers at other organisations or companies who wish to raise concerns (often known as 'whistleblowing') relating to the education, training, and sufficient supply of health care workers at their employing organisation or company can do so direct to HEE. Prescribed persons enable workers to make public interest disclosures to an independent body where the worker would prefer not to disclose to their employer direct and the body may be able to take action on the disclosure.

Whistleblowing is the term used when a worker provides information to their employer or a prescribed person relating to wrongdoing. The wrongdoing will usually, though not always, relate to something they have witnessed at work. This is also known as making a disclosure. To be protected by whistleblowing law, a disclosure must be a qualifying disclosure. This means the worker making the disclosure believes that doing so is in the public interest and it relates to one of the following categories:

- Criminal offence
- Breach of a legal obligation
- Miscarriage of justice
- Endangering health and safety

- Damage to the environment
- Covering up wrongdoing in any of these categories

Workers have the right not to be subjected to any detriment as a consequence of making a disclosure. To qualify for protection when making a disclosure to a prescribed person, workers must have a reasonable belief that the matter falls within the prescribed person's remit and that the information disclosed is substantially true. Meeting these criteria is referred to as making a protected disclosure.

Please seek independent advice to help you consider whether you might meet the criteria for making a protected disclosure. This can be obtained from Public Concern at Work, Speak Up (contact details in policy below) or a legal representative.

Further information regarding HEE's role as a prescribed person and how to make a disclosure to us can be found in the HEE Whistleblowing Protected Disclosure Policy.

In addition, prescribed persons are required to report in writing annually on whistleblowing disclosures made to them as a prescribed person (without identifying the workers concerned or their employers). The reporting period runs from 1 April to 31 March each year. HEE did not receive any whistleblowing disclosures as a prescribed person during 2018/19.

## Related Documents

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HEE Whistleblowing Protected Disclosure Policy (.pdf)

**205.07 KB**

(<https://www.hee.nhs.uk/sites/default/files/documents/HEE>)

## Related Content

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Raising and responding to concerns



# HSE Annual Report and Accounts **2018/19**

HC 2242

The data for 2017/18 (and previous years) above has been sourced from official health and safety statistics.<sup>13</sup> The figures shown for 2018/19 are based on live operational data and shown as provisional (p) until official statistics are published in autumn 2019.

## Safe use of chemicals

As the competent authority for biocides, pesticides, detergents and industrial chemicals, we completed 2155 evaluations of biocide and pesticide products and active substance applications. For applications due for completion in 2018/19 we processed 86%(p) within EU commission deadlines.

The slight dip in performance in completing pesticide evaluations is due to:

- a sharp increase in demand (the number of applications increased by 28% on the previous year);
- the lack of clarity around EU exit resulted in a less predictable demand for services; and
- our preparations for EU exit included completing a range of commitments to the EU Commission by the end of March 2019.

## Responding to enquiries from the public

We aim to respond promptly to all enquiries or concerns raised by members of the public. Over the year we have received over 20 000 concerns about workplaces and activities.

Inevitably, some of these are considered low risk and do not justify further follow up or investigation; some are outside of our remit and redirected as appropriate (for example, to the relevant local authority). Of those considered to be within our remit we:

- completed 75% of investigations into reported health and safety concerns within the agreed timescales;
- carried out follow-up activity on over 3000 of 3800 concerns raised by potential whistleblowers (employees, ex-employees, self-employed people, union/work safety representatives) that presented a significant risk.

Similarly, when information is requested from us, for example under the Freedom of Information (FoI) act, we aim to respond promptly. This year we responded to 92% of 4850 FoI requests received within the 20-day target.

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13 [www.hse.gov.uk/statistics](http://www.hse.gov.uk/statistics)



## **Healthcare Improvement Scotland (Prescribed Person) - Annual Report on Disclosures of Information, April 2018- March 2019**

### **Introduction**

Healthcare Improvement Scotland's aim is to support better quality health and social care for everyone in Scotland. We have a range of functions which all help to deliver this aim, including improvement support, service review and responding to concerns. We also have a number of key priorities as an organisation, one of which is to provide quality assurance that gives people confidence in the services and supports providers in making improvements.

Healthcare Improvement Scotland has a duty to respond to concerns raised about NHS services by NHSScotland employees, or referred to us by another organisation, which may cause harm to patients and/or staff. One of the routes through which Healthcare Improvement Scotland is made aware of concerns is directly by a member of staff or group of staff under the Public Interest Disclosure Act.

### **Disclosures made to Healthcare Improvement Scotland (2018-2019)**

Number of total disclosures: 7

Action taken: 1 disclosure was redirected to another regulatory body to action

: 6 disclosures required further information to be sought from the NHS Board

: 2 disclosures were followed up to seek a further progress update

### **Our Response**

During the period April 2018-March 2019, Healthcare Improvement Scotland received seven disclosures from NHSScotland staff. In response to all but one of these disclosures, Healthcare Improvement Scotland sought information from the relevant NHS board to understand whether the NHS board was aware of the issues raised and, where applicable, to seek evidence of how the concerns had been addressed and the associated timescales. For the remaining case we advised the complainant to raise the disclosure with their professional regulatory body.

Following a review of the information provided by the relevant NHS board, we were satisfied that no further assessment was required in relation to four of these disclosures. For the remaining two disclosures, a further progress update was sought from the NHS boards to seek assurance that the actions identified by the NHS boards were being implemented and improvements were being made. Following assessment of these progress updates it was concluded that no further assessment was required.

In undertaking this work we are providing public assurance that concerns are being addressed. We also, through our assessments and investigation process, can identify areas for improvement. The NHS board is required to respond to these, and progress is monitored until actions are implemented and improvements are made.

Office for Standards in Education,  
Children's Services and Skills



**Annual Report and Accounts 2018–19**

## Annex A: Whistleblowing disclosures report (social care) – from 1 April 2018 to 31 March 2019

HMCI is a 'prescribed person' under The Public Interest Disclosure (Prescribed Persons) Order 2014, which provides the statutory framework for protecting workers from harm if they blow the whistle on their employer. Workers may tell the relevant prescribed person about suspected wrongdoing they believe may have occurred, including crimes and regulatory breaches. Passing information like this is known as making a 'disclosure'. HMCI is prescribed under the order in relation to the children's social care services and in relation to the welfare of children provided with accommodation by schools and colleges. All relevant services are listed in Figure 1.

**Figure 1: The number of workers' disclosures received in the reporting period, which we reasonably believe are both qualifying disclosures and fall within HMCI's prescribed matters<sup>1</sup>**

The children's social care services that the disclosure related to	Number of disclosures received <sup>2</sup>
Adoption support agencies	- <sup>3</sup>
Cafcass	-
Children's homes	198
Independent fostering agencies	9
Local authority children's services <sup>4</sup>	71
Residential family centres	7
Residential holiday schemes for disabled children	0
Welfare of children provided with accommodation by boarding schools and further education colleges	-
Welfare of children provided with accommodation by residential special schools	7
A third-party provider to which a local authority has delegated functions	-
Voluntary adoption agencies	-

<sup>1</sup> To be covered by the whistleblowing law, the disclosure must be a 'qualifying disclosure'. This is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur: a criminal offence; a breach of legal obligation; a miscarriage of justice; danger to health or safety of any individual; damage to the environment; or the deliberate covering up of wrongdoing in these categories.

<sup>2</sup> Sometimes, we receive concerns from more than one whistleblower about the same issue in a service. In these circumstances, we may record these in a single record so that we can respond to the concerns holistically.

<sup>3</sup> In some instances, we suppress data if a small number of disclosures were received about service types to maintain anonymity of the whistleblower.

<sup>4</sup> Local authority functions as outlined in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014.

**Figure 2: A summary of the action Ofsted has taken in respect of the above qualifying disclosures**

Action taken in the reporting period	Number of disclosures received <sup>5</sup>
<p>Referred the matter to the child protection team in the relevant local authority. We refer child protection concerns to the children’s social care department of the local authority where the child lives because it has overarching responsibility for safeguarding and promoting the welfare of all children and young people in its area.</p>	38
<p>Contacted the appropriate person at the children’s social care service and asked them to investigate and respond to Ofsted with more information. We do this because we need further information to make a decision about possible further action required.</p>	121
<p>Carried out a monitoring visit (this action applies only to services that Ofsted regulates) if we considered the registered person is failing, or has failed, to comply with a regulatory requirement.</p>	60
<p>Reviewed the timing of the next inspection/visit and brought forward if appropriate.</p>	49
<p>Held the information for follow-up at the next planned inspection/visit. We review information received along with a range of other intelligence gathered about a service to determine when we need to inspect and what lines of enquiry we need to follow up on.</p>	96
<p>Our review of the information received is ongoing.<sup>6</sup></p>	17

<sup>5</sup> It is possible a disclosure received resulted in more than one type of action.

<sup>6</sup> Due to the information being received at the end of the reporting year, the information was under consideration.

**Figure 3: A summary of the overall categories under which the whistleblowing disclosures were classified**

<b>Category</b>	<b>Number of disclosures received<sup>7</sup></b>
Concerns that a specific child or children may be at risk of harm	52
Concerns that there are wider or systemic failures in safeguarding practice	74
Concerns that children are not receiving the right quality of care but that do not suggest a risk to their safety	103
Concerns that a social care service is not meeting regulatory requirements	58

We use the categories above to help us assess the urgency of the issues disclosed and take action within appropriate timescales.

Ofsted receives whistleblowing disclosures in letters, emails, and via our helpline, sometimes the information is provided anonymously.

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<sup>7</sup> It is possible a disclosure received includes concerns from more than one category and we have used the category that provides the best fit.

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