



WHISTLEBLOWING PRESCRIBED PERSONS ANNUAL REPORTS 2019/20

Compilation of the 3rd annual reports by whistleblowing prescribed persons covering the 2019/20 reporting period under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017



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Introduction

Under the whistleblowing framework¹, 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 Crown² or to a 'prescribed person'³. Prescribed persons are 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.

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

² Other than to Ministers who are named as prescribed persons, disclosures to Ministers will only qualify as a protected disclosure if the employer is an individual appointed under any enactment by a Minister of the Crown or a body which has members appointed in this way

³ As set out in the Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended)

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.
- 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

WHISTLEBLOWING PRESCRIBED PERSONS ANNUAL REPORTS 2019/20

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.

Annual Reports 2019/20

The following pages contain the published whistleblowing reports for the named prescribed persons for the period 1 April 2019 to 31 March 2020. This is the 3rd 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

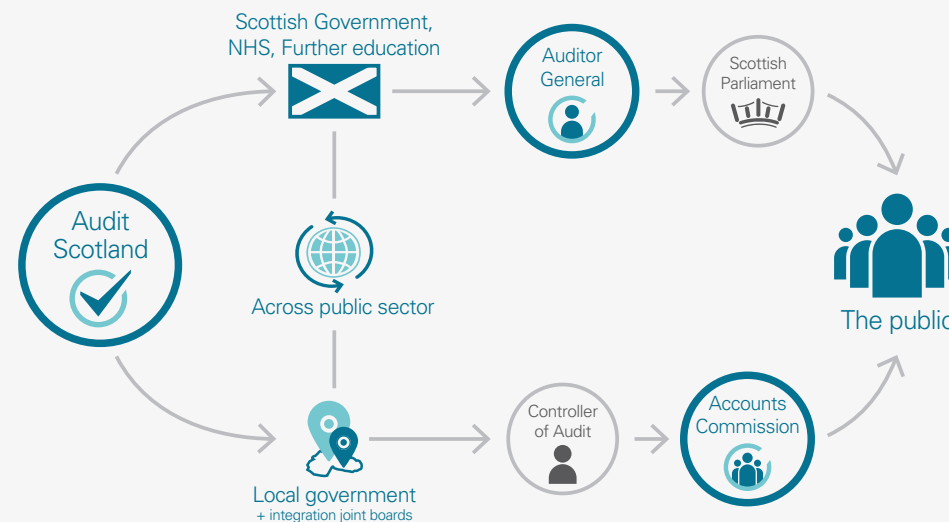
Annual report 2019/20



Who we are

The Auditor General, the Accounts Commission and Audit Scotland work together to deliver public audit in Scotland:

- **Audit Scotland** is governed by a board, consisting of the Auditor General, the chair of the Accounts Commission, a non-executive board chair, and two non-executive members appointed by the Scottish Commission for Public Audit, a commission of the Scottish Parliament.
- The **Auditor General** is an independent crown appointment, made on the recommendation of the Scottish Parliament, to audit the Scottish Government, NHS and other bodies and report to Parliament on their financial health and performance.
- The **Accounts Commission** is an independent public body appointed by Scottish ministers to hold local government to account. The Controller of Audit is an independent post established by statute, with powers to report directly to the Commission on the audit of local government.



About us

Our vision is to be a world-class audit organisation that improves the use of public money.

Through our work for the Auditor General and the Accounts Commission, we provide independent assurance to the people of Scotland that public money is spent properly and provides value. We aim to achieve this by:

- carrying out relevant and timely audits of the way the public sector manages and spends money
- reporting our findings and conclusions in public
- identifying risks, making clear and relevant recommendations.

Introduction

1. We welcome correspondence from the general public, MSPs, MPs and councillors. People correspond with us on a range of matters about the Scottish public bodies we audit, and this can be a valuable source of information for our audit work. They may want to raise an issue of concern or make a [whistleblowing disclosure](#); have an enquiry about our audit work; or raise an [objection to a local government body's account](#).
2. This report sets out information about the correspondence we received during 2019/20, including the volume, which sector it relates to, and performance against our target response times. At the time of reporting, like every other private, public and charity organisation across the UK, we have been working hard to manage the significant disruption during the COVID-19 pandemic. We continue to respond to correspondence and endeavour to maintain our target response times.
3. We consider issues of concern as part of our [Code of Audit Practice](#). The Code states that the key factor in determining whether we examine an issue of concern is its relevance to Audit Scotland's role and functions.
4. [Freedom of information](#) requests are covered in a separate annual report, along with complaints about Audit Scotland.



Whistleblowing

Under the Public Interest Disclosure Act 1998, people can raise concerns about an organisation with 'prescribed persons', e.g. independent regulators. The Auditor General, the Accounts Commission and Audit Scotland are prescribed persons. Statutory reporting about whistleblowing disclosures came into effect on 1 April 2017. This report covers whistleblowing disclosures during 2019/20.



Objections to local government accounts

Auditors appointed by the Accounts Commission have specific duties to consider formal objections to the accounts of local government bodies which are raised by members of the public.



Freedom of information

Audit Scotland also responds to Freedom of Information (Fol) requests. Our Corporate Governance team handles and reports on these.

Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. We help the Auditor General for Scotland and the Accounts Commission check that organisations spending public money use it properly, efficiently and effectively.

Key messages

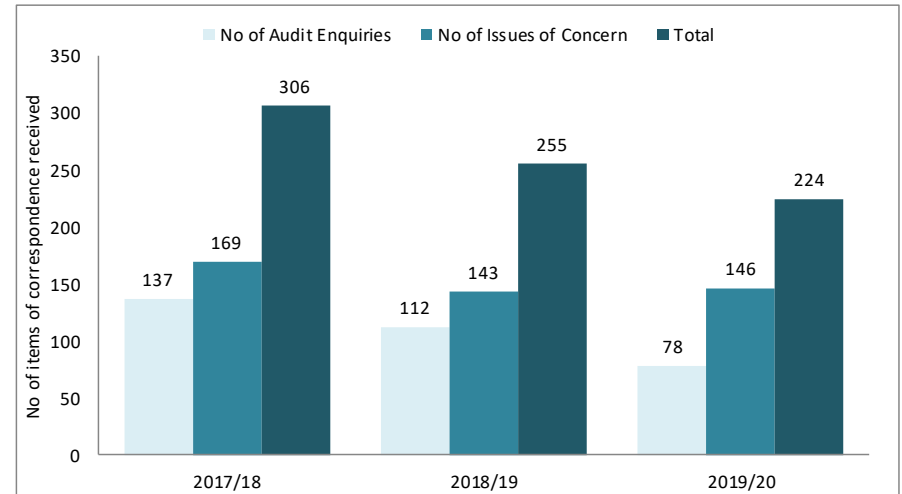
- We dealt with 231 correspondence cases in 2019/20. This includes 146 issues of concern, 19 of which were whistleblowing disclosures. Almost half (48 per cent) related to the local government sector, 44 per cent to central government, and eight per cent were about the NHS.
- During 2019/20, 61 per cent of concerns was used as either audit intelligence or explored as part of our audit work. Contract management and grant funding were commonly raised issues.
- Public expectation about Audit Scotland's role in dealing with correspondence continues to grow. The issues that people raise with us are also becoming more complex.
- Performance against our targets remains high. During 2019/20, we acknowledged 98 per cent of issues of concern within our target of five working days. We issued a final response within our target of 30 working days for 96 per cent of cases.

Correspondence in 2019/20

The volume of correspondence fell slightly in 2019/20 however the complexity of cases continues to increase

5. In 2019/20, we received 224 cases of correspondence (**Exhibit 1**). This consists of :
 - 78 enquiries about our audit work
 - 146 issues of concern, which includes whistleblowing concerns and objections to accounts.
6. We also carried forward seven cases that were still in progress on 1 April 2019, bringing the total we dealt with in 2019/20 to 231.
7. Members of the public raised almost 91 per cent of the concerns we received. MSPs/MP and councillors raised nine per cent of concerns, a slight decrease on last year.¹
8. Enquiries about our audit work include requests for further data from performance audit reports, questions about legislation and information about the role of public bodies. There continues to be public interest following publication of our report on Transport Scotland's ferry services in October 2017. We had several enquiries, before and after publishing our *Early Learning and Childcare: Follow Up*, in March 2020.

Exhibit 1. Volume of correspondence received, 2017/18 to 2019/20



Note: This exhibit does not include the seven open cases carried forward from the previous year.

1. We received one issue of concern from an MP.

Correspondence in 2019/20

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 2019/20, we received 19 whistleblowing disclosures, a slight decrease on the 22 in 2018/19. The breakdown by prescribed person is as follows:
 - Auditor General – 14
 - Accounts Commission – 5.
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 for whistleblowing disclosures

Six disclosures were included as part of routine audit work

Four disclosures did not warrant an investigation but were considered as useful audit intelligence

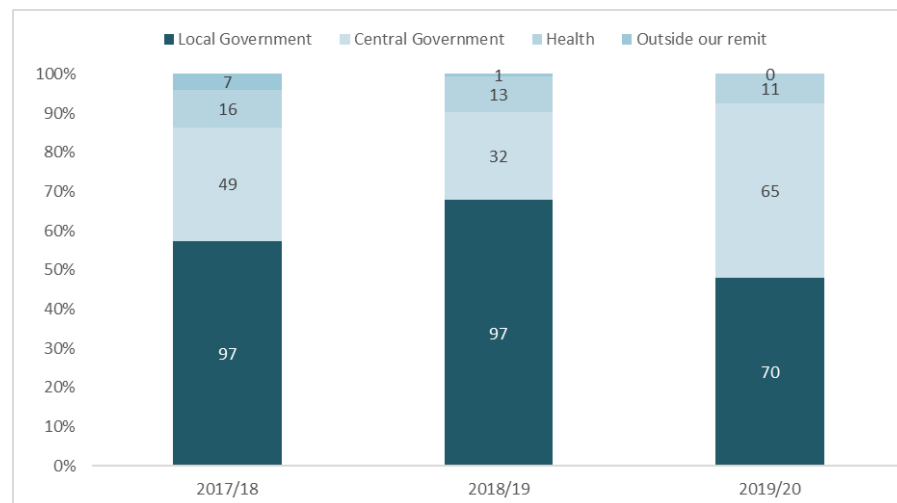
Nine cases were not able to be actioned because there was insufficient information, or no contact details were provided to help us clarify matters raised with us. Nonetheless we shared these with the auditors for information

Correspondence in 2019/20

Issues of concern

13. All but one of the concerns we received in 2019/20 were about public bodies we audit. 70 concerns (48 per cent) related to the local government sector, 65 concerns (44 per cent) related to central government bodies and 11 (8 per cent) to NHS bodies (**Exhibit 2**). The distribution is consistent with previous years, but we received more concerns about central government bodies in 2019/20 than in the previous two years.
14. Qualitative information suggests concerns are increasing in complexity, for example many of this year's concerns were about complicated processes of grant funding or involved more than one public body. The time we spend dealing with concerns is also increasing. As set out in our policy, we aim to deal with all correspondence in a timely manner and have the same response targets regardless of complexity of each case. We discuss our performance on **page 10**.

Exhibit 2. Number and percentage of concerns by sector 2017/18 to 2019/20



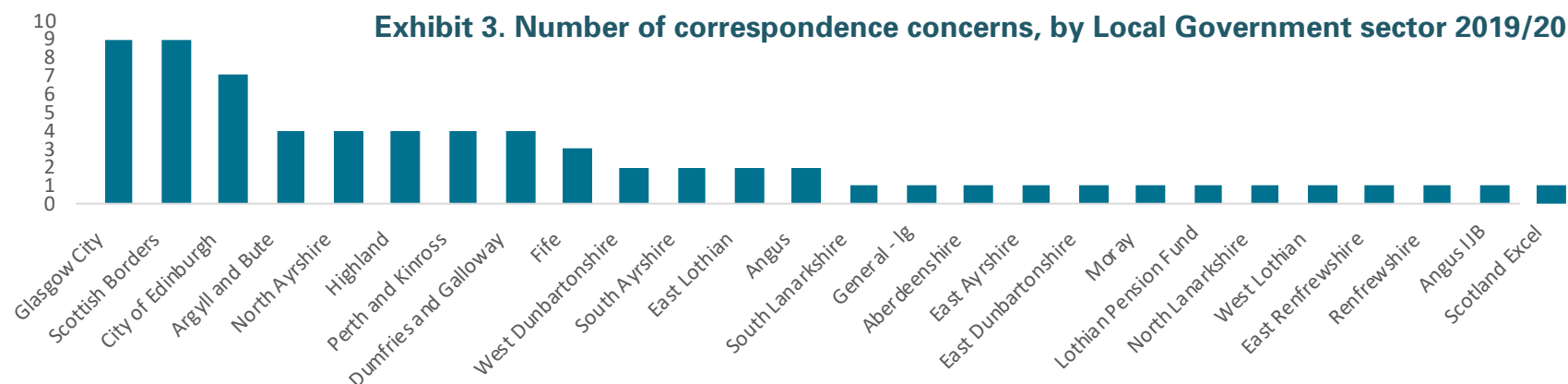
Local government issues of concern 2019/20

Over two-thirds of concerns were about local government bodies

15. Most of the 70 local government issues of concern we received were about councils and two were about Integrated Joint Boards (IJBs) (**Exhibit 3**). This includes 11 objections to accounts including four about Scottish Borders Council's accounts (relating to the same issue) and three about Glasgow City Council's (relating to the same issue), and one each for Angus Council, Lothian Pension Fund, City of Edinburgh Council and North Ayrshire Council.
16. The councils with the highest proportion of concerns raised in 2019/20 were Glasgow City (13 per cent), Scottish Borders (13 per cent) and City of Edinburgh (10 per cent). Glasgow City, City of Edinburgh and West Dunbartonshire councils accounted for the highest percentages of concerns in the local government sector in 2018/2019.

There are some recurring themes in the correspondence received about local government. Of note this year were concerns about:

- procurement and management of contracts
- grant funding
- housing services
- HR policies
- capital projects
- governance of ALEOs
- council tax.



Note: General LG is used to record concerns that are raised about councils in general, rather than a specific one.

Central government and NHS issues of concern 2019/20

17. We received 65 items of correspondence relating to 18 central government bodies (**Exhibit 4**). The bodies with the highest proportion of concerns were Scottish Government (25 per cent) and Highlands and Islands Enterprise (18 per cent). Scottish Government and Transport Scotland accounted for the highest percentages of concerns in the central government sector in 2018/19.

There were some recurring themes in the correspondence received about central government bodies. These included:

- management of contracts
- management of Cairngorm mountain
- grant funding
- financial management.

18. We received 11 items of correspondence relating to six NHS bodies (**Exhibit 5**). The health boards with the highest proportion of concerns were NHS Greater Glasgow and Clyde (36 per cent), and NHS Ayrshire & Arran and NHS Lothian (both 18 per cent). NHS Greater Glasgow and Clyde, NHS Fife and NHS Highland accounted for the highest percentage of concerns in the NHS sector in 2018/19.

Although fewer concerns were raised about NHS bodies, recurring themes included:

- capital projects
- HR policies
- NHS drugs
- NHS locums.

Exhibit 4. Number of correspondence concerns, by Central Government bodies 2019/20

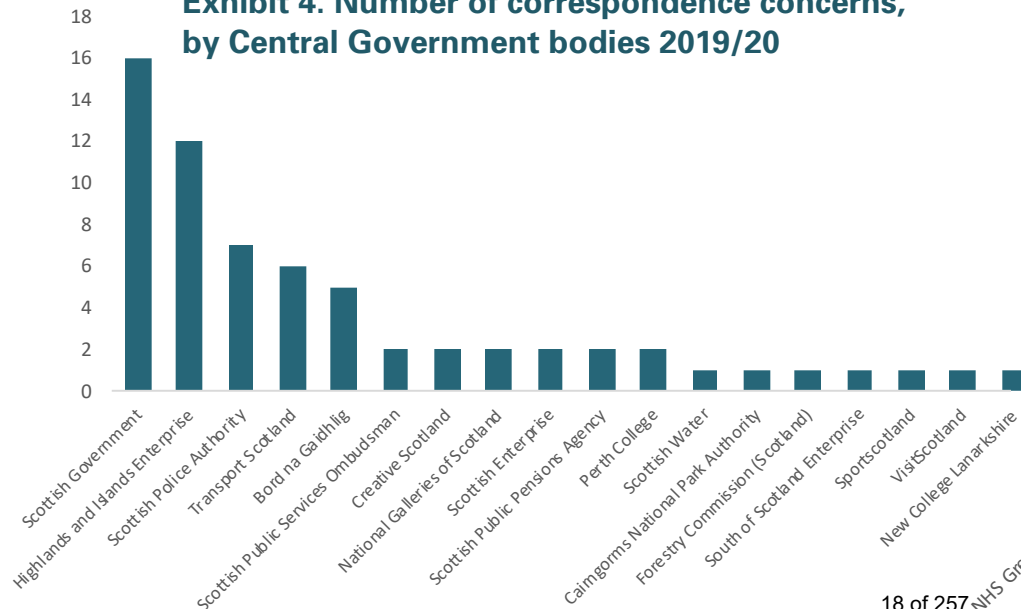
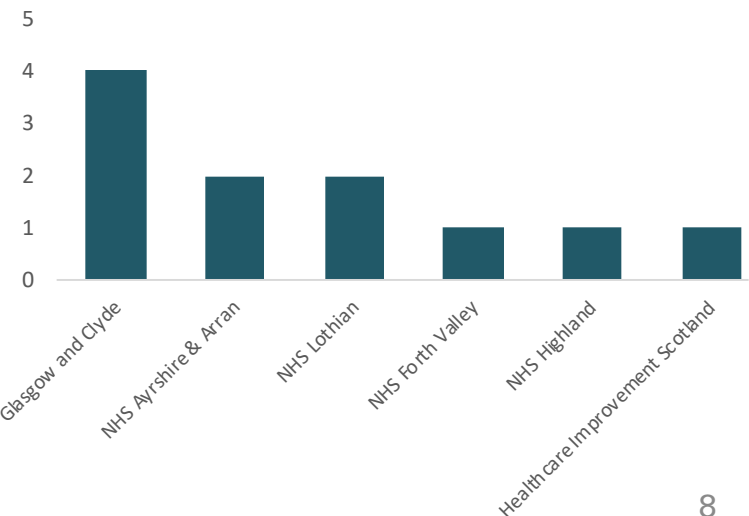


Exhibit 5. Number of correspondence concerns, by NHS body 2019/20

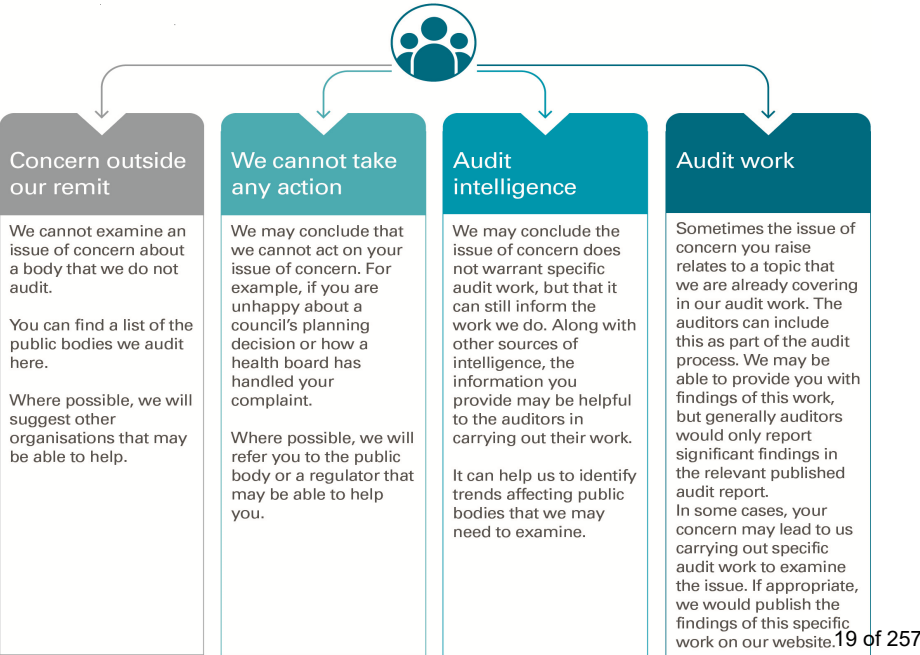


Outcomes for correspondence 2019/20

We use correspondence to inform our audit work

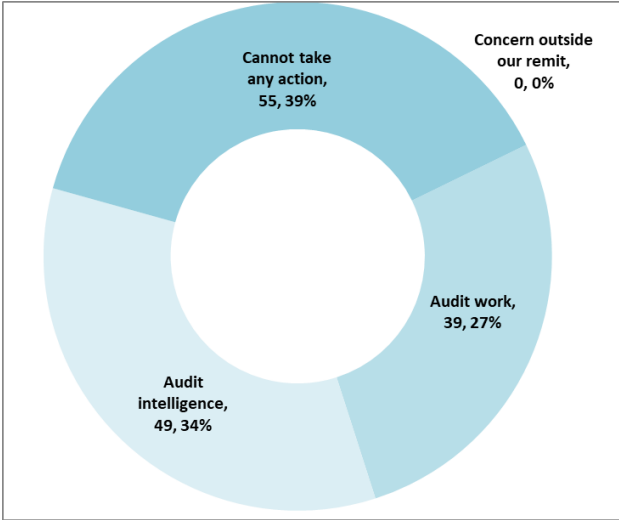
19. Audit Scotland's correspondence team shares all correspondence with the relevant audit teams to ensure they have oversight of all the concerns people contact us about.
20. The correspondence team, in conjunction with auditors, use their technical and professional judgement to decide what action to take. While we recognise that issues that correspondents raise are important to them, we must ensure we use our resources carefully and that public money is not spent looking at issues that are not relevant to audit work.

Exhibit 6. Outcomes for correspondence



21. We always advise the correspondent of the four potential outcomes from their contact with us ([Exhibit 6](#)).
22. We use the correspondence to add to our knowledge of public bodies, and most issues of concern inform audit work in some way. Issues raised in almost two-thirds of concerns were included in audit work or used as audit intelligence ([Exhibit 7](#)).
23. We use relevant intelligence from correspondence when planning audit work and in developing our programme of performance and best value audits. For example, auditors have used information about contract management, raised through correspondence, when planning their work on governance arrangements and approval processes.

Exhibit 7. Outcomes for 2019/20 correspondence



Our performance in 2019/20

We performed well in relation to target response times

24. We have two key performance targets relating to response times for concerns. These are that we aim to acknowledge receipt of all concerns within five working days, and to provide a final response to all within 30 working days.
25. During 2019/20, we acknowledged 98 per cent of concerns within five working days and 96 per cent received a final response within 30 working days (99 per cent and 98 per cent respectively in 2018/19).
We took longer than 30 days to give a final response to five concerns. These were complex cases which required additional work. We informed the correspondents of the delayed timescales.
26. The cost for 2019/20 was around £148,000. This includes time spent by our correspondence team, training and some of the auditors' input. The overall cost will be higher, as some auditors who consider concerns record their time on this as part of the annual audit.


Correspondence and whistleblowing

Annual report 2019/20

This report is available in PDF and RTF formats, along with a podcast summary at:

www.audit-scotland.gov.uk 

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Annual Report and Accounts

2019-20

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;
- 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 2019-20, 21 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 10 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 one of the other five cases, after initial consideration by audit staff, significant further review work has been undertaken or is pending. This may result in a published report. In the other four cases, audit staff are awaiting feedback from their initial enquiries before determining whether there are substantive matters on which the Auditor General would need to report or take other action.

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



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BANK OF ENGLAND

June 2020

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

Annual Report

1 April 2019 – 31 March 2020

Bank of England | Prudential Regulation Authority

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

Annual Report 1 April 2019 – 31 March 2020

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.

The Bank of England values the role whistleblowers can play to help us achieve our objectives and ensure that financial services are regulated effectively. Whistleblowing can provide a vital source of information which helps the PRA to identify risks to the firms we regulate by providing useful information insights that we might not otherwise receive.

If you think a firm or individual is involved in wrongdoing within an area we regulate, and you want to report it confidentially, contact the Bank's whistleblowing team whistleblowing@bankofengland.co.uk who will provide advice and guidance to anyone who requires it. We do understand that the decision to disclose information can be difficult for an individual. Be assured that concerns which are raised, personal information and any future communications will be treated in confidence.

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 2019 to 31 March 2020 inclusive

(a)(i)	We received a total of 224 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 196 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. The remaining 28 disclosures were not protected disclosures:</p> <ul style="list-style-type: none"> • 1 disclosure was undetermined due to the poor quality of information provided and/or inability to engage further with the worker. • 12 disclosures related to firms which are not regulated by the PRA (4 of which are regulated solely by the FCA) • 11 disclosures related to firms which are regulated by the PRA but the issues fall outside of the PRAs regulatory remit. • 4 disclosures relate to individuals who do not identify or meet the definition of a whistleblower
(b)	We provided PRA Supervision with all disclosures (protected and non-protected) to either consider or log for information purposes only, respectively.
(c)(i)	<p>All protected disclosures were the subject of supervisory consideration, from which:</p> <ul style="list-style-type: none"> • 132 cases originated from the FCA. • 32 cases were referred to the FCA. • 32 cases were not disseminated to the FCA due to being outside the remit of the referral or having also received the referral from the whistleblower in addition to the PRA.
(c)(ii)	<p>Of the 196 protected disclosures that were the subject of supervisory consideration:</p> <ul style="list-style-type: none"> • 2 disclosures directly contributed to enforcement activity or other intervention; • 13 disclosures were of significant value and contributed to the discharge of regulatory activity; • 51 disclosures were, or may be in the future, of value but not immediately actionable and/or did not meet current regulatory risk thresholds; and • 57 disclosures provided intelligence but did not lead to any direct regulatory or supervisory activity. • A further 73 disclosures are still currently being assessed to determine if further action is warranted.

(d)	<p>An explanation of the functions and objectives:</p> <p>The Bank of England</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"> • the functioning of clearing houses (including central-counterparties and central securities depositories) • administrating and overseeing SONIA, including calculation and publication • payment systems and securities settlement systems • the treatment, holding and issuing of banknotes by the Scottish and Northern Ireland banks authorised to issue banknotes (and their agents) • the custody, distribution and processing of Bank of England banknotes under the Bank of England’s Note Circulation Scheme • the carrying on of deposit-taking business, insurance business, or investment business and the safety and soundness of persons authorised for such purposes <p>Bank of England (IAWB) Threadneedle Street London EC2R 8AH Tel: 020 3461 8703 Email: whistleblowing@bankofengland.co.uk</p> <p>The Prudential Regulation Authority</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 Tel: 020 3461 8703 Email: PRAwhistleblowing@bankofengland.co.uk</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

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

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

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

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

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

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

<https://www.bankofengland.co.uk/prudential-regulation/publication/2015/whistleblowing-in-deposit-takers-pra-designated-investment-firms-and-insurers-ss>

Whistleblowing Disclosures Report 2019/20

Publication date: 30 September 2020

Publication code: OPS-0920-441

Every person in Scotland has the right to high-quality, safe and compassionate social care and social work services that make a real and positive difference to their lives. The Care Inspectorate is the national agency responsible for regulating care services including services for adults, early learning and childcare, children's services, and community justice. This includes registration, inspection, complaints, enforcement and improvement support. We make sure services meet the right standards and help them to improve if needed.

We work in partnership with other scrutiny and improvement bodies, looking at how care is provided by community planning partnerships and health and social care partnerships across local authority areas. This helps all stakeholders understand how well services are working together to support positive experiences and outcomes for people

Our job is not just to inspect care but help improve the quality of care where that is needed. This means we work with services, offering advice and guidance and sharing good practice, to support them to develop and deliver improved care.

If we find that care isn't good enough, we take action. We identify areas for improvement and can issue requirements for change and check these are met. If we believe there is a serious and immediate risk to life, health or wellbeing, we can apply to the Sheriff court for emergency cancellation of a service's registration or apply for changes to how they operate.

We support people to raise concerns and we deal with complaints made to us about registered care services. We robustly challenge poor-quality care and we are independent, impartial and fair. We have a duty to protect people and will refer adult and child protection concerns to the relevant social work agencies or Police Scotland.

We influence social care policy and development both nationally and internationally, sharing our learning with others and enabling the transformation of social care in Scotland.

We led the development of the Health and Social Care Standards, jointly with Healthcare Improvement Scotland, on behalf of the Scottish Government. The Standards are clearly focused on human rights and wellbeing and we use them when we inspect services.

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.

We have the general duty of furthering improvement in the quality of social services, set out at s45(2) – 45(5) of the 2010 Act, and must act in accordance with the following principles:

- 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
- good practice in the provision of social services is to be identified, promulgated and promoted

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, requires us to report annually on:

- 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.
 - 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 2019/20 we received 1,377 whistleblowing complaints. These were complaints from workers in registered social 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. We received no internal whistleblowing complaints from staff.

The complaint pathways, introduced in November 2017 were designed so, following a risk assessment process, we could determine the most appropriate action to resolve a complaint about a registered care service. They allow us to take a proportionate and intelligence-based approach in how we respond, and seek to resolve simple matters more quickly, so that we focus more attention on more serious issues. 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 (previously known as frontline resolution):** where we contact services and ask them to engage directly with complainants to resolve the complaint. Assessing whether direct service action is appropriate takes into account the nature of the allegations and complaint and the profile, knowledge and risk in relation to the provider and regulatory history.
- **Provider resolution:** 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 1,377 whistleblowing complaints received in 2019/20

- 90 complaints (7%) were resolved by direct service action without the need for a formal investigation
- we logged 465 concerns as intelligence (34%)
- 250 cases (18%) were passed directly to providers to investigate.

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 1,377 whistleblowing complaints received in 2019/20, 330 (24%) were revoked. This includes 30 cases (2%) which identified child or adult protection concerns and were passed to the appropriate authorities (police or local authority) to investigate.

Complaint investigations completed

Once our investigation is complete the inspector decides if the complaint should be 'upheld' or 'not upheld'. If we have investigated and found there is a lack of evidence to substantiate a complaint, the complaint outcome will be 'not upheld'. If we have investigated and found evidence that the cause of the complaint is substantiated, the complaint will be 'upheld' and we will take action, letting both the complainant and the care service know about any requirements or recommendations we have made.

In 2019/20 we completed 277 investigations of whistleblowing complaints, of which 145 (52%) were upheld.

Impact of whistleblowing complaints

Complaints are an important source of information, and whistleblowing complaints form a significant part of the overall number of complaints we receive. In 2019/20, 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 experiencing care are at risk and where we need to act urgently to ensure their safety and wellbeing.

Headquarters

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Other languages and formats

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

Tha am foillseachadh seo ri fhaighinn ann an cruthannan is cànan eile ma nithear iarrtas.

অনুরোধসাপেক্ষে এই প্রকাশনাটি অন্য ফরম্যাট এবং অন্যান্য ভাষায় পাওয়া যায়।

یہ اشاعت درخواست کرنے پر دیگر شکلوں اور دیگر زبانوں میں فراہم کی جاسکتی ہے۔

ਬੇਨਤੀ 'ਤੇ ਇਹ ਪ੍ਰਕਾਸ਼ਨ ਹੋਰ ਰੂਪਾਂ ਅਤੇ ਹੋਰਨਾਂ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ।

هذه الوثيقة متوفرة بلغات ونماذج أخرى عند الطلب

本出版品有其他格式和其他語言備索。

Na życzenie niniejsza publikacja dostępna jest także w innych formatach oraz językach.

Categories: Public

Last updated: 23 July 2021

[Complain about a service or provider](#)

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

Annual Report

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Trade Union and Employers' Association Data

Statutory Fees

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Certification Officer Functions

**Certification Officer's Letter to General Secretaries
regarding the Pandemic**

2019-20

Alok Sharma MP
Secretary of State for Business,
Energy and Industrial Strategy
1 Victoria Street
London SW1H 0ET

Sir Brendan Barber Chair of ACAS
Advisory, Conciliation and Arbitration Service
Euston Tower
286 Euston Road
London NW1 3JJ

I am required by the Trade Union and Labour Relations
(Consolidation) Act 1992 to submit to you both a report
on my activities as the Certification Officer during the
previous reporting period. I have pleasure in submitting
such a report for the period 1 April 2019 to 31 March
2020.

McFadden v Unite the Union (PH/1/19-20)

This preliminary decision results from Mr McFadden's second application to this Office in relation to disciplinary proceedings against him which arose from a complaint from another union member. The first application was upheld by the Assistant Certification Officer (D/28-29/17-18 dated 3 October 2017) who made a declaration that a union disciplinary proceeding were "null and void and of no effect".

The preliminary hearing addressed the question of whether the Union was entitled to initiate the second disciplinary action against Mr McFadden. The Certification Officer decided the Union was not prevented from launching the second action because a union's disciplinary procedures could not be construed as litigation or an adjudication that is susceptible to the doctrine of res judicata. She therefore directed that the application be listed for a full hearing.

Mr McFadden appealed the decision to the Employment Appeal Tribunal who upheld his appeal on the basis that the declaration made by the Assistant Certification Officer prevented the Union from taking forward a second set of disciplinary procedures. The Union has appealed this decision to the Court of Appeal.

Enquiries to the Certification Officer

In addition to the applications determined during this reporting year, a further eight enquiries or applications required further significant correspondence to establish whether the Certification Officer had powers to consider the complaints. Ultimately these enquiries were either not pursued by the applicant, or did not relate to issues that could be determined by the Certification Officer.

In the period 1 April 2019 to 31 March 2020, a total of 740 enquiries were received. These fall under the following broad headings in the table below.

Not all enquires result in applications to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding complaints about inadequate representation of members by their union (276 queries) or in relation to the provision of union benefits or membership.

General advice on the role of the Certification Officer	77
Issues relating to the listing of trade unions and employers' associations	55
Enquiries about annual returns and financial issues	143
Certificates of independence	5
Appointment, election or dismissal from/to any office in the union	14
Disciplinary proceedings within the union	35
Balloting of union members (other than industrial action)	9
Political funds	28
Statutory elections	22
Inadequate representation of members by their union	276
Others	76
Total	740

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 the Certification Officer. 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.

Certification Office for Trade Unions and Employers' Associations

**Lower Ground Floor, Fleetbank House,
2-6 Salisbury Square, London EC4Y 8JX
Tel 0330 109 3602
email: info@certoffice.org**

Whistleblowing disclosures made to the Charity Commission for England and Wales 2019 to 2020

1. The statutory framework

The Charity Commission is a 'prescribed person' under the [Public Interest Disclosure \(Prescribed Persons Order\) 2014](#), making it the regulatory body for appropriate disclosures on matters relating to 'the proper administration of charities and funds given, or held, for charitable purposes'.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the [Public Interest Disclosure Act 1998](#)). This provides the statutory framework for employment protections for workers who make a qualifying disclosure (or 'blow the whistle') to us about suspected wrongdoing in charities, including crimes and regulatory breaches by their employer.

2. Our functions, objectives and powers

The Charity Commission is the registrar and regulator of charities in England and Wales. Parliament has given us 5 statutory objectives which are to:

- promote compliance by charity trustees with their legal obligations in exercising control and management of their charities
- enhance the accountability of charities to donors, beneficiaries and the general public
- increase public trust and confidence in charities
- promote awareness and understanding of the operation of the public benefit requirement
- promote effective use of charitable resources

Our [Risk and Regulatory Framework](#) explains our functions and powers.

3. Our approach to whistleblowing disclosures

Whistleblowing disclosures help us to detect serious problems such as fraud, safeguarding concerns and mismanagement in charities. Whistleblowing therefore plays a valuable role in our regulation of the charity sector. We continue to review and improve our approach to encouraging, receiving and handling disclosures.

In doing so, we take account of [Whistleblowing: prescribed persons guidance](#) from the Department for Business, Energy and Industrial Strategy (BEIS), the approach taken by other prescribed persons, specialist guidance and our own experience.

We are likely to treat charity workers and volunteers (including trustees) who raise serious concerns with us about their charity as whistleblowers. Their role within a charity can mean they are well placed to identify and report serious problems.

While volunteers do not have any statutory protections if they report serious concerns to us (unlike workers), we recognise that in other respects they face many of the personal challenges and risks experienced by workers and therefore may require the same sort of engagement from us.

We assess disclosures in line with the regulatory approach set out in our [Regulatory and Risk Framework](#).

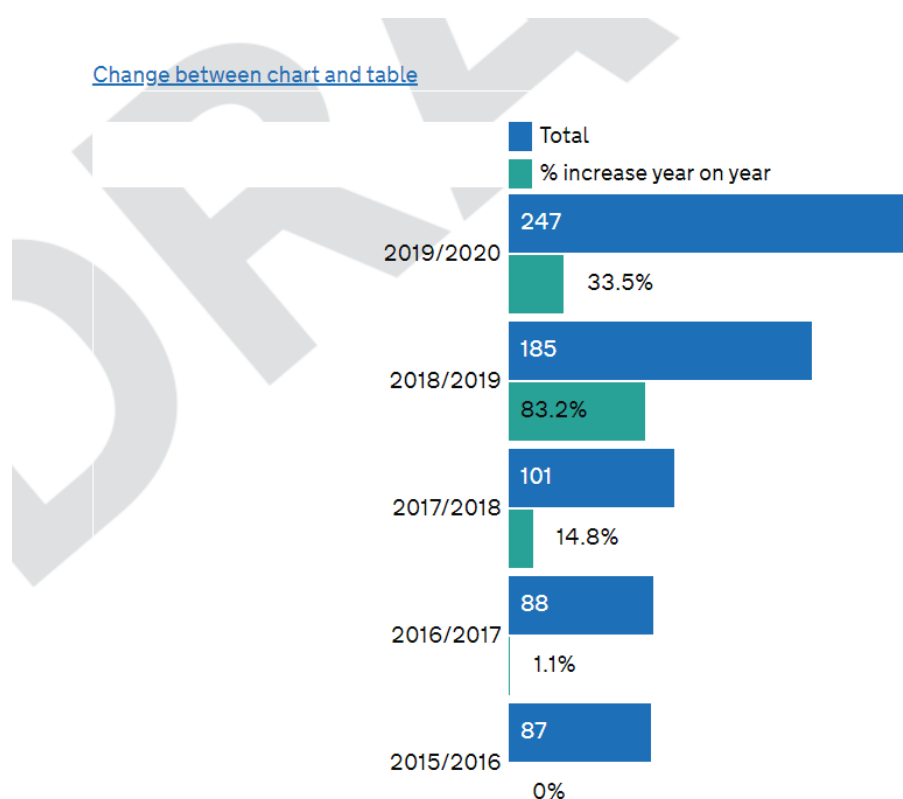
This helps ensure that the Commission's regulatory engagement with charities is proportionate, accountable, consistent, transparent and targeted as required by the Charities Act 2011.

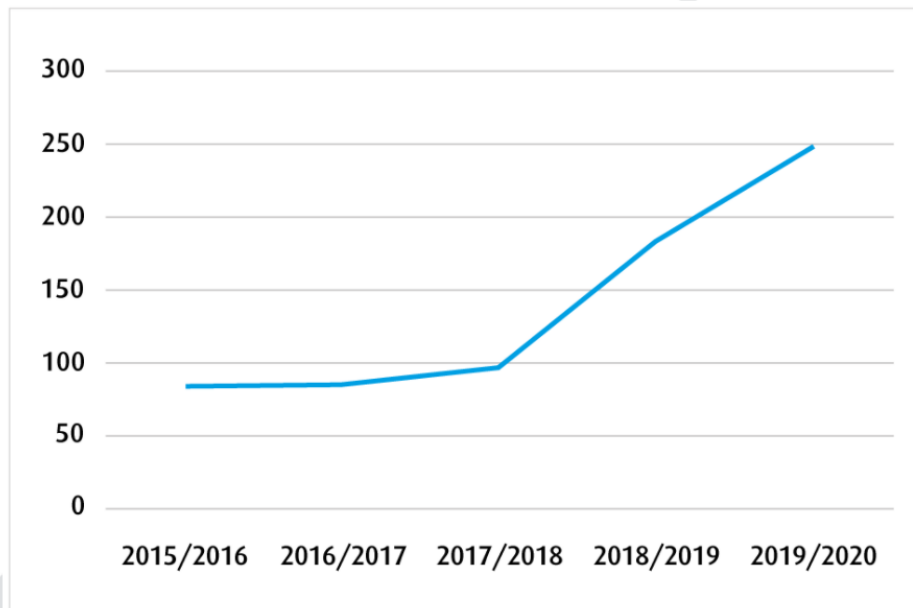
While the framework is written for the wider public, it may also be useful for charity workers and volunteers when considering whistleblowing disclosures to the Commission.

When we receive a whistleblowing disclosure, our assessment depends on what we are told and the severity of the matter. We consider the information disclosed to us, then decide and prioritise what action, if any, to take according to the nature and level of risk.

4. Whistleblowing facts and figures 2019 to 2020

We received 247 whistleblowing disclosures in 2019 to 2020. This is a continuing increase compared with previous years as shown below.





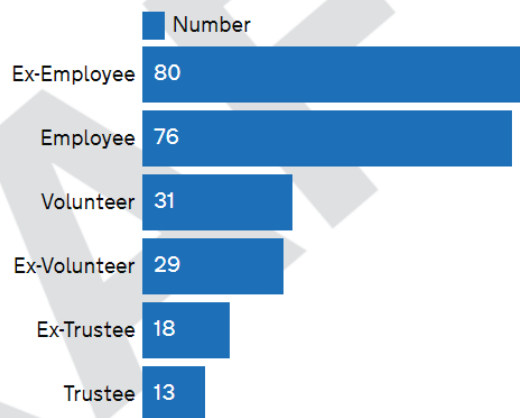
Key findings from 2019 to 2020 disclosures:

- there has been a 33% increase in the number of disclosures compared to the previous reporting period
- there has been a significant increase in disclosures from volunteers and individual trustees (36.8% compared with 9.7% in 2018-19)
- the majority of disclosures are from employees (63.2% compared with 90.3% in 2018-19)
- the primary issues raised were governance, safeguarding or financial management concerns
- the Commission's revised handling approach has enabled us to contact whistleblowers much sooner. This has helped us action and close 91% of these cases this year, compared with 47% in 2018-19

4.1 Source of whistleblowing disclosures

We continue to receive the majority of disclosures from employees (156, 63.2%), which includes current employees and ex-employees. The remaining disclosures are received from non-employees (91, 36.8%), which includes volunteers, ex-volunteers, ex-trustees and trustees. This is a change from last year when 90.3% of disclosures were from employees and 9.7% from non-employees.

[Change between chart and table](#)

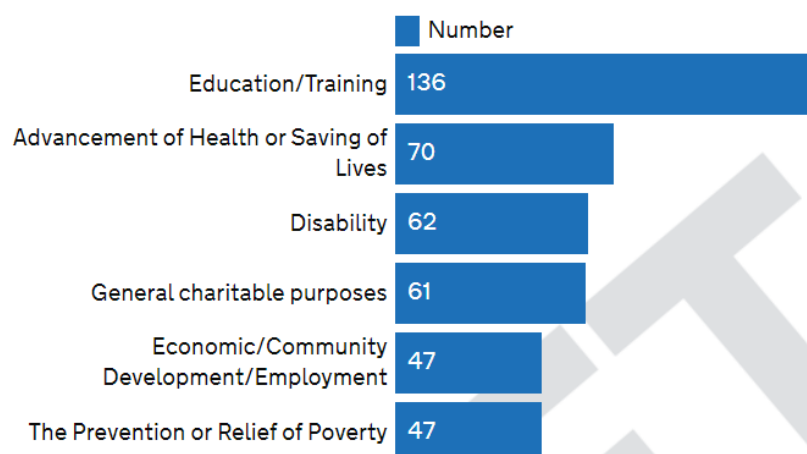


4.2 Charity classification

Each registered charity has a particular classification code to identify its purpose. Where a charity has more than one classification, the primary classification is used in this instance.

The charities we received disclosures about varied across 16 different classifications of which the top six are:

[Change between chart and table](#)



As more than one classification can be attributed by a charity this means that the numbers shown in these tables will be larger than the overall number of individual disclosures (247) that we have received.

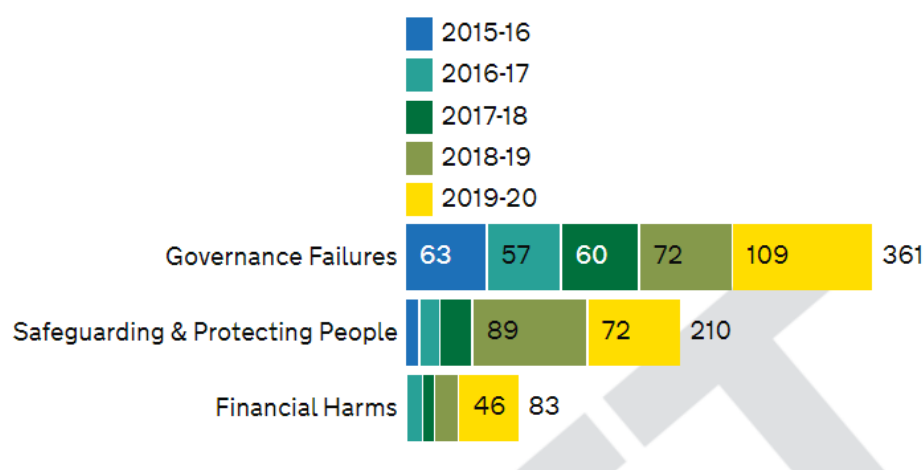
4.3 Type of issues raised

When we open a case, we record the type of issue raised with us. The top three reported issues in 2019 to 2020 are governance failures, safeguarding and protecting people and financial harms. Please note, where disclosures include more than one type of issue, we base the type of issue on the primary issue reported.

The predominance of these three types of issue follows a similar pattern to previous reporting over the last five years.

Last year saw safeguarding and protecting people as the prominent issue, which was a change from governance in the preceding four years. However, this year governance is the predominant type of issue. Although we have seen increased reporting for all types of issues there has been a significant increase in reports of a safeguarding nature since 2018.

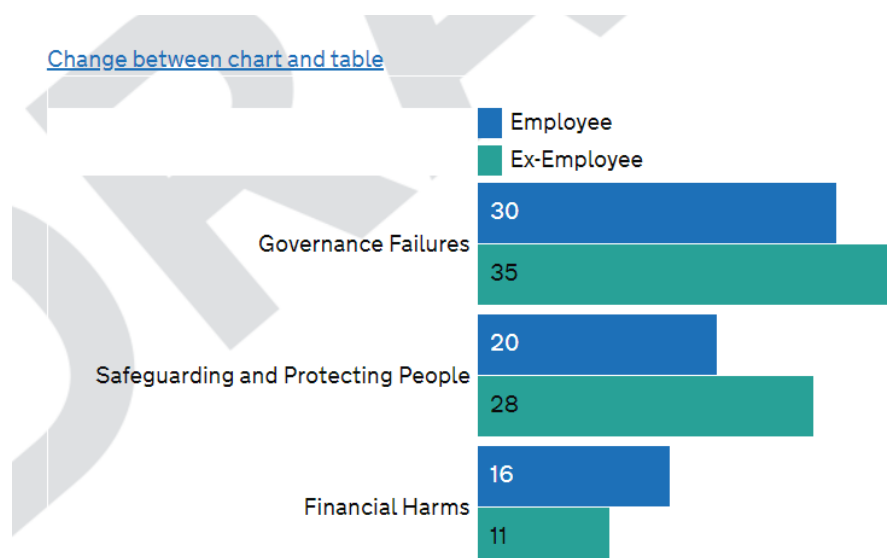
[Change between chart and table](#)



Safeguarding and governance issues cover a wide range of situations and are often linked: for example, governance issues can be significant contributory factors to safeguarding incidents, most specifically when the safeguarding issue concerns a risk to beneficiaries.

The other types of issue raised in 2019 to 2020 are: other - impacting on trust and confidence (12), conflicts of interest (7) and terrorism or extremism (1).

The top three types of issues reported by employees are:



The other types of issue disclosed by employees and ex-employees in 2019 to 2020 are: other – impacting on trust and confidence (9), conflicts of interest (6) and links to terrorism (1).

4.4 Action we have taken

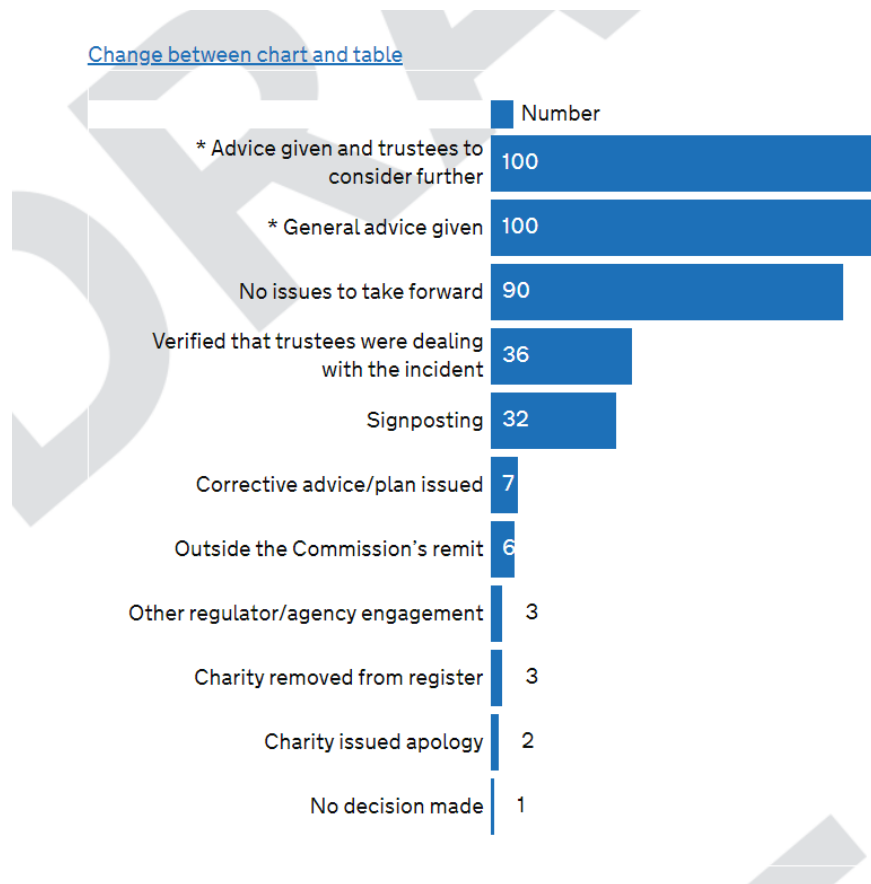
The action we take is guided by our Regulatory and Risk Framework.

Our assessment of the nature and level of risk of the 247 disclosures led us to:

- open a case in response to 239 (96.8%) of the disclosures, so we could consider further regulatory engagement
- take no further regulatory engagement in 8 (3.2%) of the disclosures we received

218 (91.2%) of the 239 cases were closed by the end of the reporting period. When a case is closed, we record what we have done by allocating outcome and impact codes. Please note, more than one outcome or impact code can be applied to an individual case.

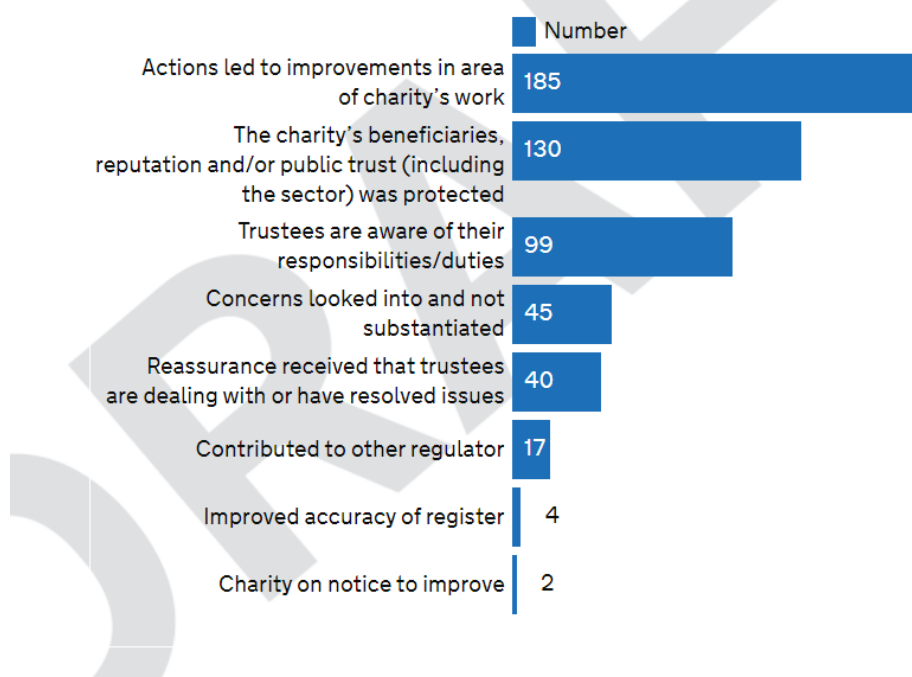
The outcome codes recorded in closed cases broadly fell into the following categories.



All the advice we provide is of a regulatory nature appropriate to the nature of the issue raised.

The impact codes recorded in closed cases broadly fell into the following categories.

[Change between chart and table](#)



5. The impact of whistleblowing disclosures on our ability to perform our duties

The disclosures we have received from whistleblowers this year have helped us to detect and prevent concerns in a number of charities and take steps to put these right.

Our impacts include:

- opening compliance cases and investigations into charities that have been identified in these disclosures as being at serious risk
- using our powers to protect charities' beneficiaries, assets, work and reputations and, more widely, public trust and confidence in charities and the charity sector
- identifying other governance issues not directly raised by the whistleblower and ensuring these are addressed
- ensuring charities are complying with their safeguarding duties

- giving regulatory advice to trustees to make them aware of their duties and responsibilities, and ensure they make significant and necessary improvements to their charity's governance

6. Our service improvements

We have continued to develop the service that we provide for whistleblowers. Our aim has been to put in place a structured, supportive and personal approach which is appropriate to the needs of whistleblowers who can face risk and challenge when they speak out.

After a review of all aspects of our approach in 2018-19, we created a new end to end service which we have been piloting from June 2019. This has included:

- a widening of our service to encourage reports from volunteers and trustees, where appropriate
- a clear and straightforward process for those that contact us, with
 - guidance that is more focused and easier to read
 - a revised case handling approach; where we aim to call each whistleblower directly
 - an independent advice line run by [whistleblowing specialists](#) [Protect](#)

We have also continued to provide our staff with training in the skills needed to receive and handle whistleblowing reports.

The pilot has brought us a number of benefits and we are now adopting this service within our business areas. We aim to make sure that the whole process of making disclosures gives confidence to those who are thinking of raising their concerns with us. This approach allows whistleblowers to talk to us, or other specialists, much sooner. It means we are better placed to support and encourage those that want to come forward and provide us with information which can help us fulfil our regulatory role.

● **Independently
investigating
miscarriages
of justice**



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

Our Whistleblowing Policy was reviewed and revised during 2018/19, and nominates the Independent Non-executive Directors as Whistleblowing champions. In 2019/20 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.

In March 2019 we received the only relevant report of the year (during 2017/18 we received none and we have received no reports during 2019/20).

The report received in March 2019 was reported in the annual report for 2018/19 in so far as receipt of the case was mentioned. As almost all of the investigative work on the matters was carried out in the first half of 2019/20, the outcome of the case is reported here.

The whistleblowing incident involved an employee of the Department of Work and Pensions who was concerned that working practices within the benefit fraud function of the department were such that miscarriages of justice were likely to occur. The individual had sought to raise these concerns internally but did not consider that they have been adequately dealt with. We had no doubt at all that the concerns were being raised with us in good faith.

CCRC Investigators acting on my behalf visited the whistleblower in person to better understand their concerns. They studied relevant law and guidance and spoke to officials within the Department of Work and Pensions about policy and procedure there. I wrote to the Department about the matters raised.

Ultimately, in light of the fact that the Commission has not had any applications from people claiming to have been wrongly convicted as a result of shortcomings suggested by the whistleblower, and because the whistleblower could not direct us towards any cases where they believed a wrongful conviction had occurred, there was nothing further that we could do. However, I thank the whistleblower for raising that issue in this case and encourage anyone with well-founded concerns about actual or potential miscarriages of justice to contact the CCRC as the prescribed body.

SCCRC Whistleblowing Annual Report 2019-20

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

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 2019-20 the Commission received no qualifying disclosures under the Public Interest (Disclosure) Order 2014

Whistleblowing Disclosures

1 April 2019 to 31 March 2020

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 2019-20.

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 - <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/01/cco-whistleblowing-policy-guidance.pdf>

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 2019/20

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 2019 to 31 March 2020

Service the disclosure relates to	Number of Disclosures Received
Children's Homes	4
Local Authority Children's Services	2
Residential Schools	2
Nursery	0
Other	3
Total	11

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	2
Concerns that there are wider or systematic failures in safeguarding practice	9

Children's Commissioner for Wales`

Whistleblowing Disclosures

Annual Report 2019 – 2020

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	0
The number of qualifying disclosures where the Children's Commissioner for Wales decided to take further action	0

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

N/A

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.**

N/A

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](#), 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](#) 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](#), 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.

	April 2016 to March 2017	April 2017 to March 2018	April 2018 to March 2019	April 2019 to March 2020
Total number of disclosures of information handled by the CAA under its whistleblowing process, including qualifying disclosures	202	242	265	317
The number of those disclosures of information where the CAA were able to take further action	196	238	254	311
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	96

The number of qualifying disclosures of information where the CAA were able to take further action	81	73	101	94
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Civil Aviation Authority (CAA)

CAA whistleblowing policy

CAA whistleblowing policy.

Who can make a report under the CAA's whistleblowing policy?

Anyone can make a report, but please read the information below first as not all complaints or reports will be handled under this process e.g. a personal grievance or complaint that does not have the potential to cause harm to the general public.

The CAA is a "prescribed person" under the Public Interest Disclosure Act 1998 for the purpose of receiving "protected disclosures" (whistleblowing) regarding compliance with the requirements of civil aviation legislation, including aviation safety and aviation security (including cyber security).

We are directly responsible for investigating any information of this nature that is received. A "worker" (which definition includes employees, independent contractors, agency workers and trainees) may make a complaint to the Employment Tribunal if he or she suffers a detriment as a result of making a "protected disclosure". An employee will be regarded as having been unfairly dismissed if the reason or principal reason for their dismissal is the making of a protected disclosure.

On occasion the CAA will receive allegations/complaints that may not be classed as whistleblowing and as such, the protection to the source is not that afforded to whistleblowers.

- [Safety concern reports from the public](#)

The CAA will endeavour to respect the confidentiality of a whistleblower unless agreed otherwise with them and will process any information relating to individuals in accordance with our [General Privacy Notice](#).

The CAA will investigate all complaints in an appropriate manner, but in order to achieve this, the contact details for the whistleblower will be required.

Making a report

If you make a report you will:

- receive a response to your complaint/allegation
- be kept informed of progress with the complaint(s) if requested.

Whether the investigation is ongoing or has been concluded can be confirmed but in most cases it is not appropriate to provide specific details of the investigation.

Reports by aviation industry employees or ex-employees

Before making a report to the CAA you should:

- contact the organisation concerned
and
- follow the organisation's internal complaints procedure.

This action will not prevent the CAA from exercising its regulatory responsibilities by investigating any report received.

Employees and contracted personnel may report to the CAA via this whistleblowing process alleged infringements of the [Occurrence Reporting Regulation 376/2014](#) as prescribed by Article 16(12) of that Regulation.

Reports made by the public

Before submitting a report under this process, please read our [guidance on reporting a public safety concern](#).

Supporting information

Copies of evidence or photographs can be accepted for the purposes of the investigation on the understanding that they will later be either destroyed (to protect confidentiality) or returned to the organisation concerned.

The reporting process

We recommend that whistleblowing reports include contact by phone or face to face meetings.

While it may be possible to progress a whistleblowing complaint without speaking with the whistleblower, this can result in wasted or duplicate effort in order to fully uncover the detailed facts.

Where possible, interviews with whistleblowers should take place on CAA premises with another CAA member of staff present as a witness. It can be very difficult to verify allegations without adequate detailed information. Reports should provide as much detailed evidence as possible, either hard copy or by email, not just verbal allegations.

In some cases of whistleblowing the CAA will not be the responsible authority. The CAA will help the whistleblower in identifying the correct authority. Other responsible authorities could be the US Federal Aviation Administration, European Aviation Safety Agency, Ministry of Defence or other National Aviation Authorities.

How to contact us

The preferred method of reporting to the CAA is by email using the [Whistleblowing report form](#) or via whistleblowing@caa.co.uk.

If this is not possible, reports can be made by calling the CAA Whistleblowing Focal Point on 0330 138 2847.

Protect (Formally Public Concern at Work)

If you are concerned about malpractice, wrongdoing or a safety risk at work and you are unsure whether to raise this with the CAA, you may find it helpful to contact the independent whistleblowing charity Protect (formerly known as Public Concern at Work) for advice. Protect can talk to you about how best to raise your concern, while minimising any risk to you and maximising the opportunity for the problem to be addressed. You can call them on 0207 404 6609 or email whistle@protect-advice.org.uk.

You can find out more about whistleblowing from the [Protect](#) website.

About Protect

Protect is the independent authority on public interest whistleblowing. Established as a charity in 1993 as 'Public Concern at Work' following a series of scandals and disasters, Protect has played a leading role in putting whistleblowing on the governance agenda and in developing

legislation in the UK and abroad. Their work is informed by the free advice offered to people with whistleblowing dilemmas and the professional support provided to enlightened organisations. For more information please see www.protect-advice.org.uk.

- [Whistleblowing reports received annually](#)

The CAA will investigate all disclosures of information in accordance with [our statutory duties](#), 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](#) 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](#), is evaluated upon closure of each investigation and usually splits approximately evenly between High, Medium and Low. During 2020-2021 this changed to half of the reports being of low value and is believed to be associated with the impact on aviation of the global pandemic, evident in the reduction in reports received.

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.

	April 2016	April 2017	April 2018	April 2019	April 2020

	to March 2017	to March 2018	to March 2019	to March 2020	to March 2021
Total number of disclosures of information handled by the CAA under its whistleblowing process, including qualifying disclosures	202	242	265	317	220
The number of those disclosures of information where the CAA were able to take further action	196	238	254	311	210
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	96	62
The number of qualifying disclosures of information where the CAA were able to take further action	81	73	101	94	60

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.

Report

Whistleblowing

2019–20 report

Legal, intelligence and impact team

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Who we are and what we do

The Equality and Human Rights Commission exists to protect and promote equality and human rights in Britain. We stand up for freedom, compassion and justice in changing times.

We have a duty to make Britain a fair society in which everyone has an equal opportunity to fulfil their potential and participate, without being limited by prejudice or discrimination; a society that respects and protects every person's human rights, recognises individual dignity and worth, and values diversity and equality. Our work is driven by a simple belief: if everyone gets a fair chance in life, we all thrive.

As we face a future of faster and deeper change, we believe that human rights and equality are more important than ever. They are principles that have deep roots, built on values we can all recognise – like open-mindedness, respect for human dignity and being fair and decent to one another.

We put these important principles into practice so that everyone can make the most of their rights, is treated fairly, with dignity and respect, and has the chance to lead a fulfilling life.

We are Great Britain's national equality body and have been awarded an 'A' status as a National Human Rights Institution (NHRI) by the United Nations. As a statutory non-departmental public body established by the Equality Act 2006, we operate independently. We aim to be an expert and authoritative organisation that is a centre of excellence for evidence, analysis and equality and human rights law. We also aspire to be an essential point of contact for policy makers, public bodies and business.

We make Britain fairer by safeguarding and enforcing the laws that protect people's rights to fairness, dignity and respect. We use our unique powers to challenge discrimination, promote equality of opportunity and protect human rights. We work with other organisations and individuals to achieve our aims, but are ready to take tough action against those who abuse the rights of others.

For more information:

- [Strategic Plan](#): our goals and aims for 2019–22
- [Business Plan 2019/20](#): our aims and the projects we worked on in 2019/20

How we use our litigation and enforcement powers

The Equality Act 2006 puts a duty on the Equality and Human Rights Commission to enforce the Equality Act 2010 and protect human rights. It gives us a range of powers to do this.

The enforcement powers given to us by the Equality Act 2006 include the power to:

- investigate an organisation or individual that we suspect is in breach of equality law, and
- enter into a formal, legally binding agreement with an organisation or individual. This allows us to agree an action plan to prevent future discrimination.

The Equality Act 2006 also gives us litigation powers. These powers let us:

- provide legal assistance to individuals making claims under the Equality Act 2010, and
- take, or get involved in, cases that will strengthen equality and human rights laws.

We generally only use our litigation and enforcement powers to tackle issues that will advance our core aim or one of our five priority aims. These aims are described in detail in our [Strategic Plan 2019–22](#). If an issue relates to our core aim or one of our priority aims, the factors we will take into account when deciding whether to use our legal powers include:

A) The scale of the problem:

- its size (the number of people affected by it)
- its severity (the seriousness of its effect on an individual or a group, including whether it affects people in the most vulnerable situations)
- its persistence (the length of time it has lasted), and
- its prevalence (whether the same or similar issues are affecting individuals across a number of organisations or sectors).

B) The impact we will have. To do this, we identify:

- the overall change we want to see
- which of our powers we could use to achieve it
- which of our powers will be the most effective and proportionate way to achieve it, and

the extent to which using our legal powers will achieve it, taking into account action that may be taken by others. When deciding whether to use any of our legal powers we will consider:

- the extent to which a successful outcome will preserve or strengthen the interpretation or application of equality and human rights law, against the risk of setting an adverse precedent
- whether the scale of the problem and the likely impact we will have justifies the amount of resources we will need to achieve it
- whether there are more effective ways of achieving the desired outcome
- whether we are best-placed to act and, if so, whether we should do so in partnership with others (such as other regulators, inspectorates or civil society organisations) to achieve the desired outcome, and
- whether taking action would align with our proactive strategies in each aim, including our other work, to maximise impact.

We will always act proportionately, balancing the scale and seriousness of the problem against the size and resources of the organisation involved.

For more information:

- [Our litigation and enforcement policy 2019–22](#): our legal powers, what we use them for and how we decide when to use them

How we operate as a prescribed body

The Equality and Human Rights Commission became a prescribed body for whistleblowing in November 2019. We receive whistleblowing disclosures about compliance with legislation relating to equality and human rights.

The information disclosed to us helps us decide whether to look more closely at an organisation's compliance with equality and human rights law. We record every disclosure that we receive and assess it to decide whether to pursue regulatory action, taking into account our [strategic plan](#), [business plan](#) and [litigation and enforcement policy](#).

We set out our approach in our [whistleblowing policy](#). We also share this information with every individual who makes a disclosure to us in order to manage their expectations. In many cases, it is not necessary for us to contact a whistleblower following our initial response. We generally only do so if we require additional information from them.

Even if we do not end up taking action on a disclosed issue, we still analyse all the information we receive to identify any patterns, themes or emerging issues that might help inform our future priorities.

Whistleblowing statistics

As at 31 March 2020, we had received 46 disclosures since becoming a prescribed body in November 2019 (47 submitted but one was a repeat disclosure by the whistleblower).

Action taken

We are a strategic regulator. We generally only use our legal powers to tackle issues that will advance our core aim or one of our five priority aims described in our Strategic Plan 2019–22. Approximately 60% of disclosures we received did not align with our strategic priorities and the criteria in our litigation and enforcement policy.

Action taken	Number	Percentage (rounded up / down)
No further action – did not align with our strategic priorities or meet the criteria set out in our litigation and enforcement policy	28	61%
No further action – not enough information disclosed to enable us to determine whether disclosure is in our remit and / or whether it aligns with our strategic priorities or meets the criteria in our litigation and enforcement policy	6*	13%
Considered further for potential enforcement action	4**	9%
Outside of our remit as a regulator and / or prescribed body	8	17%

*In one case, the whistleblower did not provide contact details. In the remaining five cases, we attempted to obtain further information but none was received.

**The four matters given further consideration for potential enforcement action were:

Issue	Action / impact
Disclosure about race discrimination in the leisure / hospitality sector	We are currently communicating with the organisation with a view to agreeing terms of an agreement using our power under s.23 Equality Act 2006
Disclosure about breach of rights under Article 8 of the European Convention on Human Rights (respect for private and family life, etc.) by a public sector organisation	The options for further action were limited as the disclosure did not involve an alleged breach of the Equality Act 2010, and no further action was pursued
Disclosure about race discrimination in the care sector	Intelligence was referred to the Care Quality Commission
Disclosure about an employer's failure to comply with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017	Our gender pay gap enforcement work is currently paused in response to the coronavirus (COVID-19) pandemic. The matter will be considered further once this work starts again

Issues disclosed

We identified 60 issues in total. This is greater than the total number of disclosures we received because some whistleblowers raised more than one type of issue within the same disclosure. 60% of issues related to discrimination or human rights breaches in the treatment of staff. 17% related to discrimination or human rights breaches in the treatment of service users / customers, and 5% related to other failures within our remit. 13% of issues fell outside of our remit and in a further 5%, there was not enough information to determine the issue type.

Treatment of staff

Type of issue	Number	Percentage
Race discrimination or harassment	12	20%
Disability discrimination, harassment or failure to make reasonable adjustments	11	18%
Sex discrimination or harassment	6	10%
Religion or belief discrimination or harassment	2	3%
Age discrimination or harassment	2	3%
Sexual harassment	1	2%
Sexual orientation discrimination	1	2%
Human rights breach	1	2%

Treatment of service users / customers / students

Type of issue	Number	Percentage
Human rights breach	4	7%
Disability discrimination, harassment or failure to make reasonable adjustments	2	3%
Race discrimination or harassment	3	5%
Sexual harassment	1	2%

Other

Type of issue	Number	Percentage
Failure to comply with gender pay gap regulations	2	3%
Breach of the Public Sector Equality Duty	1	2%
Outside of our remit as a regulator and / or prescribed body	8	13%
Not enough information provided to determine the issue type	3	5%

Details provided

The tables below set out how many disclosures did and did not provide employee and employer details.

Employee details provided

Employee details / anonymous	Number	Percentage
Employee details	42	95%
Anonymous	4	5%

Employer details provided

Employer details / no details	Number	Percentage
Employer details	37	80%
No details	9	20%

Summary

The Equality and Human Rights Commission was designated as a prescribed body in November 2019. We received 46 whistleblowing disclosures before 31 March 2020.

We determined that around 30% of those disclosures were either outside of our remit or did not include enough information to make a full assessment.

We assessed all of the remaining disclosures robustly (32 in total) to determine whether they aligned with our current strategic priorities and the criteria in our litigation and enforcement policy. Around 87.5% of these did not merit further action by us as the issues did not align with those priorities or criteria.

We referred four (around 12.5%) of the disclosures within our remit to our enforcement team for further assessment to identify the most appropriate response.

Of these:

- we decided to take no further action in one matter
- we shared intelligence with another regulator in one matter, and
- two matters remain ongoing at the time of writing.

Whistleblow

The Children and Young People's Commissioner Scotland is a prescribed person under the **Public Interest Disclosure Act 1998**, which provides legal protections for employees who **whistleblow**.

What sort of whistleblowing does the Commissioner handle?

The Commissioner handles cases where people have a genuine concern about malpractice or wrongdoing in their workplace that relates to promoting and safeguarding the rights of children and young people in Scotland. If you contact the Commissioner to whistleblow, that's called **making a disclosure**.

What are the laws around disclosing information to the Commissioner?

There are certain things that must be true for a disclosure to be protected under **the Public Interest Disclosure Act**.

A whistleblower must reasonably believe they're acting both in good faith and in the public interest when they pass information on. That means the issue you're disclosing has to affect others, not just yourself.

When contacting a Prescribed Person, whistleblowers must meet certain legal criteria for their disclosure to be covered under the Act.

When a whistleblower passes on information they must reasonably believe that they are acting both in good faith and in the public interest. This means it has to affect others, not just yourself: personal grievances and complaints aren't covered by the Act.

You must also believe your disclosure is about one of the following:

- criminal offences (including 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, or
- covering up any of the above.

The Commissioner cannot give you legal advice, and they also can't advise you as to whether your disclosure will be protected under the Act. You should seek independent advice about whether your disclosure may be protected. You can get free advice about this from Protect:

Protect

CAN Mezzanine
7-14 Great Dover Street
London SE1 4YR

Whistleblowing Advice Line: 020 7404 6609

UK advice email: whistle@protect-advice.org.uk

UK advice site: <https://www.protect-advice.org.uk/>

How can I raise a whistleblowing concern?

Your organisation should have an internal policy that explains how you can safely raise whistleblowing concerns. You should follow this policy before contacting the Commissioner unless:

- you believe you may be victimised for doing so,
- you believe the thing you're concerned about might be covered up,
- you believe your concern was not dealt with properly through your employer's whistleblowing policy.

Any whistleblowing disclosure made to the Commissioner should be about the **rights, interests and well-being of children in Scotland**.

Any whistleblowing disclosure made to the Commissioner should be about the **rights, interests and well-being of children in Scotland**.

How will we respond to your whistleblowing concern?

We respond to whistleblowing concerns as we do to other enquiries. We will let you know if we can take any action and what that action will be. If we are unable to help, we will advise you as to someone else who may be able to assist you.

We aim to acknowledge enquiries within two working days and to provide an initial response within five working days.

Our Advice and Investigations Service is confidential and you can contact us anonymously if you wish.

We will only collect or share information about you if:

- you have given us your permission, or
- we are worried about your or someone else's safety.

You should be aware that if the Commissioner raises your concern with an organisation – although every effort will be made to protect your identity – there is a risk that the organisation may be able to guess who you are.

If you want to make a whistleblowing disclosure to the Commissioner, please contact the Advice and Investigations Team at inbox@cypcs.org.uk or at:

Advice Officer
Children and Young People's Commissioner Scotland
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS
0131 346 5350

If you need any assistance to communicate with us, please let us know and we will do our best to help.

How we report whistleblowing

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.

Q:
What does the word "statutory" mean?

More in the [Rights questions and answers section](#)

Recent disclosures

Between 1 April 2019 and 31 March 2020 the Commissioner received one enquiry from an employee who had made a whistleblowing disclosure to their employer regarding incidents involving a senior manager and young people. An investigation had taken place but the enquirer was concerned that, because they would not know the outcome of the investigation there could be a 'cover-up'. The enquirer wanted the two incidents investigated independently.

We provided information about whistleblowing legislation, where the individual could obtain information and support and what action the Commissioner could take. Having no information about where or when the incidents had taken place or who the employer was and with no further contact from enquirer, there was no scope for further action.

A large teal circular graphic that is partially cut off by the top and right edges of the page.

Ethical Standards Commissioner

WHISTLEBLOWING REPORT

2019/20

OVERVIEW

The Commissioner for Ethical Standards in Public Life in Scotland, also known as the Ethical Standards Commissioner “(the Commissioner)” is 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:

1. that they are acting in the public interest, which means that protection is not normally given for personal grievances; and
2. that the disclosure is about one of the following:
 - 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, or
 - covering up wrongdoing in any of the above 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.

The Commissioner is a 'prescribed person' in relation to complaints brought under the Ethical Standards in Public Life etc. (Scotland) Act 2003. This Ethical Standards Act gives the Commissioner power to investigate complaints about the conduct of Scottish local authority councillors and the board members of specified Scottish public bodies.

BACK GROUND READING / EXTERNAL SERVICES

[Public Interest Disclosure Act 1998](#)

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

REPORTING

During the reporting period 1 April 2019 to 31 March 2020 the Commissioner received no qualifying whistleblowing disclosures.

The statutory template for reporting is published below:

Category	Number of disclosures
Number of non-qualifying disclosures	8
Number of disclosures withdrawn prior to confirming whistleblowing status	1
Number of qualifying disclosures	0
Number of qualifying disclosures requiring no further action	0
Number of qualifying disclosures requiring further action	0

INVESTIGATIONS

No investigations were carried out in the reporting period.

ACTIONS

No actions were required during the reporting period.

IMPACT OF DISCLOSURES ON THE COMMISSIONER'S ABILITY TO PERFORM ITS FUNCTIONS AND MEET ITS OBJECTIVES

There was no impact during the reporting period.

IMPROVEMENT OBJECTIVES

No improvement objectives required during the reporting period.

This report is also incorporated into the Annual Report and Accounts which is published in October.



Caroline Anderson FCA
Ethical Standards Commissioner

CONTACT DETAILS

**The Commissioner for Ethical Standards
in Public Life in Scotland**

Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE
T: 0300 011 0550
W: www.ethicalstandards.org.uk

General enquiries

E: info@ethicalstandards.org.uk

Corporate report

Whistleblowing: prescribed person report for the tax year 2019 to 2020

Published 29 September 2020

he Commissioners for HM Revenue and Customs (HMRC) 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 2019 to 31 March 2020, HMRC received 8,892 whistleblowing disclosures.

This is the statutory template for reporting:

Category	Number of disclosures
Qualifying disclosures (total)	8,892
Number of qualifying disclosures requiring further action	2,121
Number of qualifying disclosures requiring no further action	6,771

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.

Whistleblowing Disclosures made to the Competition and Markets Authority for the period 1 April 2019 to 31 March 2020

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 to 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 organisation's 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 2019/20.¹
6. For the period under report, the CMA received the following qualifying disclosures:

Total number of qualifying disclosures received	16
Initial investigation only – held for intelligence	6
Further investigation/action taken	10

¹ <https://www.gov.uk/government/publications/competition-and-markets-authority-annual-plan-2019-to-2020/competition-and-markets-authority-annual-plan-201920>

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 into infringements 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 into activity that undermines competition in the UK economy.

NAO Whistleblowing Annual Report

1 April 2019 to 31 March 2020



This is our third annual report on whistleblowing disclosures we have received. In the period 1 April 2019 to 31 March 2020 inclusive the C&AG received 41 whistleblowing disclosures.

We are the UK's independent public spending watchdog.

We support Parliament in holding government to account and we help improve public services through our high-quality audits.



The National Audit Office (NAO) scrutinises public spending for Parliament and is independent of government and the civil service. We help Parliament hold government to account and we use our insights to help people who manage and govern public bodies improve public services. The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. We audit the financial accounts of departments and other public bodies. We also examine and report on the value for money of how public money has been spent. In 2019, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £1.1 billion.

Introduction

- 1** This is our third 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 National Audit Office (NAO), scrutinises public spending for Parliament and is independent of government and the civil service. They support Parliament in holding government to account and help improve public services through high-quality audits. Our other work comprises value for money studies, local audit, investigations, support to Parliament and international activities. You can read more about the C&AG and the NAO on our [website](#) and in our new [five-year strategy](#).^{1,2}

Role of the C&AG with reference to the Act

- 6** The Public Interest Disclosure (Prescribed Persons) Order 2014 prescribes the C&AG as someone to whom people can make a protected disclosure relating to “the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services”.
- 7** The whistleblowing legislation does not give the C&AG any additional powers nor does it require the C&AG to investigate every disclosure they receive; the decision whether to investigate is based on the matters raised and the C&AG’s remit and powers.

¹ Available at: www.nao.org.uk/about-us/our-work/

² Available at: www.nao.org.uk/about-us/our-strategy/

8 People must approach the correct prescribed person. If the C&AG does not appear to be the most appropriate person then they can refer to the list published by the Department for Business, Energy and Industrial Strategy [BEIS: list of prescribed persons](#).³ This list is based on the [Public Interest Disclosure \(Prescribed Persons\) Order 2014](#).⁴

Correspondence at the NAO

9 Receiving, investigating and replying to correspondence is part of our core work. It is one of our direct contact points with Members of Parliament and the public. It is a rich and invaluable source of information for our audit work. Correspondence gives us an opportunity to explain and inform people about our work and helps us focus our questions to public bodies to probe issues and concerns of interest to the public. For example, through the identification of individual or systemic issues that merit further investigation.

10 The C&AG and the NAO typically receive around 1,000 letters from the public and 100 letters from MPs each year 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.

11 Within the 1,000 items of correspondence we receive concerns raised by workers about their employer. These whistleblowing disclosures are detailed below.

3 Available at: www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

4 Available at: www.legislation.gov.uk/uksi/2014/2418/contents/made

Whistleblowing disclosures received from 1 April 2019 to 31 March 2020

12 In the period 1 April 2019 to 31 March 2020 inclusive the C&AG received 41 whistleblowing disclosures.

Outcomes

Response to disclosures	Number of disclosures	Summary of the action taken
Work performed by the National Audit Office	20	In these cases we investigated the concerns as part of our audit work or as a specific enquiry.
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 or its Internal Audit function, the Government Internal Audit Agency or a devolved authority.
Referred to local auditor	7	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

13 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 concerns from a whistleblower regarding misuse of public funds and recruitment practices. We contacted the relevant Department to obtain more information via our financial audit team and reviewed the issue ourselves to confirm further investigation was not required. We concluded there was no risk to our audit of the Department's financial accounts. The Government Internal Audit Agency (GIAA) had also identified similar issues and the Department were already taking steps to improve their controls.

This is an example of how information provided by whistleblowers can help inform our regular audit work. Also, by contacting the relevant department we can ensure concerns are taken up by the most appropriate body, in this case the GIAA.

- **Example 2:** We received correspondence from an anonymous correspondent raising concerns at an academy school trust. Some of the concerns raised fell within the remit of the C&AG as a prescribed person - the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services – but some did not.

We always consider if there is another prescribed person or body, we can pass information onto where we do not have access rights, or they are better placed to consider the concern. In this case the information was provided anonymously so we could not seek permission. However, we judged that any risk to the whistleblower was low compared to the seriousness of the issues raised. Therefore, we shared the concerns raised with our contacts at the Department of Education and provided the information to Ofsted so they could consider the concerns and take any action they judged necessary.

This is an example of how we consider who is best placed to investigate a concern. In this instance as the C&AG is the auditor of the overall academy schools' sector, we also used this correspondence to instigate some enquires at a sector wide level.

- **Example 3:** We received a single contact from an anonymous correspondent who raised concerns about contract management at a government arms' length body (ALB). We raised the concerns with the responsible senior manager at the ALB to obtain more information. Although we did not know the identity of the correspondent, we ensured our enquires continued to protect their identity from people in the ALB. For example, very specific enquiries could identify an individual within an organisation.

The information from the correspondent gave us information to probe contract performance and retendering processes. We identified failings that has led the ALB undertaking its own internal review to identify how they could better manage contracts. We also identified issues that we raised formally at the highest level in the ALB.

This is an example of how a single anonymous contact with a whistleblower should not be ignored as it can provide valuable information to inform our work.

- **Example 4:** We received correspondence regarding mismanagement of a major contract from a whistleblower who was concerned about their identity being released. Because of the concerns raised we decided that we could fold the investigation of the concerns into our annual financial audit in future months. We told the whistleblower this is how we would address their concerns and they were content. In this way the investigation would appear as a routine piece of work. Subsequently, the whistleblower decided to waive anonymity and so we pointed them towards the senior official in their department responsible for the confidential hotline and investigations into wrong-doing. We advised the whistleblower to copy us into any correspondence so that we could ensure that it was followed up by the department and we also spoke to the responsible official.

This is an example of where it is important to manage a whistleblower's expectation by explaining how we will investigate their concerns. By folding the work into our annual audit, we were able to protect the identity of the whistleblower and take the allegations seriously as part of our routine audit work. In this instance, we were also able to direct the correspondent to an appropriate contact in their department once they had changed their mind about anonymity.

Learning from disclosures

14 The National Audit Office can carry out examinations into the economy, efficiency and effectiveness with which government departments and many other public sector bodies have used their resources.

15 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.

16 You will have read in our examples how the insight gained from whistleblowers enables us to target our audit work and make targeted enquiries of government departments to not only investigate concerns but further our understanding of departmental procedures. This work can also lead to departments learning where they need to make improvements to their processes. In the last year we have updated and improved our internal guidance for our staff on how to handle whistleblowing disclosures. As part of this work we published a [flow chart](#) on our website so people who are looking to raise a concern understand the decisions and action we may take following their contact.⁵ You can find more information [here](#).⁶

⁵ Available at: www.nao.org.uk/contact-us/wp-content/uploads/sites/10/2020/04/Web-graphic.pdf

⁶ Available at: www.nao.org.uk/contact-us/whistleblowing-disclosures/

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National Audit Office



SFO | serious
fraud
office

ANNUAL REPORT ON WHISTLEBLOWING DISCLOSURES 2019-2020

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 2019 to 31 March 2020, the SFO Intelligence Division managed 128 whistleblowing disclosures that qualify for inclusion in this report. Of those the SFO was able to, and took further action in relation to 121 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 or 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

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www.sfo.gov.uk



1. Home (<https://www.gov.uk/>)
2. Business and industry (<https://www.gov.uk/business-and-industry>)
3. Business and the environment (<https://www.gov.uk/business-and-industry/business-and-the-environment>)
4. Whistleblowing about environmental malpractice: annual reports (<https://www.gov.uk/government/publications/whistleblowing-annual-reports>)



Environment
Agency

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

Corporate report

Whistleblowing about environmental malpractice: annual report 1 April 2019 to 31 March 2020

Updated 29 September 2020

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When to report environmental malpractice

Contact the Environment Agency

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This publication is available at <https://www.gov.uk/government/publications/whistleblowing-annual-reports/whistleblowing-about-environmental-malpractice-annual-report-1-april-2019-to-31-march-2020>

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.

List of disclosures

We received 8 qualifying disclosures between 1 April 2019 and 31 March 2020. We received Disclosure 1 towards the end of the previous reporting period so it is included in this year's report.

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

14 March 2019

Summary of disclosure

Report of illegal waste activity through the burying of waste.

Action taken

We carried out a site visit following the report of illegal waste activity. Subsequently we reviewed associated documentation. The investigation confirmed that waste had been properly disposed of.

Impact on the Environment Agency

There was no impact – the report was not substantiated.

Disclosure 2

Date of disclosure

4 April 2019

Summary of disclosure

Allegations of waste being spread over land.

Action taken

An officer carried out a site visit. The officer confirmed that the material being spread to land was PAS110 digestate, not a waste and therefore permitted.

The operator had full records showing the levels applied to the land and the requirements of the soil were correct to spread at this level. Odour nuisance caused by the spreading of digestate is being dealt with by the local authority.

We visited composting activities multiple times before and since this report. Each time extremely low levels of contamination was found within the compost. The compost is PAS100 compliant.

No further action to be taken about this report

Impact on the Environment Agency

There was no impact – the report was not substantiated. The site is regulated (a number of standard rules permits) so regulatory effort continues.

Disclosure 3

Date of disclosure

13 April 2019

Summary of disclosure

Discharging to river.

Action taken

We sent details to the site and asked if they have any discharges not permitted or any problem with permitted discharge currently. The site has an environmental permit which allows them to discharge treated effluent from the treatment process. We did not identify anything out of the ordinary in the report.

Impact on the Environment Agency

Minimal, there was no offence identifiable. The report appeared to be making the Environment Agency aware of a discharge which we permit as part of a permitted installation.

Disclosure 4

Date of disclosure

19 June 2019

Summary of disclosure

Allegation against a company.

Action taken

We identified the site as an illegal waste site.

The site has a history of incidents and Environment Agency involvement.

We closed the reported incident and the site continues to be within the scope of the local Enforcement Team.

Impact on the Environment Agency

We arranged a day of action with the local council and police.

The Environment Agency has an active operation for the site, involving a number of professional partners.

The incident remains closed as substantiated, though action is ongoing.

Disclosure 5

Date of disclosure

1 July 2019

Summary of disclosure

Water pollution – a report that a company had released ethanol into a storm drain.

Action taken

We classified this as a category 3 to 4 minor impact. The reporter was anonymous. We did not attend and closed the incident on the basis of low risk to environment.

Impact on the Environment Agency

The report was not substantiated. No further reports or impact reported.

Disclosure 6

Date of disclosure

17 September 2019

Summary of disclosure

Report of illegal waste activity – namely an allegation that demolition waste from a nearby brownfield site during construction works, containing oil and asbestos, was buried and covered in topsoil on an adjoining field.

Action taken

Initially reported anonymously.

The officer assigned to the incident liaised with county council partners. It was determined that all wastes were lawfully disposed of at a permitted facility. The remaining clean, inert soils and rubble was spread on a new car-parking area (under an exemption).

Further site visits by Council Planning Enforcement Officers confirmed no waste burial and compliance.

Impact on the Environment Agency

An officer attended the site once and conducted a site inspection.

It was established that the developer had not committed any waste related offences and the matter was left for the county council to determine and enforce Planning Control compliance.

Disclosure 7

Date of disclosure

2 November 2019

Summary of disclosure

Report of water pollution from deliberate disposal of fuels and oils into drains connected to river, including weekly flushing of red diesel from road roller fuel tanks. Multiple instances of dead fish observed. Unlawful storage and transportation of waste materials plus deliberate disposal of waste materials into river.

Action taken

Officers investigated the complaint by visiting the site on 7 November 2019. Their check of the premises found it to be well maintained and did not reveal evidence of the alleged activities. There was no evidence of pollution entering the river. Site operatives suggested that a disgruntled ex-employee was responsible for the report.

Impact on the Environment Agency

Limited costs to Environment Agency but no legal powers to recharge and when investigated the incident was not substantiated.

Despite the allegations of regular deliberate pollution and unauthorised activities, there were no reports of such incidents by this or any other reporter in the years preceding or months following this report.

Disclosure 8

Date of disclosure

14 January 2020

Summary of disclosure

Report of water pollution. The report was made with details of company operations that were likely to involve working knowledge of those operations. The reporter wanted to remain anonymous.

Action taken

An officer visited the site of the pollution at a later date. There was no evidence of pollution. The officer did not attend the company site. They fed back to the reporter and left details for any further contact. No further contact received.

Impact on the Environment Agency

There was no impact. The report was not substantiated.

Disclosure 9

Date of disclosure

12 March 2020

Summary of disclosure

Discharging chemicals through toilets.

Action taken

The nature of the chemicals are not disclosed to protect the identity of the reporter.

The location of the industrial unit and company is within a combined drainage area, therefore the risk to the environment is low to no risk. The incident was passed to the water company as the allegation was a matter for them.

Impact on the Environment Agency

An assigned officer assessed the report. Assessment of the pollution risk could not be made as substance, quality and frequency is unknown. The receiving system was a foul sewer, therefore risk of damage to the environment was low and a matter for the sewerage undertaker.

No further action was deemed necessary.

When to report environmental malpractice

We are 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 are 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.

Due to the current health emergency we have reduced the times our phone lines are open. This is under review and we hope to be able to extend them soon. If possible please contact us by email at enquiries@environment-agency.gov.uk.

The impact of COVID-19 on our teams means you may experience some delays in responses as most of our staff will be working from home. We are currently unable to deal with post sent to our offices in the usual way.

[Print this page](#)

Annual Report and Accounts 2019/20

(for the year ended 31 March 2020)

HC 715



Financial Conduct Authority

Annual Report and Accounts 2019/20

(for the year ended 31 March 2020)

Presented to Parliament pursuant to paragraphs 11(4) and 15(3) of Schedule 1ZA of the Financial Services and Markets Act 2000 as amended by the Financial Services Act 2012 and the Financial Services (Banking Reform) Act 2013

Ordered by the House of Commons to be printed on 10 September 2020

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Any enquiries related to this publication should be sent to us at

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We also expect to reduce harm by:

- Applying the Conduct Rules, related reporting requirements and assessments of individuals' suitability.
- Promoting more effective competition. We believe that firms acting in the best interests of consumers are more likely to get business, driving stronger competition and better, cheaper products for consumers.
- Increasing accountability. This should lead to better decision-making by firms, cutting costs and leading to better quality products.

We also made changes to the SM&CR and issued clarifications that firms had asked for. This included amending the scope of the client dealing function and clarifying how SM&CR applies to the legal function. We consulted on these in January 2019 and made final rules in July 2019.

Firms that are newly subject to the SM&CR have a transitional period to deliver staff training on the Conduct Rules, and certify relevant employees as fit and proper. We continue to support firms through communications, engagement and training. This will help ensure that firms can comply with the regime requirements.

Improving the Register

The Financial Services Register is the system we use to make public information on the firms we regulate and the individuals the FCA and PRA have approved. Over the last year a large amount of work has been undertaken to launch a new, improved version of the Register, designed to ensure greater clarity and understanding by consumers and other users to ensure that they are less likely to be harmed by misconduct or scams.

The improvements make the Register easier to use, improve data quality and provide more information. During 2020/21 firms will be required to regularly update their certified and assessed persons data on a new directory.

Whistleblowing

Whistleblowing reports remain a vital and unique source of information for our work. They help us to better understand the behaviour of the firms we regulate, to supervise more effectively, and in our enforcement actions.

To ensure whistleblowers are handled consistently and fairly, we have increased resources in our dedicated whistleblowing team and have rolled out training to ensure our staff, who consider whistleblowing intelligence, act on it appropriately. We have also continued to review and refine our practices, to ensure we maintain whistleblower confidentiality, track whistleblowing intelligence as it is shared across the FCA and maximise the benefit from the insights provided.

From April 2019 to March 2020 we managed and assessed 1,153 whistleblower reports. These consisted of 2,983 separate allegations.

At the end of June 2020 the 1,153 reports had resulted in the following outcomes:

- in 8 cases, we took significant action to mitigate harm
- in 210 cases, we took action to mitigate harm
- 137 cases helped to inform our work and were relevant to the prevention of harm, but did not lead to any specific action
- 107 cases were not considered relevant to the prevention of harm
- 691 cases are still being assessed to determine their outcome

Small moments that drive culture change

While healthy cultures reduce the potential for harm to consumers and markets, understanding how to create them can be a challenge. Many firms often see the solution as launching widescale culture-change programmes. We want to encourage them to experiment with ideas, and focus on small 'moments' – encouraging individual changes to collectively make a big impact, rather than attempting to change culture in one go.

Our CultureSprints programme delivers a series of problem-solving events, bringing together firm representatives and experts from different fields to work collaboratively. They explore ideas and develop targeted, practical solutions to specific challenges to healthy cultures. Participants agree to take at least one of the solutions back to their firms to experiment with in practice and report back.

CultureSprints in 2019/20

How staff are recognised and rewarded has a major impact on their behaviour, and managers are inevitably those who implement change in their teams. So this year we held 2 CultureSprints exploring how to support and empower managers to transform culture, and how to drive healthy cultures through non-financial incentives and recognition. Both were oversubscribed, around 30 leaders from firms and 20 other experts took part in each Sprint, developing 17 solutions to take back and test.

We want discussion of these topics to feed into wider thinking and action across financial services. So we also broadcast 2 webinars on these themes, with over 1,000 people learning from the insights of a panel of experts.

The 2 follow-up events we held this year also brought back participants from previous Sprints to share their progress. We published some of the solutions on empowering managers so all firms can benefit from them and will publish more this year.

Feedback from these events is encouraging. Participants report benefits both from the solutions developed and from a new approach to culture change they can implement in their firms.

We monitor how culture is improving through our supervision of firms, focusing on how effectively the 4 drivers of culture – purpose, leadership, approach to rewarding and managing people, and governance – reduce the potential harm from firms' business models and strategies.





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FINANCIAL REPORTING COUNCIL

REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 MARCH 2020

HC 403

closed with no changes made to future reporting. Six cases are still in progress.

- The other ten complaints were not followed up as there was insufficient merit to pursue or they were otherwise outside our scope.
- During the year we did not receive any complaints relating to information provided in the Strategic Report.

The complaints came from a diverse range of parties (including private individuals, investors, fund managers, journalists and academics) and have involved companies that have ranged from private and small AIM companies to FTSE 100 groups.

ENFORCEMENT

The Case Examination and Enquiries team opened 15 complaint cases this year (two of which were whistleblowing disclosures). There were also two referrals from a professional body arising from complaints received by that body.

20 complaint and referral cases were closed by the Case Examination and Enquiries team during the year, as follows:

- Three cases, arising from a whistleblowing disclosure and two professional body referrals, were referred by the Conduct Committee to the enforcement team to investigate or make further enquiries.
- 11 cases were in relation to matters not in the FRC's remit. Where possible, we referred the complaint or the complainant to the appropriate regulatory body, which included RSBs (in relation to audit matters which the FRC has delegated to the RSBs),

accountancy professional bodies and the Insolvency Service.

- Six cases, where the underlying complaint was potentially within the FRC's remit were closed with no further action taken, as our enquiries found that there was no basis or insufficient information to support the complaint.

PROFESSIONAL OVERSIGHT

This year the Professional Oversight Team (POT) received 43 complaints about the professional accountancy and actuarial bodies we oversee, of which:

- Five complaints were within POT's complaint handling remit, with four matters still under review as at 31 March 2020. No recommendations were made to the professional accountancy and actuarial bodies in relation to their enforcement and complaints procedures in respect of any complaints reviewed this year, including two complaints that were ongoing at the start of the year; and
- 38 matters were outside our complaints handling remit and/or the complainant had not first exhausted the professional accountancy body's or actuarial body's complaints procedure.

This year the FRC has seen a reduction in the volume of complaints received about the way in which a professional body has dealt with a complaint about one of its members. We continue to receive a steady number of complaints from students of the bodies. Additional information on our oversight activities can be found at Appendix 1 of this report.

WHISTLEBLOWING TO THE FRC AS A PRESCRIBED PERSON

Public Interest Disclosures

Whistleblowing is the term used when an employee passes on information concerning suspected or known wrongdoing by their employer (it is also known as "making a disclosure"). The Employments 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 employees 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 individuals working outside the FRC, but in the accounting, auditing or actuarial professions, may contact the FRC if they want to make a disclosure about their current or former employer in relation to matters which are within the scope of the FRC's regulatory remit.

During 2019/20 the FRC received 10 disclosures in its capacity as a prescribed person. In respect of the disclosures made, the following action was taken:

- One was referred to the relevant professional accountancy body for consideration;
- Four were referred to another regulator or organisation for consideration;
- Three were of direct relevance to the FRC's responsibilities and were addressed by the relevant teams;
- Two did not respond to requests for further information.

MANAGING COMPLAINTS TO THE FRC

The FRC's whistleblowing policy can be found here: www.frc.org.uk/whistleblowing

Complaints about the FRC

During 2019/20, five new complaints were received about the FRC and have been handled under the FRC Complaints Procedure.

Concerns were raised regarding:

- The reviews undertaken by the FRC in relation to complaints

about professional exams in chartered accountancy and actuarial bodies.

- The FRC advising that the concerns raised were outside its remit.

All of the complaints have been reviewed, investigated and responded to, with none being upheld. In two of the cases the Unreasonable & Repeated

Complaints & Communications policy has been invoked due to multiple contacts from the complainants repeatedly raising the same, already addressed, points. Two complainants have exercised their right to have their complaints escalated to the Independent Complaints Reviewer, who is currently undertaking a review of the concerns raised. The final complaint was closed with no further action taken.

Whistleblowing Annual Report 2019/20: 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 2019 to 31 March 2020 whistleblowing disclosures must be published no later than the end of September 2020.

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 2019 to 31 March 2020 inclusive:

(a)(i)	We received a total of 31 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 31 disclosures were qualifying disclosures and fell within the matters in which the FSA is a Prescribed Person.
(b)	We decided to take action on 31 of the 31 disclosures which we reasonably believed to be qualifying disclosures.
(c)(i)	<p>Of the 31 disclosures on which we decided to take action:</p> <ul style="list-style-type: none"> • 30 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. • 1 disclosure was 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. <p>Outcomes achieved in relation to the 31 disclosures on which we decided to take action include:</p> <ul style="list-style-type: none"> • Non-compliance with food safety procedures identified and addressed by the appropriate authority. • Lawful seizure and destruction of unsafe food by the appropriate authority. • Food hygiene concerns identified and addressed by the appropriate authority. • Prevention of non-compliant activity by food businesses and disruption of unregulated food production through targeted joint working with partner agencies. • Insufficient evidence identified to substantiate any wrongdoing.
(c)(ii)	<p>All 31 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"> • Assisting the FSA and other appropriate authorities to consider potential food safety risks and implement appropriate risk management actions. • 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.

	<ul style="list-style-type: none"> • Build the FSA's knowledge and understanding of food safety risks, enabling strategic priorities to be determined and resources allocated to those priorities. <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 https://www.food.gov.uk/contact/businesses/report-safety-concern Email foodcrime@food.gov.uk</p>

Whistleblowing disclosures 2019-20

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 2019/20 whistleblowers contacted us 5 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 2019/20 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 2019-2020

Publication date:	3 September 2020	Contact: Emma Lynch, Senior Manager
		Team: Enforcement
		Tel: 0141 331 6044
		Email: Emma.lynch@ofgem.gov.uk

This is our third annual Whistleblowing Report¹, 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 2019 to 31 March 2020.

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.

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

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Any enquiries related to the text of this publication should be sent to Ofgem at:
10 South Colonnade, Canary Wharf, London, E14 4PU. Alternatively, please call Ofgem on 0207 901 7000.

This publication is available at www.ofgem.gov.uk. Any enquiries regarding the use and re-use of this information resource should be sent to: psi@nationalarchives.gsi.gov.uk

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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
 - 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 promote value for money.

- 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 67 qualifying disclosures² were made to Ofgem by workers in the gas and electricity energy sector in the period 1 April 2019 to 31 March 2020.
- 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 continued to receive disclosures that contained insufficient information to act and whistleblowers provided no contact details or were unresponsive to requests for further information. 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. However passing information on an anonymous basis may make it difficult for us to link particular disclosures to individuals should the need arise in future; for example in an employment or legal dispute. Information that assists us to act are details on

² As defined in section 43B of the Employment Rights Act 1996. Section 43B was inserted by the Public Interest Disclosure Act 1998 c.23, s 1 and amended by section 17 of the Enterprise and Regulatory Reform Act 2013

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.

- 2.4. We reiterate that 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. We would highlight there are situations where we could deem the matter serious enough to proactively pass onto a third party directly. We also may be asked, compelled or obliged to provide disclosures to third parties to enable them to perform their functions. These parties could include other regulators and law enforcement bodies for example. If that situation arises we may contact a whistleblower to inform them that their information is being passed on. That will include any contact details we have, even if a whistleblower has requested that their details remain confidential. Further information on this is available via our Whistleblowing Policy and Ofgem's Privacy Policy which are on our website. Therefore we would strongly advise any potential whistleblower to read both policies before making a disclosure to us and be comfortable with the potential outcomes.
- 2.6. We do not provide legal advice on the legal status or definition of whistleblowers or any other aspect of employment law. We would advise those making disclosures (or considering making a disclosure) to seek independent legal advice if such guidance is required.
- 2.7. There are legal constraints that prevent us providing updates to whistleblowers on the status of our enquiries. Therefore no ongoing dialogue with whistleblowers is likely once the initial disclosure has been finalised.

Outcomes

2.8. This table shows what actions were taken and the outcomes for the 67 qualifying disclosures³ made during the period 1 April 2019 to 31 March 2020.

Action taken	Outcome	Total
Led to direct contact with employer	Resolved at first contact	11
Led to direct contact with employer	Resolved but not at first contact	3
Led to direct contact with employer	Ongoing contact with employer	10
Did not lead to contacting employer	Held as intelligence ⁴	27
Did not lead to contacting employer	No further action – no breach	1
Ofgem already had ongoing enquiries and was aware of the information the whistleblower had provided but the employer was not yet the subject of any formal investigation or compliance action	Ongoing enquiries	3
Considered as part of ongoing investigation /compliance action	Ongoing investigation / compliance activities	1
Background enquiries still ongoing	Ongoing enquiries	11
Referred to another body ⁵	Action completed	0

³ 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

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

⁵ 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 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 2020

Healthcare professional regulators

This report has been produced by the healthcare
professional regulators



General
Medical
Council

General
Dental
Council



General
Pharmaceutical
Council



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About the report

On April 1 2017, a new legal duty came into force that 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)

As with previous years, we, as healthcare professional regulators, have compiled a joint whistleblowing disclosures report to highlight our coordinated effort in working together to address the serious issues raised to us.

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.

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

Action type	Description
Under review	This applies to disclosures that have been identified as a qualifying whistleblowing disclosure but no further assessment or action has taken place yet.
Closed with no action taken	<p>This applies to disclosures that have been identified as a qualifying whistleblowing disclosure but no regulatory assessment, action or onward referral was required.</p> <p>This could be in cases where it was decided the incident was resolved or no action was appropriate at the current time.</p>
Onward referral to alternative body	This applies to disclosures that 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	<p>This applies to disclosures where the regulator has taken an action which falls under their operative or regulatory remit.</p> <p>This may include but is not limited to:</p> <ul style="list-style-type: none"> ● referral to its Fitness to Practise team or any other fitness to practise process ● opening an investigation ● advice or guidance given to discloser, employer, education body or any other person or organisation ● registration actions ● other enforcement actions. <p>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’.</p>
No action – not enough information	<p>This applies to disclosures that have been assessed by the regulator and a decision has been made that there is not enough information to progress any further.</p> <p>This may be in cases where the disclosure was made anonymously with insufficient information to allow further investigation, a discloser is unable to provide more information or the disclosure was withdrawn before it could be investigated.</p>
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 the other parties involved, no information is included here that would enable a worker who has made a 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 2019 and 31 March 2020.

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 2019 to 31 March 2020

From 01 April 2019 to 31 March 2020 the General Chiropractic Council received no whistleblowing disclosures.

General Dental Council

The General Dental Council (GDC) is the UK-wide statutory regulator of approximately 113,000 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 Wellbeing 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 2019 to 31 March 2020

From 01 April 2019 to 31 March 2020 the GDC received 116 whistleblowing disclosures of information.

Actions taken in response to disclosures

Regulatory action taken	95
No action – not enough information	21

Summary of actions taken

All disclosures were made directly to the Fitness to Practise team. In 95 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 to the conclusion that fitness to practise is not impaired and the case could be closed. There were 21 cases that were not progressed due to lack of sufficient information provided by the informant.

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.

The number of disclosures we received increased to 116 from 75 in 2018–2019. 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 in the UK and oversee 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 2019 to 31 March 2020

From 01 April 2019 to 31 March 2020, the General Medical Council received 36 whistleblowing disclosures.

Actions taken in response to disclosures

Regulatory action taken	28
No action – not enough information	5
Onward referral to alternative body and regulatory action taken	3

The majority (34 of 36) of the whistleblowing disclosures we received came in to our Fitness to Practise directorate, and two were received by our Registration and Revalidation directorate. Of all the disclosures we received, 21 were made by doctors, seven were made by other healthcare professionals and eight were made anonymously.

Of the 34 disclosures that were assessed by our Fitness to Practise team:

- 19 were closed after an initial assessment
- two are currently being assessed

*Medical Act 1983 (as amended)

- 13 resulted in either a preliminary or full investigation. Eight of these are still going through the investigation process and five have been closed. We closed five of the disclosures as:
 - for four of them there was not enough information disclosed to take any further action
 - one disclosure was already under investigation.

Of the 24 disclosures that 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 e.g. local employment dispute
- no concerns were found from the information provided.

Our Registration and Revalidation directorate handled two disclosures, one case resulting in regulatory action and an outward referral to an alternative body. The other was closed as there was insufficient information to progress.

Update on disclosures from last year

13 disclosures that we received prior to 1 April 2019 were concluded.

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 that 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.

However, compared to last year, we have seen a reduction in the number of anonymous disclosures, which may indicate that confidence in our processes is increasing.

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 the appropriate channels.

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 our 'Raising Concerns' (Whistleblowing) Policy in 2016:

www.optical.org/en/Investigating_complaints/raising-concerns.cfm

Whistleblowing disclosures received from 01 April 2019 to 31 March 2020

From 01 April 2019 to 31 March 2020 the General Optical Council received 15 disclosures of information.

Actions taken in response to disclosures

Under review	2
Regulatory action taken	5
No action – not enough information	7
Onward referral to alternative body and regulatory action taken	1

Summary of actions taken

All 15 disclosures that we received in 2019–20 were placed in our fitness to practise triage system for formal assessment.

Out of these disclosures, seven cases were assessed by our triage team and a decision was made to take no further action as there was not enough information to progress any further:

- we were unable to pursue three of these disclosures as the discloser decided to withdraw their concerns and there was no way in which the GOC could have pursued the concerns further

- for one case there were no identified fitness to practice concerns raised by the discloser, so the case was closed
- for two disclosures we did not receive enough information to progress them any further, so they were recommended for closure
- another case was investigated and closed by NHS (England), therefore a decision was made that regulatory input would not be required.

In six cases, we have taken regulatory action of some description:

- in three cases we have opened fitness to practise investigations. Of these, two cases are still being investigated and have not yet gone to our Case Examiners for consideration. One case has been considered by our Case Examiners and has been referred to our Fitness to Practise Committee
- in one case we were unable to continue with the investigation as the discloser disengaged, therefore the matter was referred to another external organisation to consider systems regulation action
- two disclosures were referred to our Illegal Practice team for further investigation.

Two disclosures are still subject to assessment and no decision has been made as to what, if any, regulatory action will be taken.

Learning from disclosures

The number of disclosures received by the GOC in 2019–20 is relatively small. In total in 2019-20, we received 348 new referrals, so protected disclosures account for only four per cent 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 for 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: 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. Our purpose is to protect the public by ensuring high standards of education, practice and conduct among osteopaths.

Our 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 from 01 April 2019 to 31 March 2020

From 01 April 2019 to 31 March 2020 the General Osteopathic Council received three whistleblowing disclosures.

No action – not enough information	3
------------------------------------	---

Summary of actions taken

The three disclosures received related to the fitness to practise of osteopaths. For each disclosure, we assessed that further information was required. Several attempts were made to contact the informants to request further information about the disclosures, using the contact details provided. Details of the process for investigating the disclosures were explained and, where relevant, informants were provided with information about the helpline provided by Victim Support on behalf of the General Osteopathic Council. The further information we requested was not provided by the informants, and the disclosures were closed on the basis of a lack of information.

Learning from disclosures

The concerns received have not impacted on our ability to perform our regulatory functions or meet our objectives during the reporting period.

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

In December 2019, the General Osteopathic Council entered an agreement with the independent charity Victim Support to provide a confidential support service to those involved in fitness to practise cases. Details of the service are now provided to all informants who make qualifying disclosures to us.

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.

What we do:

- 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.
- We help to promote professionalism, support continuous improvement and assure the quality and safety of pharmacy.

Whistleblowing disclosures made from 01 April 2019 and 31 March 2020

From 01 April 2019 to 31 March 2020 the General Pharmaceutical Council received 22 disclosures of information.

Actions taken in response to disclosures

The action we took on the 22 disclosures received during this reporting period are set out in the table below.

Under review	4
Onward referral to an alternative body	5
Regulatory action taken	13

Summary of actions taken

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.

Eleven cases were investigated and concluded with no further action. Five cases were signposted to other organisations. The remaining two cases were investigated and concluded with guidance from fitness to practise, inspection or education colleagues.

In addition, of the seven concerns from the previous reporting period, five were investigated and concluded with no further action. The remaining two cases were investigated and concluded with guidance from fitness to practise, inspection or education colleagues.

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.

The Health and Care Professions Council

The Health and Care Professions Council (HCPC) is a statutory regulator of health and psychological professions governed by the Health Professions Order 2001. We regulate the members of 15 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 made from 01 April 2019 and 31 March 2020

From 01 April 2019 to 31 March 2020 the Health and Care Professions Council received eight disclosures of information.

Actions taken in response to disclosures

Closed with no action taken	1
Regulatory action taken	7

Summary of actions taken

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; occupational therapists, operating department practitioners, paramedics and physiotherapists. We also received one anonymous phone call and do not know which registered profession they were from.

The subject of the disclosures ranged from concerns about the level of training a registrant received, an employer's response to risk in the early stages of the COVID-19 pandemic, employer policies around medication and their storage, information disclosed to service users, and an employer's approach to investigating concerns.

In all of these scenarios, we provided the discloser with advice and guidance. We directed them to the relevant standards and set out our expectations. We also signposted them to organisations that could support them in raising a concern with their employer. In the event someone had already done this, depending on the subject of their concern, we also directed them to the Fitness to Practise department so they could raise a concern, or to another relevant organisation. As most of the concerns related to specific health and care providers and therefore fell outside of our remit, the majority were directed to the relevant service regulators (such as CQC).

The Education department also received one disclosure from a member of an approved programme team, who raised concerns about a lack of appropriate adult and child safeguarding procedures, training and policies in place at the education provider where they worked. They also were concerned that students from particular ethnic backgrounds were being targeted as part of safeguarding procedures, which would contravene the Equality Act 2010.

We undertook an initial assessment of the concern but decided not to investigate this concern, as we can only investigate whether there is an issue against the HCPC's standards and it was deemed that the provider was meeting our standards. Instead, we recommended the complainant refer their concerns to the Office for Students and the Equality and Human Rights Commission.

Learning from disclosures

We keep data on all the policy enquiries we receive, and regularly reflect on them to establish what additional information or guidance we need to produce.

At the end of last year's reporting period, we published a [blog post on how registrants can raise concerns](#). This sign posts to relevant organisations such as CQC. In July, we published a [follow up article on our registrant hub entitled 'Do you have safety concerns?'](#). In this article, we give registrants advice on how to raise concerns and promote our Whistleblowing Policy.

These concerns also highlight to us the importance of working closely with employers. Since the last reporting period, we have launched an [employer hub](#) where we produce content tailored to employers. This includes advice on how to support employees with CPD and supervision and how they can manage concerns about an employee. For example, in August 2020, we published an [article for employers on our latest research on supervision](#). We will continue to develop this work, with the recent launch of our Professional Liaison team.

More recently, we have reflected on the importance of raising concerns in our [blog on the Paterson Inquiry](#). This highlights our Whistleblowing Policy and signposts to relevant sources of advice, including the NHS Whistleblowing Helpline. We have committed to consider the findings of the Inquiry and work with everyone concerned to ensure learning points are identified and acted upon to ensure patient safety.

The end of the reporting period saw only the beginning of our COVID-19 response, which will be reflected in more detail in next year's report. A key part of that response was to provide timely [advice to registrants on the standards](#), in response to their concerns. This included advice pages on supervision, scope of practice and raising concerns. Therefore the couple of COVID-19 related disclosures referred to above were key in shaping the guidance we provided on our [COVID-19 hub](#).

Finally, in relation to the Education disclosure, whilst we have not taken action against the education provider, the organisation has taken forward a wider piece of work on safeguarding. This will form a part of next year's review of our Standards of conduct, performance and ethics and Guidance on conduct and ethics for students.

We also continue to strengthen our work in relation to Equality, Diversity and Inclusion (EDI). This includes consideration of any EDI impacts as part of our review of the standards, and so when we next review the relevant standards for education providers this will be a key focus of the review.

Nursing and Midwifery Council

Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. As the professional regulator of more than 700,000 nursing and midwifery professionals, we have an important role to play in making this a reality.

Our core role is to regulate. First, we promote high professional standards for nurses and midwives across the UK, and nursing associates in England. Second, we maintain the register of professionals eligible to practise. Third, we investigate concerns about nurses, midwives and nursing associates – something that affects less than one percent of professionals each year. We believe in giving professionals the chance to address concerns, but we'll always take action when needed.

To regulate well, we support our professions and the public. We create resources and guidance that are useful throughout people's careers, helping them to deliver our standards in practice and address new challenges. We also support people involved in our investigations, and we're increasing our visibility so people feel engaged and empowered to shape our work.

Regulating and supporting our professions allows us to influence health and social care. We share intelligence from our regulatory activities and work with our partners to support workforce planning and sector-wide decision making. We use our voice to speak up for a healthy and inclusive working environment for our professions.

Whistleblowing disclosures received from 01 April 2019 to 31 March 2020

From 01 April 2019 to 31 March 2020, the Nursing and Midwifery Council received 107 whistleblowing disclosures.

Actions taken in response to disclosures

Regulatory action taken	107
Onward referral to an alternative body	24

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):

- 84 out of the 107 'qualifying disclosures' were dealt with via our Fitness to Practise function.
- Four disclosures were referred to our Education and Standards function.
- Eight were referred to our Employer Link Service who engaged with employers in respect of the issues raised.
- We have made onward referrals to the Care Quality Commission, General Medical Council and Healthcare Improvement Scotland.

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, General Medical Council, Healthcare Inspectorate Wales, HM Inspectorate of Prisons, NHS England/ Improvement and Public Health England.

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

We were able to use the disclosures to enhance our knowledge and understanding of the wider healthcare landscape.

As well as assessing whether we have received a qualifying disclosure, we also undertake a further assessment of the information we receive. This is to map any research undertaken and highlight further recommendations for action. All disclosures are graded in accordance with the National Intelligence Model and themes identified from disclosures are captured.

Our Enquiries and Complaints team have received additional training on identifying whistleblowing disclosures which may require an assessment under this process.

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

General Dental Council

37 Wimpole Street, London, W1G 8DQ

Website: www.gdc-uk.org

General Medical Council

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

Website: www.gmc-uk.org

General Optical Council

10 Old Bailey, London, EC4M 7NG

Website: www.optical.org

General Osteopathic Council

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

Website: www.osteopathy.org.uk

General Pharmaceutical Council

25 Canada Square, London, E14 5LQ

Website: www.pharmacyregulation.org

The Health and Care Professions Council

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

Website: www.hcpc-uk.co.uk

Nursing and Midwifery Council

23 Portland Place, London, W1B 1PZ

Website: www.nmc.org.uk

To ask for this publication in Welsh, or in another format or language, please call the General Medical Council on 0161 923 6602 or email us at publications@gmc-uk.org.

Textphone: please dial the prefix 18001 then 0161 923 6602 to use the Text Relay service.

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Health Education England

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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 2019/20.

[HEE Whistleblowing Protected Disclosure Policy \(.pdf\)](#)
205.07 KB

Instilling the importance of speaking up about patient safety and responding effectively.

[Read more](#)

A comprehensive update report has been published today highlighting the progress made by Health Education England to enhance juniors doctors' working lives

[Read more](#)

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Health and Safety Executive Annual Report and Accounts **2019/20**

HC 442





Dutyholder feedback

We received a **high level of positive feedback** in relation to how we conduct our inspections, from a sample of dutyholders who had received a visit.

- **90%** of respondents said they had taken action as a result of a visit (91% in 2018/19).
- **82%** of respondents considered the outcome of the visit proportionate to the risks identified (80% in 2018/19).
- **84%** considered the activities inspected were appropriate to the risk (84% in 2018/19).
- **85%** considered the inspection was conducted in an efficient and effective manner (85% in 2018/19).

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 32 000 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 85% of investigations into reported health and safety concerns within the agreed timescales;
- carried out follow-up activity on 3030 of 3654 concerns raised by potential whistleblowers (employees, ex-employees, self-employed, union/work safety representatives) that presented a significant risk.

Similarly, when information is requested from us – for example under the freedom of information (Fol) act – we aim to respond promptly. We responded to 93% of 4770 FOI requests received within the 20-day target.

Healthcare Improvement Scotland (Prescribed Person) - Annual Report on Disclosures of Information, April 2019 - March 2020

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 (2019-2020)

During the period April 2019-March 2020, Healthcare Improvement Scotland received 14 disclosures from NHSScotland staff.

For three of these cases, the concerns were not within the remit of the 'responding to concerns process' however we shared the information with the relevant NHS Boards for local consideration and response.

For another two cases, the disclosures related to procurement and supply issues which were being taken forward nationally therefore we shared the information with the relevant NHS Board for local consideration and response within this national context.

In response to the remaining nine 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.

Following a review of the information provided by the relevant NHS board, we were satisfied that no further assessment was required in relation to all nine disclosures.

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 2019–20

Appendix B: Whistle-blowing disclosures report (social care) – from 1 April 2019 to 31 March 2020

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 matters²

The children's social care services that the disclosure related to	Number of disclosures received ³
Adoption support agencies	0
Cafcass	0
Children's homes	205
Independent fostering agencies	15
Local authority children's services ⁴ (this includes disclosures about Trusts that deliver services on behalf of local authorities)	86
Residential family centres	5
Residential holiday schemes for disabled children	0
Welfare of children provided with accommodation by boarding schools and further education colleges	— ⁵
Welfare of children provided with accommodation by residential special schools	5
Voluntary adoption agencies	—

² To be covered by the whistle-blowing 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.

³ Sometimes we receive concerns from more than one whistle-blower 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.

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

⁵ In some instances, we suppress data if a small number of disclosures were received about service types to maintain anonymity of the whistle-blower.

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 ⁶
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 this department has overarching responsibility for safeguarding and promoting the welfare of all children and young people in its area.	25
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.	109
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. This category includes when we were already monitoring a provider and the whistle-blowing disclosure informed this work.	44
The information received informed compliance and enforcement action. ⁷	17
Reviewed the timing of the next inspection/visit and brought forward if appropriate.	44
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.	140
Passed the information to another organisation because it was not for Ofsted to take action.	4
Our review of the information received is ongoing. ⁸	30
Other action taken not included in other categories above.	16

⁶ It is possible a disclosure received resulted in more than one type of action.

⁷ Social care compliance handbook, Ofsted, December 2019; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014.

⁸ 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 whistle-blowing disclosures were classified

Category	Number of disclosures received ⁹
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	103
Concerns that children are not receiving the right quality of care but that do not suggest a risk to their safety	105
Concerns that a social care service is not meeting regulatory requirements	48

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

Ofsted receives whistle-blowing disclosures in letters and emails, and via our helpline. Sometimes, the information is provided anonymously.

⁹ It is possible that 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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stakeholders'. This categorisation helps us to understand how the experiences of our different stakeholder groups compare.

“The words I would associate with the IOPC? One would be ‘dynamic’, although I think they would probably be quite shocked at that. But as an organisation we have seen them change quite a lot in a year and actually, from a civil servant’s perspective we know how difficult it is for large organisations to change. I’m impressed with the speed of change.”

- Police accountability stakeholder

Setting standards and improving service

We published [Standards of Service](#) setting out what service users can expect from us and how we will measure our performance against these standards. Our Standards set out the level of service we are committed to providing to all those involved in our work.

Every day, we have interactions with many different people who come into contact with our organisation. We are committed to providing the highest possible standard of customer service but are aware that service users have previously highlighted the need for us to provide more meaningful communication with them.

To improve the service we provide, we worked towards and gained Customer Service Excellence® accreditation in March 2020. Not only did we successfully prove our compliance in each of the 57 assessment criteria, but we also achieved a rating of ‘compliance plus’ in three areas, meaning we exceeded requirements – something that is very unusual on a first assessment. This work has shown our commitment to meeting the needs of our service users.

Work commenced in 2019/20 to redesign our family liaison service and support for vulnerable service users to ensure we meet their needs. We expect this work to be completed next year.

Use of our report line

We operate a report line for police officers and staff to report concerns of wrongdoing in their workplace. It is for situations where wrongdoing reveals or suggests that a criminal offence has been committed, or where there is evidence of conduct that would justify disciplinary proceedings. The CoP also produces guidance on reporting concerns.

In 2019/20 our report line was contacted 60 times. The majority of the concerns raised were about either corruption, discrimination or a police PSD failing to investigate a complaint.

We have various options for dealing with calls to our report line. The action we take depends on the seriousness of the concerns raised, but we must obtain the caller's consent before passing any information to a police force.

After being assessed, most of the reports we received in 2019/20 were suitable for the relevant force to handle.

Assessing our performance against this priority

In 2019/20 we aimed to:

> improve performance on the following key measures in our public perceptions tracker

- the proportion of young people who are confident that the police deal with complaints fairly
- the proportion of the public from a BAME background who are aware of us

We regularly survey members of the public to assess their perceptions and awareness of the police, the police complaints system, and the IOPC. Our public perceptions tracker collects this data allowing us to track our performance throughout the year.

In 2019/20 we ran three surveys across England and Wales. The results showed:

- 52% of young people surveyed were confident that the police deal with complaints fairly, compared to 41% the year before
- 48% of people from a BAME background surveyed said they are aware of the IOPC compared to 32% the year before

We said we would monitor and respond to:

> the proportion of stakeholders who think we are improving public confidence in the police complaints system¹⁰

- 28% of police stakeholders
- 38% of police accountability stakeholders
- 30% of non-police stakeholders

¹⁰ [2019 Stakeholder survey](#)

Increased public confidence and engagement is a key area stakeholders raised as an important issue. Stakeholders told us they want to see the IOPC do more to make the public aware of the service it provides and the work it does. For many, this involves making the complaints process simpler. Non-police stakeholders also wanted more engagement with specific communities who are more likely to come into contact with the police.

“I can see tangible changes in the way in which they’re operating, both in practical terms of timeliness which has been an issue previously. Also, in a more mature and thoughtful communications strategy, in the way which they engage in public dialogue but also dialogue with the service.”

- Police stakeholder

> the proportion of complaints received from members of the public from a BAME background

The 2019/20 annual police complaints statistics for England and Wales will be published in autumn 2020 and are therefore not available for inclusion in this report.

> the proportion of complaints received from young people

The 2019/20 annual police complaints statistics for England and Wales will be published in autumn 2020 and are therefore not available for inclusion in this report.

Whistleblowing disclosures

1 April 2019 to 31 March 2020

The ICO is a 'prescribed person' under the Public Interest Disclosure Act 1998, meaning that whistleblowers are provided with protection when disclosing certain information to us.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require prescribed persons to report annually on whistleblowing disclosures made to them.

The ICO has published [advice for individuals considering making a whistleblowing disclosure](#).

Disclosures

The number of whistleblowing disclosures made to us during the period 1 April 2019 to 31 March 2020 was 427. All information provided was recorded and used to develop our overall intelligence picture, in line with our Information Rights Strategic Plan 2017-2021.

Further action was taken on 68 of these disclosures. This may result in referral to appropriate departments for further consideration, referral to external organisations (including other regulators and law enforcement) or consideration for use of our enforcement powers. After review and assessment 359 of the 427 disclosures resulted in no further action taken at that time.

During the period 1 April 2019 to 31 March 2020 further action on the 68 disclosures resulted in 73 referrals to various departments (three disclosures resulted in referrals to two departments; one disclosure resulted in referral to three departments).

The outcomes of these referrals:

- 23 disclosures were taken into consideration for the investigations.
- Eight disclosures were referred back to Advice Services and the PDB Team including providing advice to the whistleblower and where it would be more appropriate for the matter to be raised as a complaint.
- 21 disclosures were considered for non-payment of the data protection fee.
- 12 disclosures were referred to other departments for various actions.
- Three disclosures were considered for tactical and strategic assessment.

- Two disclosures being considered for policy advice.
- Four disclosures resulted in no outcome, but were logged for intelligence purposes only.

After receipt of a concern we will decide how to respond in line with our Regulatory Action Policy. In all cases, we will look at the information provided by whistleblowers alongside other relevant information we hold. For example, if an organisation reports a breach to us we may use information provided by a whistleblower to focus our follow-up enquiries. More broadly, we may use information from whistleblowers to focus our liaison and policy development within a sector, using the information to identify a particular risk or concern.

Whistleblowing and raising a concern policy

Published: 28 September 2020

Freedom of information class: [About Registers of Scotland](#)

Whistleblowing and raising a concern policy

[The Public Interest Disclosure Act 1998](#) was designed to protect employees who make certain disclosures of information in the public interest and to allow those employees who “blow the whistle” on any of the instances of wrongdoing that are set out in the Act, to complain to an employment tribunal if they suffer any form of detriment for doing so. Alongside the Act, employees have the protection set out in the Civil Service Code.

- [Whistleblowing procedure](#)
- [Whistleblowing FAQ](#)

Whistleblowing requests 2019-20

During the reporting period for 2019-20, Registers of Scotland received zero whistleblowing disclosures.

Monitor 2019/20 Annual Report

Health and high quality care for all,
now and for future generations

NHS Trust Development Authority

2019/20

Annual Report

Health and high quality care for all,
now and for future generations

COVID-19

NHS England's and NHS Improvement's risk management approach has adapted to support management of the NHS response to the level 4 incident, COVID-19.

The Corporate Risk Team supported development and management of the COVID-19 Strategic Risk Register overseen by the National Incident Response Board. These risks are now recorded within the JCRR.

Freedom to Speak Up

Listening to NHS staff who speak up helps improve staff experience and patient care. NHS staff raised concerns with us, at a similar level to previous years: 182 compared to 190 in 2018/19. These numbers do not necessarily indicate increasing problems. They could equally reflect staff awareness of the importance of speaking up and know how to do so.

The primary reasons for contacting us were discontent with their local employer's response and/or concern they may suffer detriment by raising their issues directly with their local employer.

Whistleblowing in the provider sector

In November 2019 NHS England and NHS Improvement launched our whistleblower support scheme to help whistleblowers return to work in primary and secondary care. This follows Sir Robert Francis's recommendation in 'Freedom to speak up – a review of whistleblowing in the NHS' to help whistleblowers find alternative employment in the NHS and set out what this should include. We have received 12 applications under this new scheme, who will benefit from coaching and have access to training and work placements or shadowing where appropriate. This scheme provides a useful opportunity to further understand the difficulties that whistleblowers face and how, through the People Plan, we can use the learning from the scheme to better support workers who speak up.

Most of the cases we received related to bullying and harassment, patient safety, and issues related to leadership and or the board of the respective organisation. These cases indicate that barriers remain to staff feeling free to speak up, however we are working with the National Guardian's Office (NGO) to remove these barriers. This includes working with the NGO to review how we can use data to identify key indicators of effectiveness in Freedom to Speak Up (FTSU) arrangements, trialling an approach in the Model Hospital.

The board guidance and self-assessment tool that we jointly published with the NGO in 2018 was updated this year in the light of feedback from trusts that used it, producing a more useful resource for assessing and improving FTSU arrangements and culture. From this, we have specifically supported 26 trusts this year to improve their FTSU arrangements and culture, ranging from reviewing their board papers and discussions with executive FTSU leads to running board development workshops on FTSU. This work aligns the importance of improving leadership culture and valuing the views of staff, which is a key focus of our People Plan.

We take the cases we receive very seriously and took enforcement action in 160 (88%) of them, as shown in the below diagram. This included 10 cases (almost 6%) that resulted in external investigations overseen by us and/or an external 'well-led' review into the trust's leadership and governance. We took no action in 14 (8%) cases because the individual raising

a concern did not provide enough information, the information related solely to an individual employment matter (in which we have no jurisdiction) or the concerns were about earlier matters and not indicative of current problems.

Qualifying disclosures (103) *			
Action taken (89)	Enquiries to the trust (47)	Further action taken (14)	No action taken (14)
Communication with individual (65)	Closed with no further action (23)	Provided improvement support (4)	Insufficient detail (2)
Referred to CQC (24)	Closed following action (14)	Oversaw external investigation (10)	No permission to act on information received (3)
Enquiries to CQC (7)	Ongoing enquiries (10)	Ongoing initial assessment (3)	Ongoing initial assessment (3)
			Historic - no current indicators of concern (6)
Non-Qualifying disclosures (79)*			
Action taken (71)	Enquiries to the trust (18)	Further action taken (1)	No action taken (8)
Communication with individual (65)	Closed with no further action (17)	Provided advice (1)	Insufficient detail (4)
Referred to CQC (4)	Closed following action (1)		Individual employment matter (1)
Enquiries to CQC (3)			Ongoing initial assessment (1)
			Historic - no current indicators of concern (2)

*NB: multiple actions may have been taken in some cases: for example, we may have engaged with an individual and referred to an alternative body.

This year we have received an increasing number of cases relating to individual employment matters, which are outside our remit. However, in some cases where an individual case has potentially indicated broader issues with HR practice and governance, we have made enquiries to a trust to understand how they have acted on the recommendations from the letter from NHS Improvement's Chair, Baroness Dido Harding, in May 2019, which made recommendations for all trusts to improve their people practices. These recommendations followed the independent review into the tragic death of Amin Abdullah at Imperial College Healthcare NHS Trust.

Clinical assurance

Assuring the quality of services

The Boards of NHS England and of NHS Improvement have both established Quality and Innovation Committees to meet in common to support the discharge of each Board's respective duties and powers and their combined responsibilities for quality.

Our 2019 Annual Report 20

Health and high quality care for all,
now and for future generations

NHS England

Annual Report and Accounts 2019/20

NHS England is legally constituted as the National Health Service Commissioning Board.

Presented to Parliament pursuant to the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012).

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HC 1057

Freedom to Speak Up

Listening to NHS staff who speak up helps improve staff experience and patient care. NHS staff raised concerns with us, at a similar level to previous years: 74 compared to 70 in 2018/19.

The primary reasons for contacting us were discontent with their local employer's response and/or concern they may suffer detriment by raising their issues directly with their local employer.

Whistleblowing in primary care

In November 2019 NHS England and NHS Improvement launched our whistleblower support scheme to help whistleblowers return to work in primary and secondary care. This follows Sir Robert Francis's recommendation in 'Freedom to speak up – a review of whistleblowing in the NHS' to help whistleblowers find alternative employment in the NHS and set out what this should include. We have received 12 applications under this new scheme, who will benefit from coaching and have access to training and work placements or shadowing where appropriate. This scheme provides a useful opportunity to further understand the difficulties that whistleblowers face and how, through the People Plan, we can use the learning from the scheme to better support workers who speak up.

NHS England's role as a Prescribed Person

We are required to produce an annual report of the 'protected disclosures' of information made to us by workers, that meet the criteria (or 'qualify') as protected disclosures. More information about the criteria and our duties as a prescribed body are published online³⁵.

NHS England is committed to assigning any concerns raised for further investigation and supporting individuals that have suffered financial or professional detriment as a result of whistleblowing.

This includes signposting whistleblowers to the correct organisation responsible for dealing with their concerns.

Qualifying disclosures received by NHS England during 2019/20 and action taken

Between 1 April 2019 and 31 March 2020 74 whistleblowing disclosures were made to us relating to primary care organisations. We take the cases we receive very seriously and took enforcement action in 57 (77%) of them.

The table below³⁶ summarises how we dealt with the disclosures:

Investigation	Communicated with an individual	Referred to alternative body	Incorporated into regular oversight	Ongoing
21	18	19	11	6

As the result of investigations, we have agreed changes with primary care providers that are designed to improve services delivered to patients. We took no action in 17 (23%) cases because the individual speaking up to us did not provide enough information, the matter was outside our remit, the issues raised were not current, or we did not have consent to act.

35 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604935/whistle-blowingprescribed-persons-guidance.pdf

36 Multiple actions may have been taken in some cases. For example, we may have engaged with an individual and referred to an alternative body

NSPCC Whistleblowing Helpline - Analysis of Contacts 2019/20

The whistleblowing advice line was established in February 2016 to give advice and support to people with concerns that an organisation might be putting children at risk.

In 2019/20 the whistleblowing helpline responded to 390 contacts. 311 of these were classed as child welfare contacts and went on to receive a response from a helpline practitioner. 79 contacts were handled by the Helpline Adviser team and classified as enquiries.

Outcome of Contact	Total
Advice	244
Referral	58
Referral Update	9
Enquiry	79
Total Enquiry and Child Welfare Contacts	390

Of the 311 contacts handled directly by the Helpline service 22% (58) resulted in a referral being made to an external agency these ranged from national agencies such as OFSTED, local authority Children's Services teams, LADOs' or the police. The biggest proportion of contacts (63%) received advice from the service.

Child Welfare Contacts Main Concerns

The table below shows the main child welfare concerns discussed by contacts to the whistleblowing helpline and the outcome of the contact during 2019/20.

Main Concern	Advice	Referral	Referral Update	Total
School/Education problems	53	5	1	59
Services/Support/Legal	41	10	1	52
Sexual Abuse NOT ONLINE	25	9	1	35
Code Does Not Exist	27			27
Physical Abuse	17	9		26
Neglect	15	9	1	25
Parent/Adult Health/Behaviour	14	7	3	24
Emotional Abuse	9	5	2	16
Bullying NOT ONLINE	15			15
Young Persons Behaviour	12	2		14
Family Relationships	5			5
Self Harm	4			4
Living in Care/LAC Issue	3			3
Homeless/Housing	2			2
Sexual Abuse ONLINE	1	1		2
Eating/Body Image Disorders	1			1
Young Persons Alcohol/Drugs/Substance Misuse		1		1
Total	244	58	9	311

The highest proportion of overall contacts related to school/educational problems at 19% of the total, followed by Services/Support/Legal at 17%. Sexual Abuse (not online) was third most prevalent accounting for 11% of contacts. Where a referral was made Services/Support/Legal was the highest recorded concern.

Geographical Data

The table below shows the region of the person contacting the whistleblowing helpline and the outcome of the contact during 2019/20. In 41% of contacts we had no information about the location of the referrer.

Region	Advice	Referral/Referral Update	Total CW Contacts	%
Unknown	99	28	127	41%
South East	27	9	36	12%
North London	24	5	29	9%
North West	20	5	25	8%
West Midlands	19	4	23	7%
Eastern	15	5	20	6%
Yorkshire and the Humber	16	2	18	6%
South West	9	6	15	5%
East Midlands	7	0	7	2%
International	0	2	2	1%
North East and Cumbria	3	0	3	1%
Scotland	1	1	2	1%
South London	3	0	3	1%
Wales	1	0	1	0%
Total	244	67	311	100%

Referrals by the region of the agency referred to

Where a referral is made we can identify the location of the referred to agency as follows;

Please note that one contact can result in multiple referrals to different agencies based in different areas. Therefore, the total number of referrals by area is higher than the total number of contacts that resulted in a referral being made.

Agency Region	Total Referrals Sent to Agencies	%
Nationwide	14	20%
Eastern	9	13%
North West	8	11%
Unknown	8	11%
Yorkshire and the Humber	8	11%
South West	7	10%
West Midlands	5	7%
North London	4	6%
South East	4	6%

East Midlands	1	1%
South London	1	1%
Wales	1	1%
Total	70	100%

20% of cases were referred to a nationwide agency such as OFSTED or CEOP.

Referrals by the type of agency referred to

Please note that one contact can result in multiple referrals to different agencies based in different areas. Therefore, the total number of referrals by agency is higher than the total number of contacts that resulted in a referral being made.

Agency Type	Total Referrals Sent to Agencies	%
Children's Services	43	61%
Police	16	23%
Education	11	16%
Total	70	100%

The greatest proportion of referrals were sent to Children's Services at 61%.

Themes

The relationship of the contact to the child included:

- Teachers/Education professionals/School Staff (including ex-employees)
- Other professionals – Residential workers, Nursery Staff etc
- Parents
- Parents of children who attend the same school as another child who they have concerns about
- Members of the public

Below are some of the key issues discussed in contacts to the whistleblowing helpline.

- Schools not following or implementing adequate safeguarding procedures.
- Concerns about staff/pupil ratios.
- Inappropriate conduct by teachers towards pupils.
- Dishonesty when presenting school to OFSTED inspectors.
- Concerns about schools not investigating safeguarding concerns adequately.
- Schools not implementing recommended actions from safeguarding investigations.
- Staff working directly with children not trained in safeguarding procedures.
- Contacts who are unhappy with the response they received when raising safeguarding concerns.
- Contacts who had been made to feel uncomfortable in their organisation after raising safeguarding concerns.

- Staff feeling unable to report their concerns directly to the organisation as they believed they would not be listened to or would experience repercussions for speaking up.

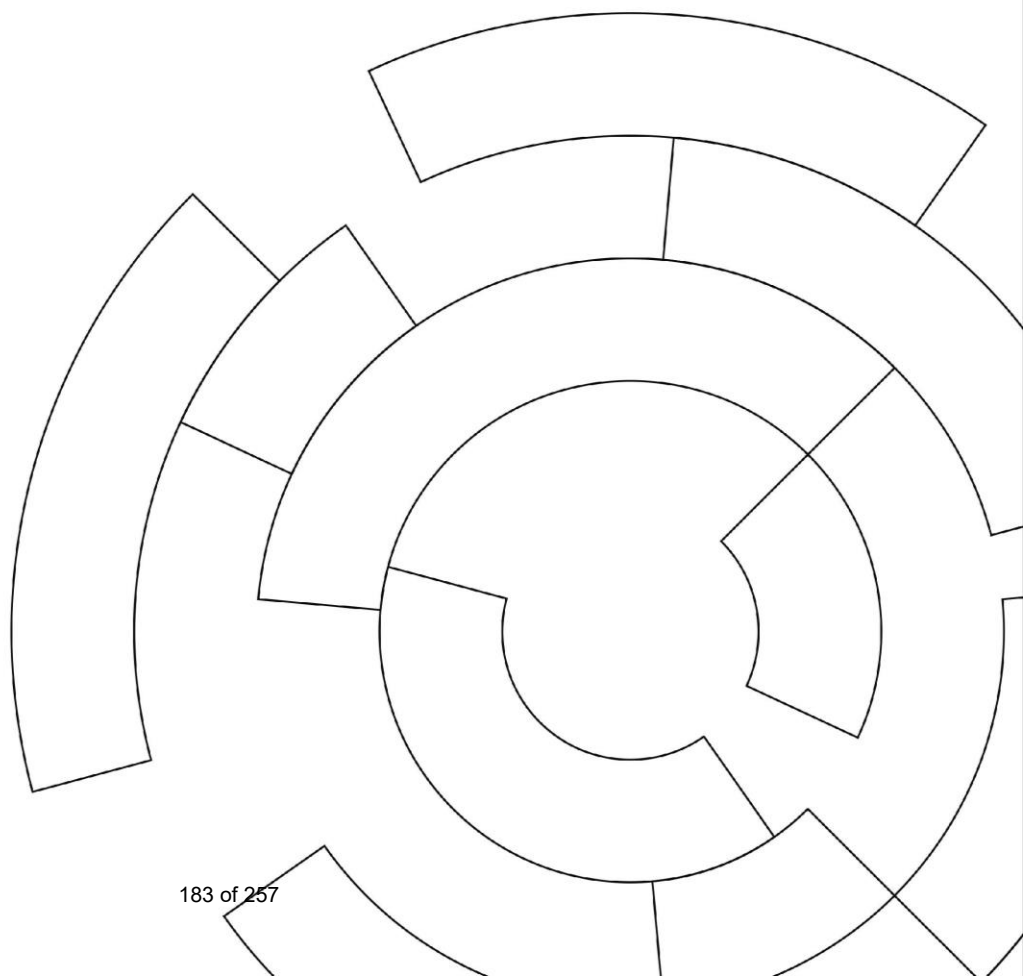
The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

Annual Report

1 April 2019 - 31 March 2020

V1

**NHS fraud.
Spot it. Report it.
Together we stop it.**



Introduction

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing information which is considered to be in the public interest. NHSCFA is a 'prescribed person' as defined under the Public Interest Disclosure (Prescribed Persons) Order 2014.

As such, individuals working outside the NHSCFA, but in the healthcare sector, may contact the NHSCFA if they have any concerns in relation to fraud, corruption or other unlawful activity in relation to the health service in England. Individuals can report to the NHSCFA in a variety of ways including using our online fraud and corruption reporting form and calling our Fraud and Corruption Reporting Line powered by Crimestoppers.

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 six 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.

From 1 April 2019 to 31 March 2020, the NHSCFA received 366 reports where the source had stated they were making a disclosure under the Public Interest Disclosure Act 1998.

12 reports were open and waiting to be actioned as at 27 April 2020.

- Three of these relate to patient frauds (patients not paying their prescription charge or altering their prescription) and as such are unlikely to have PIDA related issues.

- Five of these reports were received within ten weeks of the end of financial year and, therefore still going through processing within the Intelligence Unit.
- Four were either assigned to a Field Development Officer for further work, or the Intelligence Unit were waiting on checks to return from third party agencies.

283 reports were closed with No Further Action and progressed no further.

- Approximately 38% of these relate to patient issues (such as prescription fraud including altered prescriptions), NHSCFA receive these in addition to the police and NHSE, therefore they are not pursued by NHSCFA.
- Approximately 9% of these relate to a report which is being developed as part of an information report previously received by the NHSCFA. We can receive multiple reports about the same person/incident.
- The remaining 53% relate to No Further Action categories of Intelligence Only and No Fraud Established. Intelligence Only means that the report is kept on file but is unable to be progressed due to a lack of information available. No Fraud Established is used when there is no fraud to investigate, usually due to a misunderstanding by NHS staff or general public as to what constitutes a fraud or not.

Of the remaining 71 reports, 62 were tasked to Local Counter Fraud Specialists and nine were disseminated to another body.

None of the 366 reports related to the NHSCFA, therefore the reports have had limited impact on the NHSCFA's ability to perform its functions. These reports are processed in line with NHSCFA policies and procedures.

Explanation of the functions and objectives of the relevant prescribed person

The NHSCFA is a special health authority focused entirely on counter fraud work, independent from other NHS bodies and directly accountable to the Department of Health and Social Care (DHSC). Our mission is to lead the fight against fraud affecting the NHS and wider health service and protect vital resources intended for patient care.

The NHSCFA's main objectives for 2017-2020 are to:

1. Deliver the Department of Health and Social Care strategy, vision and strategic plan and lead counter fraud activity in the NHS in England
2. Be the single expert intelligence led organisation providing a centralised investigation capacity for complex economic crime matters in the NHS
3. Lead and influence the improvement of standards in counter fraud work across the NHS
4. Take the lead in and encourage fraud reporting across the NHS and wider health group
5. Continue to develop the expertise of staff working for the NHSCFA



Office for
Nuclear Regulation

Office for Nuclear Regulation Annual Report and Accounts 2019/20 HC 470



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HC 470

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Transparency

The Board's strategy promotes openness and transparency in nuclear regulation based on a presumption of disclosure. Appropriate Board papers and minutes were published at: <http://www.onr.org.uk/meetings/>.

We received 86 requests under the Freedom of Information Act 2000 (FOIA) and none under the Environment Information Regulations 2004 (EIR). All requests were completed satisfactorily within the required timescale. Four requests were subject to an internal review upholding the original decision. One request was referred to the Information Commissioner's Office (ICO) with the ICO upholding the original decision.

Four complaints (originating externally in relation to an ONR work activity) and 45 concerns (from members of the public or employees relating to a wrong-doing in a workplace in relation to a matter that ONR regulates) were received. All complaints and concerns were completed to the third parties' satisfaction.

We have responded to three Parliamentary questions and 454 general enquiries.

There were six requests relating to the General Data Protection Regulation (GDPR)/Data Protection (DPA) Act 2018. These were Subject Access Requests asking for details of their own personal data. All were completed satisfactorily within the required timescale. We sought an extension to the deadline for one request due its complexity, which was communicated to the requester within the required timescale.

Whistleblowing

Internal

No internal cases were raised.

External

We received 12 new cases in relation to sites we regulate and other dutyholder activity across our divisions, with none carried forward from 2018/19. We have closed six cases to date and will carry forward the remaining six to 2020/21. Enquiries are ongoing in four of the six cases and we expect the further two to close during Quarter 1 in 2020/21.

Some of the cases have led to actions and recommendations that will be embedded into our routine regulation and have enabled discussions with licensees around best practice. Others provided ONR with regulatory intelligence in specific areas of work.

Senior Leadership of ONR

The Senior Leadership Team (SLT) is responsible for delivery of ONR's Strategy and Corporate Plan. It is the strategic executive decision-making body, supporting the Board to carry out the legislative, policy, operational and administrative functions and requirements. As role models, SLT members are accountable for providing exemplary leadership and delegating work to engage and develop sustainable improvements, staff development, and a positive culture.

These executive governance arrangements ensure that there is accountability, openness and transparency in our decision-making processes, and support delivery of all our operations. The SLT acts as the Strategic Change Programme Board, reflecting shared accountability to support delivery of our infrastructure and resilience change agenda.

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Our mission is to make
communications work
for everyone.

The Office of Communications Annual Report and Accounts

For the period 1 April 2019 to 31 March 2020

HC 644

This document is also available in Welsh: [Adroddiad a Chyfrifon Blynyddol y Swyddfa Gyfathrebiadau](#)

The Office of Communications Annual Report and Accounts

For the period 1 April 2019 to 31 March 2020

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Schedule 1 of the Office of Communications Act 2002

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Laid before the Scottish Parliament by the Scottish Ministers

Laid before the Welsh Parliament by the Rt Hon Mark Drakeford MS,
the First Minister of Wales



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Information Security

Protecting Ofcom information systems against the increasing risk of cyber threats continues to be a priority. Attempts by external parties to breach Ofcom security are prevalent. These have been unsuccessful as a result of the security controls in place and we continue to improve monitoring to detect potential attacks or vulnerabilities. Testing has included the use of simulated phishing attacks to improve user awareness and technical penetration testing against the Information and Communication Technology (ICT) and physical infrastructure. A new security eLearning and mandatory reading of security policies were introduced in January 2020.

The move to remote working for all colleagues as a result of Covid-19 has been done without the need to remove or reduce the existing security controls. This maintains a consistency in the management of Information/ICT security risk that is aligned to the Ofcom Board risk appetite of “Averse”

From a governance perspective, work has continued with alignment to the international standard for information security management (ISO27001). The ISO27001 certification process has begun with the procurement of external audit services. The start of the certification audit was due in March but has been delayed until later in 2020, due to Covid-19. There was a successful re-certification against the UK National Cyber Security Centre (NCSC) Cyber Essentials Scheme.

Whistleblowing policy and hotline

Following a review of our internal whistleblowing policy, we have made it easier for colleagues to make disclosures under the policy and to navigate their way through the process. We have introduced an externally hosted and administered whistleblowing hotline that allows colleagues to make anonymous disclosures.

Public interest disclosure

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing information which is considered to be in the public interest. Ofcom is a ‘prescribed person’ as defined under the Public Interest Disclosure (Prescribed Persons) Order 2014. As such, individuals working outside Ofcom, but in the communications sector, may contact Ofcom if they have concerns about possible wrongdoing at their own organisation. During 2019/20 Ofcom did not receive any disclosures under the Public Interest Disclosure Act 1998 or otherwise.

Ofcom

making communications work
for everyone



Ofcom

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Annual Report and Accounts **2019 to 2020**

HC 412

Due to the effects of COVID-19, we reprioritised our activities; initiating significant new programmes of work, while delaying or stopping others. At peak, our organisational capacity was reduced by around 15%-20%, due to caring responsibilities as a result of COVID-19. We have redeployed around 20 staff to key areas of the business including public enquiries. During this period, we also set and agreed our budget and managed the external audit process to enable us to lay our Accounts and Annual Report before Parliament prior to summer 2020 recess. Our Human Resources team responded quickly to review and, where appropriate, revise our policies to ensure that our staff have been well supported through this challenging time.

Complaints and whistleblowing

Whistleblowing disclosures

Ofqual is designated as a prescribed person for whistleblowing and workers can contact Ofqual about matters in relation to which we exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009. The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 (the Regulations) require prescribed persons to produce an annual report on whistleblowing disclosures made to them by workers. This reporting period is for the period 1 April 2019 to 31 March 2020.

Ofqual received 35 whistleblowing disclosures during the reporting period which we considered were 'qualifying disclosures' and which concerned matters in relation to which we exercise functions under the Act. Of these disclosures 28 related to centres or training providers. All 28 of these disclosures were referred to the relevant awarding organisation for further action. Awarding organisations carried out investigations in all 28 disclosures. Of the submissions investigated: two resulted in further action being taken, 15 found no evidence to substantiate the claims and 13 are still ongoing. The remaining seven disclosures related to awarding organisations. We liaised with the relevant awarding organisations to ensure the concerns were investigated. Of these disclosures, five resulted in further action being taken and two are ongoing. We did not receive notice of any whistleblowing disclosures during the past year which related to Ofqual. The disclosures received provided us with information and intelligence to support standards in regulated qualifications and allow us to discharge our statutory obligations.

Complaints

Complaints about awarding organisations

Ofqual aims to acknowledge complaints within three working days and provide a final response within 40 working days in 80% of cases.

During the reporting period, we acknowledged 100% of complaints within three working days and provided a final response within 40 days in 81% of cases, up from 73% the previous year. The average number of days to close a complaint in this year was 23 days, also improved from 31 days the previous year.

Overall, we handled 397 complaints about awarding organisations. Where there were indications of non-compliance we classified our outcome as either 'Not Assured' or 'Partly Assured'. We were not assured or partly assured in relation to 22 complaints about awarding organisations during the year. These awarding organisations were referred to our relevant Standards teams for further consideration of potential non-compliance, which fed into our monitoring and regulatory activity as set out in Goals 1, 2 and 3 above.

Where a complainant is unhappy with the outcome of their complaint, they can request an internal review. We carried out internal reviews in 12 cases, which related to the way we investigated the original complaint, two of which were upheld.

Complaints about Ofqual

Ofqual was the subject of two complaints in the reporting period. One complaint related to Ofqual's handling of a complaint, specifically the length of time taken to respond. We apologised to the complainant and made changes to our processes to improve how we manage complaints submitted to us. The other complaint related to the recruitment process followed by Ofqual. This complaint was not upheld.

Complaints to the Parliamentary Ombudsman

No complaints relating to Ofqual were accepted by the Parliamentary Ombudsman in the reporting period.

Public enquiries

During the year 2019-20 we received 5,132 phone calls to our public enquiries team and logged 4,086 instances of email correspondence. We aim to respond to all email enquiries within three days, and to answer 90% of calls received. Enquiry numbers began to rise in March as a result of COVID-19, following the announcement by the government that this summer's exams and assessments would be cancelled. We received 704 telephone calls and 522 email enquiries in total in March, approximately double what we would usually receive in a normal month. Despite this increase, we maintained our response times at three days and 90% of calls answered by redeploying staff to increase our capacity.

Whistleblowing & Employee Health & Safety Annual Report – 2019-2020

23 March 2021

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Background

ORR's whistleblowing policy is designed to provide an avenue for staff in the rail and road industries to raise concerns about perceived wrongdoings, illegal conduct or fundamental misconduct that may endanger others.

ORR is a prescribed person under the Public Interest Disclosure Act (1998) (PIDA). We are required to provide workers with a way to make a public interest disclosure ('blow the whistle') where they do not feel able to disclose to their employer and they think that the ORR might be in a position to act on their disclosure.

PIDA is narrowly focused on giving employment protection to those who raise legitimate public interest concerns with us about:

Matters relating to –

- (a) the provision and supply of railway services; and
- (b) any activities not covered by (a) in relation to which the Office of Rail and Road has functions.

Workers (including contractors) can talk to us about anything they have seen that causes them concern if they think it raises a matter of public interest that they feel unable to discuss with their employer.

In order for ORR to be able to consider whether it needs to investigate further or take action on the disclosure, the Board Secretary will:

- work with the whistleblower to clarify and understand the information offered (the disclosure), including the degree of urgency and the need for anonymity;
- discuss the disclosure confidentially with appropriate staff, including our legal team;
- advise the relevant director who will determine the course of action to be undertaken with the disclosed information;
- explain to the whistleblower what they can expect following the disclosure.

ORR publishes step by step guidance on how it follows up on whistleblower information. Our website gives three different portals:

- Workers should contact the ORR Board Secretary with their concerns, making clear that they consider themselves to be a whistleblower. She can be contacted on 0207 282 2175 or boardsecretariat@orr.gov.uk.

- [Whistleblowing | Office of Rail and Road \(orr.gov.uk\)](https://www.orr.gov.uk/guidance-compliance/rail/whistleblowing) – rail issues
- <https://www.orr.gov.uk/guidance-compliance/road/whistleblowing> - road issues

Whistleblowing Complaints

In 2019-20 we received 33 whistleblowing complaints raised by railway employees, an increase of 79% when compared to seven complaints received in 2018/19. An outline of the types of cases received are as follows:

- Plans to train gate line staff to assist limited mobility passengers has led to concern about employees' safety
- Competence concerns around a train maintenance depot
- Construction site health & safety concerns
- Safety standards on power supplies on construction sites
- Allegation of unsafe practice for facilitating works
- Volunteer expressing safety concerns on railway
- Railway issues in relation to competency, incident reporting, operating regime, governance and culture
- Passenger injury at a London station
- Allegation of insufficient COSS training and falsification of records
- Claim of false training and qualifications
- Safety issue - cases for continued safe operation
- Failure to circulate updated Railway rulebook
- Concerns about safety of hired lighting equipment
- Fire safety on construction sites
- Adequacy of training for contingent guards during industrial action
- Systemic Health and Safety culture failure

- Control staff competency
- Freight site near miss (being investigated)
- Allegation of fraud
- Potentially unsafe introduction of a new rule book
- Concerns about standards in a machine shop
- Allegation of unsafe operation in driver training and assessment
- Whistle blowing on an employee who is allegedly a regular drug user
- Whistleblowing complaint about levels of legionella on a Train Operating Company's (TOC) trains
- Whistleblowing on a former employee allegedly sacked due to 'gross misconduct', and thinks the person is now with ORR (incorrect)
- An employee sat on the back of a moving RRV while using a Palfinger (a type of lifting equipment) in breach of railway standards and guidance
- Whistleblower complaint about working hours
- Formal complaint against ORR regarding our investigation of whistleblowing concerns raised in March 2019
- FOI Request - All information supplied to ORR concerning the requestor in relation to our investigation of their original whistleblowing complaint
- Query whether ORR is a prescribed person for the purpose of whistleblower disclosures under the Public Interest Disclosure Act 1998
- Whistleblowing complaint against a TOC regarding employees' safety operation / lack of competency / competency assessment of their safety critical staff
- Whistleblowing concern regarding a depot
- A former employee wishing to whistleblow, following a 'near death' experience at their site

As well as raising issues through safety representatives and their trade union, railway employees can raise concerns through CIRAS, a confidential report line:

<http://www.ciras.org.uk/>.

Action taken by the relevant prescribed person during the reporting period in respect of the workers' disclosures:

For each contact, the relevant safety inspector or senior staff member is notified and will work with the contact to consider whether the issue needs to be followed up immediately or included as evidence to inform a future scheduled inspection or discussion.

ORR will always protect the identity of a whistleblower as far as possible. Before we undertake any investigation we will talk to the whistleblower about their concerns. If we think an investigation into a matter of concern may reveal their identity to their employer or others (for example because they are the only person who may have key information so an employer could work out who the whistleblower was) we will discuss the approach we intend to take with the whistle blower and agree it with them.

How workers' disclosures impacted on the prescribed person's ability to perform its functions and meet its objectives during the reporting period:

Every safety disclosure on the railway adds to the evidence base which ORR relies on to perform its safety inspection and enforcement functions and meet its objectives to encourage continuous improvement in health and safety on the railway.

Workers' disclosures are received via telephone, email and post. Some workers choose to disclose information anonymously. On occasion, workers call to discuss their concern in which case, notes are taken throughout the discussion. This practice can risk misinterpretation of the concern, particularly if the worker chooses to be anonymous or not to provide contact details. In both scenarios, once investigation is underway, the prescribed person is neither able to agree the way forward with the worker's view and consent acknowledged, inform the worker on decision made, nor offer an update on our findings.

There may also be situations where to pursue a disclosure, could result in the identity of the worker being identified. Should this present as a risk, there is a frank discussion with the worker about this with a rationale to implement a strategy that they are comfortable with.

Each individual plan of action is balanced against the nature of concern and risk to the whistleblower being identified.

However, there may be situations in which the whistleblower could be identified when, for example, they have voiced concerns previously or are the sole person associated with the whistleblow.

Where a breach of the law is alleged, investigated and subsequently prosecuted, the identity of the original whistleblower may have to be revealed as part of the legal process, regardless of their wishes. This could be an outcome which may deter a potential whistleblower to provide full information which impacts on the prescribed person's functions during the reporting period.

Employee Health & Safety

ORR received 250 enquiries relating to employee health, safety and welfare and three enquiries regarding employee employment matters. This is an increase of 17% (from 207 cases) when compared to enquiries received in 2018-19. The 250 enquires generated 298 concerns (see Table 1 for breakdown). The enquiries relating to health, safety and welfare concerns were looked into by ORR's Railway Safety Directorate in accordance with our published guidance: http://orr.gov.uk/data/assets/pdf_file/0016/6442/safety-complaints-policy-and-guidance-web.pdf

Table 1

Employee health, safety and welfare issues:	
Train Driver Licensing	56
Operational concerns	48
Reporting of injuries and incidents	32
Supervision and Training	29
Occupational Health	23
Whistleblowing general	19
Working Conditions	18
Hours of Work	14
Track Safety	12
Drugs and alcohol	7
Occupational Health – Covid-19	6
Safe Working Leader	6
Employment contract matters	6
Alleged fraud	5
Provision of PPE	4
Welfare facilities	4
Electrification	3
Rule book	3
Trade Union Recognition/Representation	3
Total	298



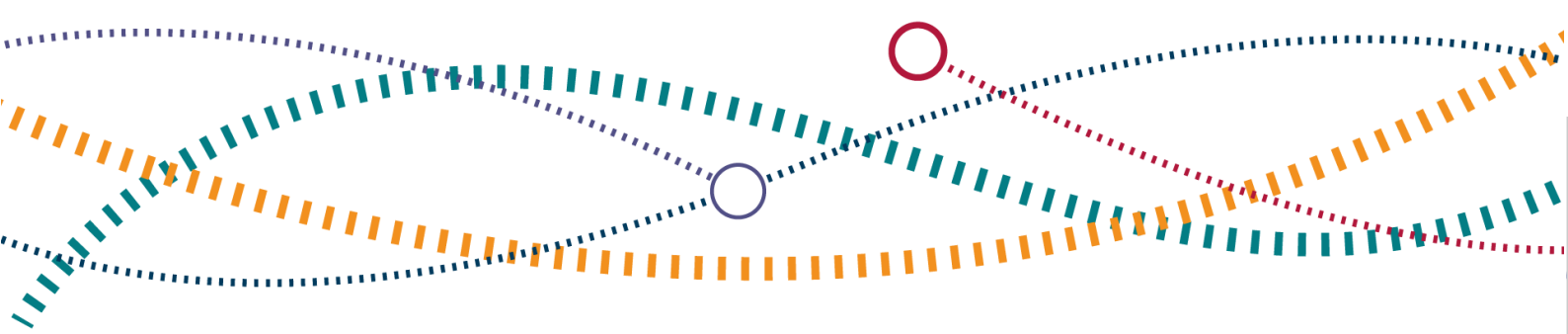
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Any enquiries regarding this publication should be sent to us at orr.gov.uk/contact-us





Annual Report & Accounts 2019-20

Published
October 2020

committed to developing and incorporating features which will enable all of our customers to interact with us, however they are able to.

As a regulator, we strive to ensure that the charities we register and who report to us are aware of their obligations in respect of the human rights of their beneficiaries. In addition to the [safeguarding](#) guidance we published, we will work with charities to promote the leadership and culture required to tackle and eliminate human rights abuse.

The Public Interest Disclosure Act 1998 (PIDA)

OSCR is a 'prescribed person' under the [Public Interest Disclosure Act 1998 \(PIDA\)](#) which means that we are allowed to accept disclosures from people who carry out paid work for a charity.

Our regulatory priorities are set out in our [Risk Framework](#), and when we receive a whistleblowing disclosure we assess it in the light of our [Risk Framework](#) and in line with our [Whistleblowing guidance](#) and our [Inquiry Policy](#)

Whistleblowing disclosures help us identify and prevent concerns within the sector and help charities to put things right. They play an important part in supporting OSCR to underpin public trust and confidence in the charity sector.

We received eight (8) whistleblowing reports in 2019-20 which was an increase on the seven (7) received in the previous year.

- Four (4) of these led to OSCR opening an inquiry using our powers under section 28 of the 2005 Act and using our other statutory powers as appropriate. These inquiries are all ongoing.
- Four (4) of the reports were assessed as not appropriate for OSCR to take forward as a formal inquiry, but caused us to engage with charities on a more informal basis to encourage compliance with requirements of charity law.

In 2019-20 whistleblowing concerns helped us to:

- Identify regulatory concerns
- Take action to protect charity assets and beneficiaries
- Identify risks to charities and to the charity sector that would not otherwise have come to light without the protection afforded to whistleblowers.



Maureen Mallon
Chief Executive and Accountable Officer
6 August 2020



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Comisiynydd Pobl Hŷn Cymru
Older People's Commissioner for Wales

Public Interest Disclosure Act

Annual report: 1 April 2019 to 31 March 2020

The Older People's Commissioner for Wales did not receive any disclosures for the reporting period of 1 April 2019 to 31 March 2020 which we regard as falling within the terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

The Payment Systems
Regulator Limited
Annual report and
accounts 2019/20

Whistleblowing

The ability of people who work for firms in a particular sector to alert the authorities if they believe their firm is acting unlawfully is an important element of ensuring markets act in the interests of consumers.

In order to ensure people are able to make disclosures, section 43F of the Employment Rights Act 1996 provides that whistleblowers may qualify for employment protections if they disclose information to a 'prescribed person'. The PSR is a Prescribed Person as defined in The Public Interest Disclosure (Prescribed Persons) Order 2014.

In order to fulfil our duties as a Prescribed Person, and to help fulfil our statutory duties to promote competition, innovation and the interests of people and organisations that use payment systems, we have processes in place to handle any whistleblowing enquiries or declarations we receive. Under our provision of services agreement with the FCA, the FCA's Whistleblowing Team undertakes the administration of any whistleblowing cases directed to or relevant to the PSR, with the PSR being the decision-maker on cases relating to its statutory remit.

In the current reporting period (1 April 2019 to 31 March 2020), we received one qualifying whistleblowing disclosure. Under Regulation 3 of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, we must produce an annual report on the disclosures that we have received. We are in the process of doing this and will publish it on our website.

The UK's withdrawal from the European Union

We have previously worked with the Treasury and the FCA to make sure relevant EU legislative instruments continue to function at the point of leaving the EU (also called the onshoring process) and to fix any potential deficiencies in domestic legislation that may arise as a result of the UK's withdrawal from the EU. This legislation includes:

- the Payment Account Regulations 2015
- the Payment Services Regulations 2017
- the Payment Cards (Interchange Fee) Regulations 2015
- the Financial Services (Banking Reform) Act (FSBRA) 2013
- FSBRA (Disclosure of Confidential Information) Regulations 2014

Given the cross-cutting nature of the regulatory and supervisory landscape in the payments sector, we continue to work with the FCA, the Bank of England and the Treasury to prepare for the potential impact of the UK's withdrawal from the EU. We will continue monitoring developments and working with the sector to ensure that risks remain well managed.



Whistleblowing disclosures

Details of information provided to us by people with concerns about a workplace pension scheme.

As a public body The Pensions Regulator (TPR) is legally required to report on the whistleblowing disclosures we receive from certain workers. Whistleblowing is the term used when someone provides us with information concerning wrongdoing relating to their workplace pension. This is also known as a whistleblowing disclosure.

Under the Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 we must report the following information every year:

- the number of disclosures we received (which met certain criteria)
- the number of those disclosures where we decided to take further action
- a summary of the action we took in relation to the disclosures
- a summary of how workers' disclosures have impacted our ability to perform our functions and meet our objectives
- an explanation of our functions and objectives

Number of disclosures 2019-20

We received 9,517 disclosures during the reporting period of 1 April 2019 to 31 March 2020 which fell within the remit of our statutory functions and objectives.

Number of disclosures and summary of actions

We took further action in relation to 630 of the 9,517 qualifying disclosures, with the majority of action taken as a result of disclosures reporting a suspected breach of, or failure to undertake, automatic enrolment duties or pay contributions.

In 235 of the instances where we took further action, we issued a Warning Notice or Unpaid Contribution Notice, Fixed Penalty Notice, Escalating Penalty Notice or Compliance Notice. Other actions we took as a result of disclosures included appointing new trustees, referrals to professional bodies, working with employers to set up payment plans with their pension providers for repayment of outstanding contributions, and supporting schemes to establish robust data improvement plans. Go to [enforcement activity](https://www.thepensionsregulator.gov.uk/en/document-library/enforcement-activity).

(<https://www.thepensionsregulator.gov.uk/en/document-library/enforcement-activity>)
for more information on our work in this area.

The action we take is consistent with the principles set out in the [Regulator's Code](https://www.thepensionsregulator.gov.uk/en/about-us/how-we-regulate-and-enforce/regulators'-code-) (<https://www.thepensionsregulator.gov.uk/en/about-us/how-we-regulate-and-enforce/regulators'-code->)

. We are a risk-based regulator that must carry out our activities in a way which is proportionate, accountable, consistent, transparent and targeted. In this context, whistleblowing disclosures help us to inform our intelligence and enforcement action and take action where we see it as appropriate.

In instances where we didn't undertake enforcement action due to a disclosure not meeting the qualifying criteria, the information gathered was used to inform our intelligence work, such as our strategic intelligence assessments or compliance validation work.

How disclosures impact on our objectives

All actions taken, either as a result of a disclosure or informed by a disclosure, contribute towards the achievement of [our objectives](https://www.thepensionsregulator.gov.uk/en/about-us/what-tpr-does-and-who-we-are)

(<https://www.thepensionsregulator.gov.uk/en/about-us/what-tpr-does-and-who-we-are>)

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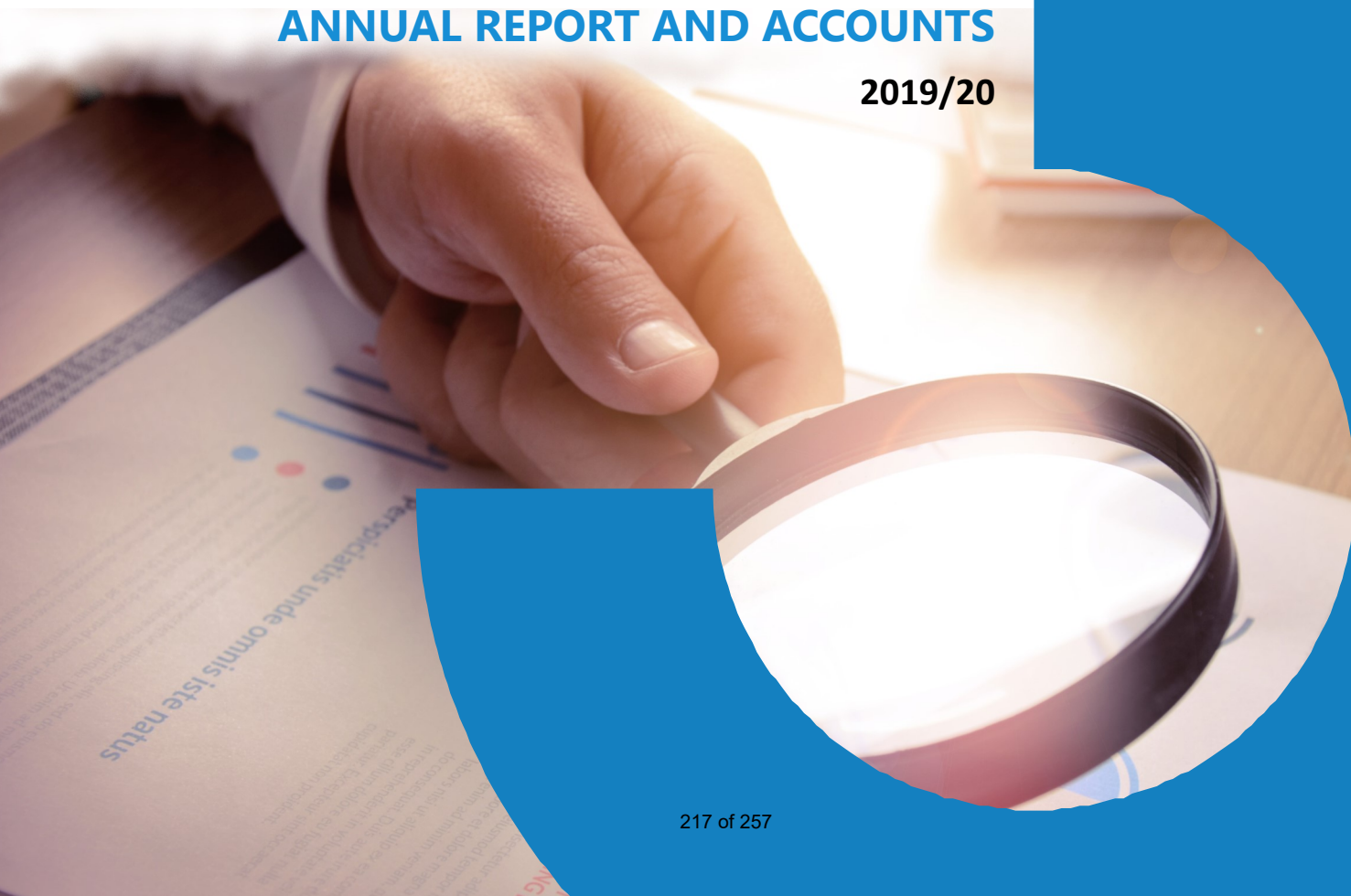
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Delivering Justice

The Public Services Ombudsman for Wales

ANNUAL REPORT AND ACCOUNTS

2019/20



(d) Lessons

As is clear from the above, we make referrals only in a very small number of cases. We do not believe that the cases that we do refer are indicative of a wider decline in member conduct. Nevertheless, outcomes of these referrals demonstrate the importance of standards of conduct in public life and provide a helpful indication to members of all authorities as to the behaviours expected of them.

However, even when we do not refer a case, we try to use our investigation as an opportunity to promote good practice. We usually remind the members investigated of their obligations under the Code and, where possible include instruction on further training or engagement with the authority to prevent further possible breaches. We may also make the members aware that the matter could be taken into consideration in the event of any future complaints of a similar nature.

We think that it is important that we continue to look for innovative and pragmatic ways to resolve matters to ensure a timelier outcome for all concerned. Where appropriate, we also want to give members the opportunity to account for their own actions and for further development.

We plan to revise our Guidance to Members to include analysis of recent cases determined by Standards Committees and the Adjudication Panel for Wales.

(e) Whistleblowing disclosure report

Since 1 April 2017, the Ombudsman is 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:

1. that they are acting in the public interest, which means that protection is not normally given for personal grievances
2. that the disclosure is about one of the following:
 - 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 the above categories.

As a 'prescribed person' we are required to report annually on whistleblowing disclosures made in the context of Code of Conduct complaints only.

In 2019/20 we received 5 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. The disclosures mostly related to allegations that the members concerned had 'failed to comply with duties set out in law'. Of these:

- we closed 2 after an investigation did not identify evidence of a breach of the Code
- we concluded in 1 case that no further action was required
- at the time of writing, investigation into 2 cases is continuing.

In addition, 3 cases which were ongoing in 2018/19 have now been concluded.

These cases have been referred to the Standards Committees of the respective councils for further consideration.



ANNUAL ACCOUNTS 2019-20



Noddir gan
Lywodraeth Cymru
Sponsored by
Welsh Government

Whistleblowing

Qualifications Wales has a Whistleblowing Policy, which provides details to our staff about the policy purpose and process for raising any concerns. We did not receive any corporate whistleblowing disclosures.

Under our Regulatory Whistleblowing Procedure, we received one whistleblowing allegation. We accepted parts of the allegations for investigation by Qualifications Wales. Our investigation did not find evidence to support the allegations, and the case was closed.

Well-Being of Future Generations (Wales) Act 2015 (FGA)

Qualifications Wales is committed to sustainable development. Although we are not currently subject to the Well-being of Future Generations (Wales) Act 2015 (FGA), we consider that our role supports its purpose and that its requirements are compatible with how we work.

We have, therefore, voluntarily chosen to adopt the FGA Act provisions to underpin how we deliver our functions. It is natural for us to work in this way, as education necessarily requires a long-term view.

We have developed well-being objectives, which were published in April 2018, and can be seen on our [website](#). We will be publishing a separate progress report on our website.

Our work particularly supports long-term economic prosperity by ensuring that qualifications are fit for purpose, and by considering how well they meet the needs of employers and further and higher education establishments. This supports academic progression and employability, and, therefore, prosperity and economic growth. Good education makes a difference to long-term life chances, and it is important to be able to demonstrate achievement through robust and meaningful qualifications.

Welsh Language Standards

We communicate with our stakeholders bilingually, as appropriate. Although we are not yet subject to the Welsh Language Standards, we have chosen to voluntarily publish a corporate Welsh Language Scheme. We have an action plan, and our focus has been on embedding the Scheme throughout the organisation, with an emphasis on our engagement with the general public. We will be publishing progress against our Scheme in summer 2020.

Promoting and supporting Welsh-medium and bilingual qualifications

Both our GQ and VQ Strategies outline our commitment to increasing the availability of Welsh-medium and bilingual qualifications. This year, we have developed a Welsh-medium Qualifications Strategy, which sets out our commitment to the Welsh language as a regulator. This is due to be launched in summer 2020. During the last year, we have continued support for awarding bodies and the qualifications system to increase the availability of qualifications and

assessors and have convened and led forums and networks with awarding bodies and school leaders.

We provide extensive grant funding to help support the availability of Welsh-medium qualifications and assessment for both general qualifications (GCSEs and A levels) and vocational qualifications, including the Welsh for Adults qualifications.

Equality Act

We comply with the general duties under the Equality Act 2010, and we have taken care to consider equality issues in all our activities. Examples of our approach include the design of our office, our recruitment practices, our website design standards and the organisation of our events. Equality considerations are built into the design of our policies and the delivery of our services, and they are kept under review.

As a regulator, we also monitor how well awarding bodies meet their equalities duties. We have reviewed and updated our *Fair Access by Design* guidance for the awarding bodies that we regulate. This seeks to ensure that the design of qualifications has no in-built discrimination. Our Conditions of Recognition require that learners receive reasonable adjustments and we monitor awarding body compliance. Our External Relations team also provide guidance to examination officers who are responsible for implementing access arrangements.

We have published an annual progress report against our 2019-22 objectives, which highlights progress against each of the five objectives - most notably our work on Regulatory Impact assessments, our review of *Fair Access by Design*, our partnership with Remploy and our commitment to corporate social responsibility. We will continue to monitor and review these on an annual basis.

Conclusion

As the Accounting Officer for Qualifications Wales, I confirm that the statements made in this report are correct for the period from 1 April 2019 to 31 March 2020. There have been no significant internal control or governance issues, and I confirm that there were sound systems of internal control in place to support the delivery of the organisation's policy aims and objectives.

Signed Philip Blaker	Philip Blaker Accounting Officer 16 July 2020
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Regulator of
Social Housing

Transparency data

Whistleblowing report 2019-20

Published 29 September 2020

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About RSH

The Regulator of Social Housing (the regulator) regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs. Registered providers of social housing include housing associations, housing cooperatives, local authorities and for-profit providers.

The objectives of the regulator are set out in the Housing and Regeneration Act 2008. We publish information about who we are and what we do on our [website](#). We also publish more detailed information about [how we regulate the sector](#).

What is whistleblowing?

The term whistleblowing is used to describe the actions of a worker who reasonably believes they are acting in the public interest by passing on information which may indicate certain types of wrongdoing. In passing on that information, they are making a disclosure. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

The Regulator as a 'prescribed person'

Since 5 November 2019, the regulator has been a prescribed person under the Public Interest Disclosure Act 1998 in relation to matters relating to registered providers of social housing. Prior to that date, the prescribed person was the Homes and Communities Agency, which calls itself Homes England.

The role of a prescribed person is to provide workers with a mechanism to make their public interest disclosure to an independent body where the worker does not feel able to disclose the matter directly to their employer, or where they have made a disclosure, but their employer has failed to act.

As a prescribed person, the regulator must report annually on qualifying disclosures made to it.

'Qualifying disclosure' means 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 one or more of the following:

- (a) a criminal offence has been committed, is being committed, or is likely to be committed;
- (b) a person has failed, is failing, or is likely to fail to comply with a legal obligation;
- (c) a miscarriage of justice has occurred, is occurring, or is likely to occur;
- (d) the health and safety of an individual has been, is being, or is likely to be endangered;
- (e) the environment has been, is being or is likely to be damaged;

or that information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed.

Receiving referrals

The regulator considers all referrals and information received, including those which take the form of whistleblowing disclosures. We consider whether we have the remit to investigate the referral, and where we do, we follow the approach explained on our web pages (links above). In cases where the issue referred is outside our remit, we consider whether it would be appropriate to refer the matter to another organisation better placed to respond.

Number and outcome of workers' whistleblowing disclosures

Between 1 April 2019 and 31 March 2020, the regulator received 36 referrals which we considered qualifying disclosures about matters relating to the regulation of registered providers of social housing in England (Disclosures).

Number of Disclosures received and subject to initial review	36
Number of Disclosures referred for more detailed consideration	32

Number of Disclosures investigated	18
Number of Disclosures resulting in or contributing to regulatory action	4

Summary of the action taken

All of the disclosures received were subject to an initial review by our Referrals and Regulatory Enquiries team who considered whether the matters raised were within our remit and whether they represented a possible breach of our [regulatory standards](#). As a result, 32 cases were referred through our internal processes for more detailed consideration.

Of the 32 cases subject to a detailed consideration, we went on to investigate 18 cases. The remaining 14 cases were not taken forward because, in our assessment, the issues raised did not demonstrate a breach of the regulatory standards or an issue which required regulatory intervention.

In each of the 18 cases which were investigated, we contacted the registered provider and sought their response to the issues raised. In some of these cases, we also asked the whistle blower for further information or evidence to substantiate the allegations. For the 14 cases which we closed following our investigation, we obtained assurance from the registered provider that it was aware of the issues raised and was responding appropriately, taking action to manage and mitigate any risks arising as a result. In closing the cases at this stage, we were satisfied that there had not been a breach of our regulatory standards and that tenants were not at risk as a result of the matters raised.

The remaining four cases which we investigated resulted in or contributed to regulatory action being taken against a registered provider (in the form of the publication of either a [Regulatory Notice or a Regulatory Judgement](#)). Where we conclude that a registered provider is non-compliant with our regulatory standards, we will engage with them intensively as they take action to resolve the issues. We worked with the providers as they developed plans to remedy the breach of the standards and continue to hold them to account for delivering those plans.

How disclosures impact on our objectives

During the reporting period, there was no impact from the above Disclosures on the regulator's ability to perform its functions and meet its objectives.

Revenue Scotland

Annual Report on Whistleblowing Disclosures

2019-20

Revenue Scotland is responsible for the collection and management of the taxes fully devolved to Scotland – currently Land and Buildings Transaction Tax (LBTT) and Scottish Landfill Tax (SLfT).

The tax authority was established by the Revenue Scotland and Tax Powers Act 2014 (RSTPA), which created the legislative framework for devolved taxes in Scotland.

As a Non-Ministerial Department, Revenue Scotland is part of the Scottish Administration and is directly accountable to the Scottish Parliament to ensure the administration of tax is independent, fair and impartial.

Duties

Revenue Scotland carries out its general duty to collect and manage the devolved taxes in accordance with the Revenue Scotland and Tax Powers Act (RSTPA) 2014.

In addition, the organisation has the following particular functions:

- Providing information, advice and assistance to the Scottish Ministers relating to tax;
- Providing information and assistance to taxpayers, their agents and other persons relating to the devolved taxes;
- Efficiently resolving disputes relating to the devolved taxes (including by mediation); and
- Protecting the revenue against tax fraud and tax avoidance.

Revenue Scotland's Purpose and Vision

In April 2018, Revenue Scotland published its new 2018-21 Corporate Plan, setting the Purpose, Vision and Strategic Objectives of the organisation over the three-year period.

The purpose of Revenue Scotland is:

“To efficiently and effectively collect and manage the devolved taxes which fund public services for the benefit of the people of Scotland.”

Revenue Scotland's vision is:

“To be a recognised leader in the delivery of tax administration, and as experts in our field; adaptable to change, resilient to challenges and far reaching in our engagement.”

2018-21 Strategic Objectives

The Revenue Scotland 2018-21 Corporate Plan sets out 4 strategic objectives for the period:

1. **Excelling in Delivery** - Establish ourselves as experts in what we do: collecting and managing the devolved taxes through an accessible, convenient and taxpayer-focused service.
2. **Investing in our People** - Develop and support a highly skilled and engaged workforce, upholding the standards of professionalism and integrity.
3. **Reaching Out** - Build on our reputation as an accessible, collaborative and transparent public body, keen to learn from others and share our experiences and expertise.
4. **Looking Ahead** - Plan and deliver change and improvements to our systems and processes flexibly, on time and on budget.

Overview of Whistleblowing

Revenue Scotland is 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:

1. That they are acting in the public interest, which means that protection is not normally given for personal grievances; and
2. That the disclosure is about one of the following:
 - 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; or
 - Covering up wrongdoing in any of the above categories.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 came into force on 1 April 2017. Prescribed persons are required to report annually on whistleblowing disclosures made to them.

Reporting

During the reporting period 1 April 2019 to 31 March 2020, Revenue Scotland received no whistleblowing disclosures. The statutory template of reporting is published below:

Category	Number of disclosures
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

Investigations

No investigations were carried out in this reporting period.

Actions

No actions were required during this investigations period.

Improvement objectives

No improvement objectives were required during this investigations period.

The Chief Executive intends to incorporate the report for future years in the Annual Report which is published in October.



Elaine Lorimer
Chief Executive

Contact Details

Revenue Scotland

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Edinburgh, EH6 9BR

General Enquiries - info@revenue.scot

Background Reading and External Services

Public Interest Disclosure Act 1998 -

<http://www.legislation.gov.uk/ukpga/1998/23/contents>

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

<http://www.legislation.gov.uk/ukdsi/2017/9780111154359>

Protect

<https://www.pcaw.co.uk/people/>

Whistleblowing Advice Helpline - 020 3117 2520

Revenue Scotland's Whistleblowing Policy

<https://www.revenue.scot/class-1-about-revenue-scotland>

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

Whistleblowing: Annual Report 1 April 2019- 31 March 2020

Introduction

The Scottish Environment Protection Agency (SEPA) is designated as a prescribed person for whistleblowing and workers can contact SEPA about matters in relation to acts or omissions which have an actual or potential impact on the environment, or the management or regulation of the environment, including those relating to flood warning systems and pollution.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 (the Regulations) require prescribed persons to produce an annual report on whistleblowing disclosures made to them by workers. This report covers the reporting period of 1 April 2019 to 31 March 2020.

Our functions, objectives and statutory powers

Our Statutory Purpose is to protect and improve the environment in ways that, as far as possible, also help create health and well-being benefits and sustainable economic growth. Every day we work to protect and enhance Scotland's environment, helping communities and businesses thrive within the resources of our planet. We call this One Planet Prosperity. We have only one planet but if everyone lived as we do in Scotland, we would need three planets to sustain ourselves.

One Planet Prosperity sets out how we will tackle environmental crime; support businesses in driving up compliance, and help those who want to go beyond compliance to reap the economic and social benefits of environmental excellence.

The other core service we deliver is flooding. To reduce the impact of flooding, we work to avoid new developments in areas of flood risk, protect existing developments from future floods and warn communities and businesses to help them prepare when flooding is likely.

Number of Disclosures

In this reporting period, SEPA received 26 disclosures which were initially identified as whistleblowing matters via its dedicated whistleblowing team and the SEPA contact centre.

Following an initial assessment, it was determined that 3 number of these disclosures did not meet the standard of a qualifying disclosure. These were determined to not meet the standard because they were;

Not made by a worker; 1

Were not sufficiently detailed to be considered a disclosure; 2

Therefore there were 23 disclosures within this reporting period that fell within SEPA's remit and which we considered to be "qualifying disclosures".

Further actions undertaken due to disclosures

Number of disclosures that required further investigation: 23. In some instances there were no evidence of wrongdoing when sites were visited however ongoing monitoring will continue to be undertaken.

Number of enforcement actions taken following evidence of wrongdoing: currently 2. One disclosure resulted in an Enforcement Undertaking¹ being refused with further enforcement

¹ An enforcement undertaking provides an opportunity, primarily to otherwise compliant people or businesses, to remedy non-compliance. The responsible person voluntarily offers to us a solution to non-compliance that provides for:

- the restoration and remediation of environmental harm, where appropriate;
- steps to prevent recurrence;
- the removal of any financial benefit;
- environmental benefits that go beyond the minimum needed to restore the position.

action pending and in the second a s59 ²notice was issued, the waste was removed with further action is being considered.

In respect of disclosures made towards the end of the reporting period some elements of investigations were delayed due to lockdown and are therefore still ongoing.

The Impact on our work

A number of investigations resulted in useful intelligence information being generated.

Following one disclosure involving Transfrontier Shipment of Waste an application was submitted, once the situation had been explained and before any actual wrongdoing had been committed.

Further work is being undertaken in respect of guidance both externally about how to contact SEPA and internally to staff about how to recognise potential whistleblowing.

It is important to note that an enforcement undertaking is not available for all offences and, even where these are available, we will decide whether or not to accept the undertaking. When considering acceptance, we will consider a number of factors.

² Environmental Protection Act 1990

For information on accessing this document in an alternative format or language please contact SEPA by email at equalities@sepa.org.uk

If you are a user of British Sign Language (BSL) the Contact Scotland BSL service gives you access to an online interpreter enabling you to communicate with us using sign language.

<http://contactscotland-bsl.org/>

www.sepa.org.uk

Strathallan House, Castle Business Park, Stirling, FK9 4TZ



**Scottish Housing
Regulator**

Annual Performance Report & Accounts 2019/20



4.3 Taking action when we need to

At 31 March 2020 we were using our statutory powers to intervene in Ruchazie, Thistle and Fairfield Housing Associations. We did not take any new statutory action during 2019/20.

During the year we completed intervention at [Wishaw & District Housing Association](#) and [Arklet Housing Association](#).

“The board and staff all felt that the action taken and required by SHR was proportionate and always in the best interests of tenants. The turnaround and transfer were very difficult professionally and emotionally at many times but the hard and extensive work required was due to Arklet’s failures of governance and management, not by the regulatory requirement to resolve them. We all believe that the actions now concluded will bring the best possible outcome for Arklet tenants and help to maintain the good overall reputation of the housing association sector; with one association helping another to secure good services to tenants for what we hope will be decades to come.”

Lynn McCulloch, Housing Services Manager Arklet Housing Association

We also published accounts of our intervention at:

[Antonine Housing Association](#)

[Ferguslie Park Housing Association](#)

[Kincardine Housing Cooperative](#)

[Dalmuir Park Housing Association](#)

“... Ferguslie Park has emerged from the experience with good governance structures, a strong management board and a new invigorated staff team, able to deliver quality services to our tenants..” **Ferguslie Park’s Chairperson Shona McIntyre**

“..the transformation to DPHA today is incredible. All of the Committee and staff team have worked really hard. We all pass our sincere thanks to the team at the SHR and to our Statutory Manager for all their help and support over this period to help us achieve what we have and to set us on a strong course for the future to best serve our tenants and service users.” **Craig Edward, Vice Chair Dalmuir Park**

“Regulatory intervention protected the interests of Antonine’s tenants during a difficult few years. Whilst initially this intervention was intended to address governance weaknesses, it quickly became obvious that the scale of the investment needed to deliver modern warm homes for tenants at an affordable rent was better delivered by joining with Caledonia. The merit of this proposal was tested in a ballot, and the overwhelming support from Antonine’s tenants was proof of its value. Despite the difficulties, this was a positive outcome for tenants and was made possible by the work of the appointees, the existing tenant committee members, the staff at Antonine and the Statutory Manager and Interim Director.” **Patrick McGrath, statutory appointee to Antonine Housing Association**

We are very grateful for the input of all our statutory appointees – people we appoint to the governing body of an RSL. They are all volunteers drawn from the sector to help to protect the interests of tenants and others by sharing their knowledge and experience with organisations that need support. During 2019/20 31 statutory appointees worked across 5 organisations. In July 2019 we published [an information note](#) for voluntary statutory appointees, explaining what is involved in appointments.

Following an open selection process, in November we published an updated list of people with the necessary expertise to be appointed under the Housing (Scotland) Act 2010 as statutory managers. The list helps us be open and transparent about the people we will select and helps us control costs for landlords who, under legislation, pay for the statutory managers. The list will be in place for three years and we will keep it under review. [Read more about the list and selection process.](#)

In December 2019 we published [a report on our inquiry into Dumfries and Galloway Council's Housing Options and Homeless Service](#), finding the Council has significantly improved the service and is working more effectively with its Registered Social Landlord partners.

We also commenced an inquiry into the homelessness services provided by Glasgow City Council in December 2019. This was part of our continued engagement with the Council. We aim to report on our findings during 2020/21.

SHR is a prescribed person under whistleblowing legislation. Read more [information for potential whistleblowers](#) and also about [how we deal with whistleblowing concerns](#) about a social landlord.

During 2019/20 whistle-blowers contacted us 16 times, two of which were qualified disclosures.

We took no further action in seven cases for the following reasons:

- in four cases there was insufficient information and evidence relating to the allegations to enable us to take it forward;
- two cases related to employment grievances; and
- in one case the allegations had already been investigated and we engaged with the landlord about the findings.

We worked with the landlords to establish the facts in nine cases:

- we obtained assurance from one landlord and did not require any further action to be taken. We are continuing to engage with another landlord to seek assurance.
- we engaged with two landlords who carried out internal investigations in three cases; and
- we engaged with four landlords who commissioned independent investigations, two of which are ongoing as at 31 March 2020.

We introduced new requirement in our Regulatory Framework that as of 1st April 2020 all social landlords must have effective arrangements and a policy for whistleblowing by staff and governing body/elected members which it makes easily available and which it promotes.



Scottish Information
Commissioner

www.itspublicknowledge.info

The Prescribed Persons (Report on Disclosure of Information) Regulations 2017

Report by the Scottish Information Commissioner

The Scottish Information Commissioner (the Commissioner) is the independent public official responsible for promoting and enforcing Scotland's freedom of information law:

- The Freedom of Information (Scotland) Act 2002 - is an act of the Scottish Parliament which gives everyone the right to ask for any information held by a Scottish public authority
- The Environmental Information (Scotland) Regulations 2004 - comes from a European Directive on access to environmental information. The EIRs give everyone the right to ask for environmental information held by a Scottish public authority (and some other bodies)
- The Commissioner can also receive applications about the view and discovery provisions of the INSPIRE (Scotland) Regulations 2009. These regulations also come from a European Directive, and create a right to discover and view spatial datasets (e.g. map data) held by Scottish public authorities.

The main functions of the Commissioner are: investigating appeals, promoting the public's right to know, promoting good practice to public authorities and intervening when public authority practice is not compliant with freedom of information law.

Under the Employment Rights Act 1996, Section 43F whistleblowers may qualify for employment protections if they disclose information to a "prescribed person". The Commissioner is a "prescribed person" and must report annually on the number of relevant workers' disclosures under The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 (the Regulations).

For the period 1 April 2019 – 31 March 2020 there were no relevant disclosures from workers falling within the Regulations

Contact us

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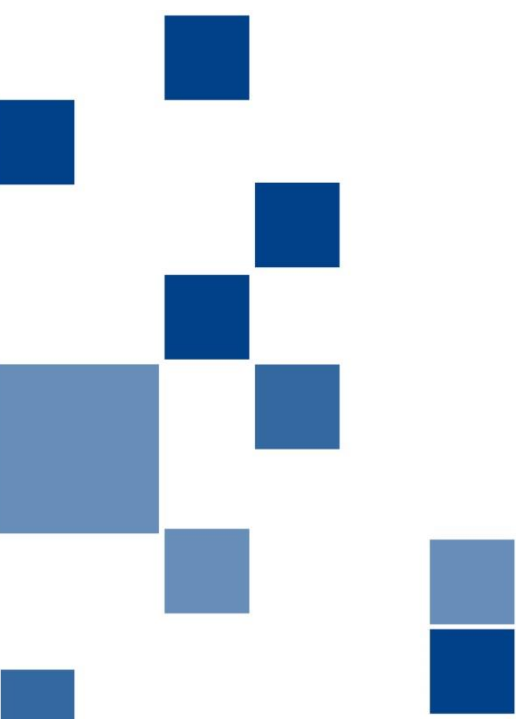
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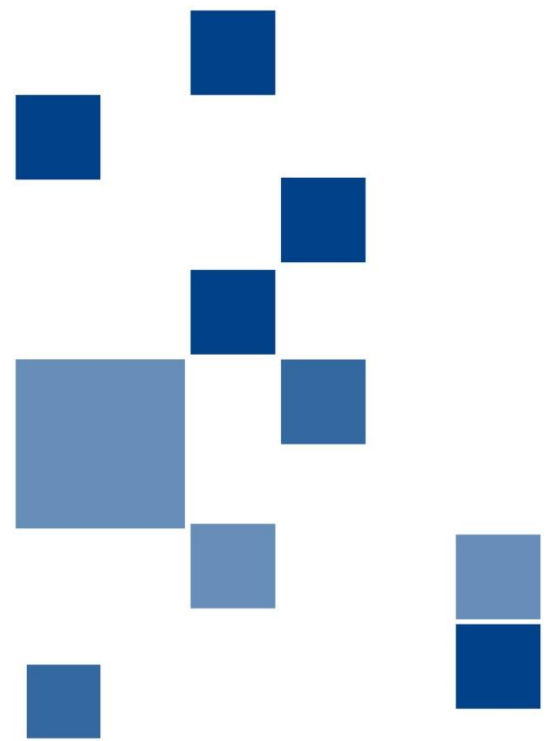
Whistleblowing Report

For the year ended 31 March 2020



1. Whistleblowing

- 1.1 The information reported below is an excerpt from the SSSC's draft Annual Report and Accounts for 2019/20, which are currently being prepared and due for approval at our Council meeting in October 2020. It will be laid before parliament in January 2021.
- 1.2 The SSSC has a dual role in responding to whistleblowing, as an employer and as a prescribed person in the sector.
- 1.3 A social service worker can whistleblow to someone in their own organisation or to a third party known as a 'prescribed person'. The SSSC is a prescribed person listed in Prescribed Persons (Reports on Disclosures of Information) Regulations 2017. As a prescribed person, we are required to publish details of referrals that qualify as whistleblowing and the actions we took annually.
- 1.4 In 2019-2020 we received 12 whistleblowing referrals. In ten of these cases, we opened a fitness to practise case. By opening a case we investigate whether the fitness to practise of the worker is impaired or not.
- 1.5 Of the 12 whistleblowing referrals, we did not open a case for two of them. These referrals were both assessed as having no real prospect of finding current impairment.
- 13.5 For the ten cases we did open, we can report the following.
 - Four cases are ongoing at the time of writing (June 2020).
 - Six cases have concluded as follows:
 - one case resulted in no action taken as we found the worker's fitness to practise was not currently impaired
 - three cases resulted in no action taken as there was insufficient evidence to prove any allegations
 - two cases resulted in a sanction of a warning and condition in each case.
- 1.6 Our Whistleblowing Policy informs and encourages staff to raise serious concerns about wrongdoing or alleged impropriety. The policy is consistent with, and makes explicit references to, the Public Interest Disclosure Act 1998. There were no internal cases of whistleblowing in 2019-2020. We have appointed Rona King, one of our Council Members as our SSSC whistleblowing champion.



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SSRO

Single Source
Regulations Office



SSRO Annual Report and Accounts 2019/20

The SSRO is an executive
non-departmental public body,
sponsored by the Ministry of Defence.

Governance statement

Background to events in 2019/20

Scope of responsibility: As Accounting Officer, I am responsible for upholding sound internal controls that support the SSRO's policies and objectives. The internal controls safeguard the public funds and assets for which I am personally responsible for under the Treasury's 'Managing Public Money' handbook.

The purpose of the governance statement

The governance statement, for which I as Accounting Officer take personal responsibility, is intended to provide a clear understanding of the SSRO's business and its control structure. It sets out the stewardship arrangements for the SSRO and supplements the accounts and annual report, together providing a record of how the SSRO has performed in the last year. This statement also explains how the SSRO has complied with good governance principles and reviews the effectiveness of these arrangements.

During 2019/20, the SSRO has:

- delivered its statutory functions, and in doing so sought to balance its aims of ensuring that good value for money is obtained in government expenditure on qualifying defence contracts; and that persons who are parties to qualifying defence contracts are paid a fair and reasonable price under those contracts;
- observed all necessary governance policies and procedures to enable the Board to make robust, evidence-based decisions in line with best practice;
- contributed actively to the Tailored Review of the Single Source Regulations Office carried out by UK Government Investments (Defence); and
- recruited four external referral panel members.

UKGI's SSRO Tailored Review stated in its published report "Internal governance was found to be robust, in line with best practice, and being applied effectively."

The SSRO Board operated effectively and independently during the year using sub-committees to further the Board's strategic and oversight roles. The Performance Report section of this document describes events in 2019/20 in more detail.

SSRO's structure and governance framework

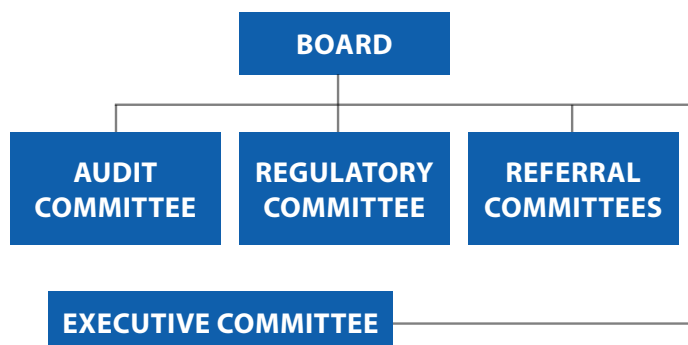
The SSRO is a non-departmental public body and operates under a Framework Document agreed between the SSRO and the MOD, its sponsor department.

Our Corporate Governance Framework is aligned with Schedule 4 of the Defence Reform Act and is reviewed annually. The Corporate Governance Framework sets out the organisation's arrangements and processes for governance. The Framework sets out:

- the role of the Chairman, Board, Committees and Chief Executive;
- the powers exercised by the Board and Committees, powers delegated to the Chief Executive and those further delegated to Directors; and
- standing orders that establish the procedural framework within which the SSRO discharges its business.

This framework is complemented by relevant policies and procedures. These are available on the SSRO's website, together with the agenda and minutes of all Board meetings.

The SSRO's governance arrangements are overseen by its Board, which consists of a Chairman, five non-executive members and three executive members. In 2019/20, the Board and its sub-committee structure was as follows:



In 2019/20, Board members attended the following meetings of the Board and its sub-committees (of the total meetings which could have been attended):

Name	Board	Audit Committee	Regulatory Committee
Chairman			
George Jenkins	5/5	n/a	2/2 ^[1]
Non-executive Board members			
Mary Davies	5/5	3/4	n/a
Peter Freeman	5/5	n/a	6/6
Terence Jagger	2/3 ^[2]	n/a	4/4 ^[2]
David Johnston	5/5	4/4	n/a
Marta Phillips	5/5	4/4	4/6
Executive Directors			
Neil Swift Chief Executive	5/5	n/a	n/a
David Galpin Director of Legal and Policy	5/5	n/a	n/a
Matthew Rees Director of Analysis and Reporting	5/5	n/a	n/a

In 2019/20 we received no referrals therefore there was no meeting of a Referral Committee.

[1] George Jenkins joined the Regulatory Committee on 21 January 2020.

[2] Terence Jagger's term ended on 21 January 2020.

We have established robust risk control processes, which are considered regularly by the Executive Committee, Audit Committee and the Board. Further information on our risk mitigation is set out below. At no time has any part of the SSRO's system of internal controls failed or been suspended.

During the year, the SSRO received no disclosures under its Whistleblowing Policy about its own operation or staff and received no external complaints.

Annual Report and Accounts 2019-2020

Regulation and Inspection of Social Care (Wales) Act 2016

Annual Report and Accounts of Social Care Wales prepared pursuant to Schedule 2, Part 6 Paragraph 16(1-3) of the Regulation and Inspection of Social Care(Wales) Act 2016, for the year ended 31 March 2020 together with the Report of the Auditor General for Wales thereon and laid before Senedd Cymru pursuant to the Regulation and Inspection of Social Care (Wales) Act Schedule 2, Part 6 Paragraph 16(4)

Contact details

Social Care Wales
South Gate House
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Information governance and Security

As a data controller registered with the Information Commissioner's Office (ICO), we ensure we have information governance controls in place to keep the data we collect and process secure and in line with current data protection legislation and are open and transparent with our decision making.

This year, we commissioned a gap analysis of our compliance with the Data Protection Act 2018 to see where we are doing well and where we can improve. The recommendation report will be available in April and a number of actions will be fed into our business activities for 2020-21.

Also during 19-20:

- We recorded 26 data incidents: 5 were errors by a third party, 5 were software or server issues and the remaining 16 had a root cause as either human error or a staff training and awareness issue.
- We made the ICO aware of 3 of the above incidents, but no further action was required
- We responded to 11 requests under the Freedom of Information Act, all responded to within 20 working days bar 1 (due to Covid-19 crisis)
- We received 5 Subject Access Requests under the Data Protection Act 2018, all fulfilled within the 30 day period
- We maintained our accreditation with ISO27001 which is an industry standard for information security. This means our information security management systems are based on best practice.

Customer Service

We aim to provide our customers with the best experience possible, but we are aware we can always learn from feedback. During 2019-20 we received 9 formal complaints relating to our procedures or decisions made. While none of them were upheld or progressed by the Public Service Ombudsman, we have used the themes and trends from our complaints to improve our customer service approach.

During the year we also undertook a customer journey mapping exercise. The findings of this work will inform our business plan in the next financial year.

Whistleblowing

Internal

All Social Care Wales staff are encouraged to raise issues of concern about wrongdoing that come to their attention while at work. I regard the internal identification of wrongdoing as an important contribution to managing corporate risk and ensuring good governance.

We have established internal whistleblowing policy and procedures which reflects the provisions of the Public Interest Disclosure Act 1998 and sets out a mechanism for staff for raising such matters.

In terms of staff awareness of their responsibilities we asked staff in the April 2019 staff survey to rate their response to the following statement on a strongly agree to strongly disagree scale 'I know what my role and responsibilities are as part of our whistleblowing procedures'. Eighty nine percent of those that completed the survey answered strongly agree or agree to this question. Whilst this result indicates a high proportion of staff who know what they are expected to do we will follow up in the next survey on the staff confidence in these procedures, as there have been several new appointments since the last survey.

In 2019-20 no staff raised a concern under our Whistleblowing Policy as was the case in 2018-19.

External

We are listed under The Prescribed Persons Order 2014 as a designated organisation that any worker in the social care sector can approach to report suspected or known wrongdoing. This is also known as 'whistleblowing' or making a disclosure.

As a prescribed person, we have several duties, which are set out in guidance from the Department of Business, Energy and Industrial Strategy (BEIS), one of which is to annually report on the number of whistleblowing disclosures we receive.

For each referral received we consider the information received and in the cases of the 6 received during the year they did not comply with the definition of whistleblowing under the regulations. However, if we do not have enough information to open a case, and if the individual agrees to it, we share any relevant evidence with other agencies and log any actions taken. The information remains in our case management system and if more evidence becomes available later, the Fitness to Practise team will make an assessment about opening a case.

Sue Evans

Chief Executive and Accounting Officer

Date: 17 July 2020

June 2020

Water Services Regulation Authority (Ofwat)

Annual report and accounts 2019-20

For the period 1 April 2019 to 31 March 2020

HC 410



www.ofwat.gov.uk

Ofwat's waste recycling



Whistleblowing

Whistleblowing is the term used when a worker raises concerns about improper practices in their workplace. It is also referred to as a 'public interest disclosure'. Ofwat has a responsibility for whistleblowing matters relating to the water sector in England and Wales.

As set out in the Prescribed Persons Order 2014¹, Ofwat, as a Prescribed Person, has a responsibility to provide workers with a mechanism to make their public interest disclosure to an independent body, where the worker does not feel able to disclose the concern directly to their employer, and the Prescribed Person might be in a position to take some form of further action on the disclosure.

If a worker within the water sector has information or concerns about the water company they work for, they can contact us about it. To be covered by whistleblowing law and its associated employment rights, the disclosure must be a 'qualifying disclosure'. This is any disclosure of information that, 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 is happening, has happened or is likely to happen in the future:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to someone's health and safety;
- damage to the environment; and/or
- a deliberate attempt to conceal any of the above.

1. <http://www.legislation.gov.uk/ukxi/2014/2418>

When we receive information from a worker in the water sector we will consider whether the information falls within the above definition of a qualifying disclosure and, if so, we will decide what, if any, further action or investigation is needed. This can include speaking to water companies, internal and external subject matter experts and the worker (if possible) to decide what, if any, steps we can take to resolve the issue or take the matter forward as appropriate. As a Prescribed Person, Ofwat has a duty to report annually on the number of qualifying disclosures made to us and a summary of the action taken in respect of these. This duty aims to increase transparency in the way that whistleblowing disclosures are dealt with and to reassure whistleblowers that their disclosures are taken seriously. This section of this annual report fulfils that duty for the 2019-20 reporting year.

The table below shows the number of qualifying disclosures made to Ofwat in 2019-20 and the resulting actions we have taken. Where disclosures and/or our initial enquiries do not provide sufficient evidence to warrant further action by us, we use the information as general intelligence about the sector and/or the company concerned. This enables us to monitor whether similar concerns are raised by others that could help build an evidence base sufficient for future action.

Whistleblowing 2019-20

Metric	Details of what is being measured	Total number
Whistleblowing	Number of qualifying disclosures of information made by water sector workers to Ofwat	13
	Number of qualifying disclosures where Ofwat took further steps to investigate the matter (these steps included taking internal subject matter expert advice on the issue and/or speaking with the worker making the disclosure to gather more information).	13
	Number of qualifying disclosures where Ofwat contacted the company concerned to seek further information and assurances regarding the matter.	0
	Number of qualifying disclosures where, following its initial assessment Ofwat decided to open a formal investigation with a view to it taking enforcement or other regulatory action against the company concerned.	0 ²

2. There are qualifying disclosures for which our review is ongoing and/or where we have sought further information from the whistleblower to establish whether further steps should be taken by us.

Ofwat (The Water Services Regulation Authority) is a non-ministerial government department. We regulate the water sector in England and Wales.

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THE WATER INDUSTRY COMMISSION FOR SCOTLAND

WHISTLEBLOWING ANNUAL REPORT 2019-20

We, the Water Industry Commission for Scotland, (the Commission), registered at Water Industry Commission for Scotland, First Floor, Moray House, Forthside Way, Stirling, FK8 1QZ, in accordance with The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, report the following information for the period 1 April 2019 to 31 March 2020:

Number of disclosures received during the reporting period:

No disclosures have been received during the reporting period.

Function and objectives of prescribed person

Economic regulator for water and sewerage services in Scotland.

Contact Details:

Water Industry Commissioner for Scotland
First Floor Moray House
Forthside Way
Stirling
FK8 1QZ

Tel: 01786 430200

Email: enquiries@watercommission.co.uk

Website: www.watercommission.co.uk

Annual Accounts

2019–20



Freedom of Information requests

We received two Freedom of Information requests in the year, both of which were responded to in accordance with the appropriate timescales. No complaints were received relating to our handling of requests for information and there were no investigations by the Information Commissioner's Office.

Whistleblowing

We have a Whistleblowing Policy and guidance in place to provide staff with clear details about how to raise any concerns. Work has commenced on reviewing our policy and process following the publication of new Civil Service guidance. No disclosures were made under our policy during the year.

Welsh Language Standards

We do not have our own formal Welsh Language Standards. However, we voluntarily comply with Welsh Government Standards where it is both appropriate and feasible. Discussions continued in the year with the Welsh Language Commissioner's office to inform them of the positive work being done within the organisation to improve our internal and external Welsh language services. Work is underway to develop the organisation's first Welsh Language Strategy, which will focus on culture, learning and development and creating opportunities for our people and customers to use the Welsh language.

Well-Being of Future Generations

The WRA is committed to a sustainable future for the people of Wales. Although we are not subject to the Well-being of Future Generations (Wales) 2015 Act, Our Approach (which drives all we do) incorporates the spirit and sense of the Act, and the work which we have been asked to undertake by Welsh Ministers supports the aims of the Act.

Conclusion

As the Accounting Officer for the WRA, I confirm that the statements made in this report are correct for the period 1 April 2019 to 31 March 2020. There have been no significant internal control or governance issues and I confirm that there are sound systems of internal control in place to support the delivery of the organisation's policy aims and objectives.

Dyfed Alsop

Chief Executive and Accounting Officer

3 July 2020

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