



Department for  
Business & Trade

# **WHISTLEBLOWING PRESCRIBED PERSONS ANNUAL REPORT 2021/22**

Compilation of the 5th annual reports by whistleblowing prescribed persons covering the 2021/22 reporting period under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

October 2023



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# Introduction

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

To qualify for the protections, the worker must generally make their disclosure either to their employer, a legal adviser, Minister of the Crown<sup>2</sup> or to a 'prescribed person'.<sup>3</sup> 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 former Coalition 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.

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

<sup>2</sup> 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

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

DBT 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 existing report, such as the organisation's annual report, or as a standalone document.

In collating these reports, DBT has not assessed them for compliance with the duty. The legal

obligation falls on the prescribed person to meet the annual reporting duty requirement.





# Correspondence and whistleblowing

Annual report 2021/22



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# Key messages

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- 1** We dealt with 264 correspondence cases in 2021/22. This includes 185 issues of concern about public bodies (up from 119 in 2020/21), and 73 enquiries about our audit work. Six cases were carried over from the previous year.
- 2** Most issues of concern related to either the local government sector (42 per cent) or to central government (42 per cent), with eight per cent about the NHS. We also received 13 whistleblowing disclosures and 14 cases that were out of our remit.
- 3** Performance against our targets remains high. During 2021/22, we acknowledged 97 per cent of issues of concern within our target of five working days. We also issued a final response within our target of 30 working days for 97 per cent of cases.
- 4** 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.
- 5** During 2021/22, 51 per cent of concerns were used as either audit intelligence or explored as part of our audit work. Ethical standards and ferries were commonly raised issues.

# Introduction

1. This report sets out information about the correspondence we received during 2021/22, including the volume, which part of the public sector it relates to, and performance against target our response times.
2. We receive correspondence from a range of people including the general public, MSPs, MPs and councillors. People correspond with us on a variety 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**.
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', eg 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 includes whistleblowing disclosures during 2021/22.

## 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 (FoI) 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. Audit Scotland manages correspondence sent to the Auditor General for Scotland and the Accounts Commission.



# Correspondence in 2021/22

## Volume of correspondence

**5.** The volume of correspondence increased in 2021/22 compared to the previous two years ([Exhibit 1](#)). We received 143 new issues of concern in 2021/22, compared with 97 in 2020/21, an increase of nearly 50 per cent.

**6.** In 2021/22, we received 258 items of correspondence. This consists of:

- 143 new issues of concern, which includes whistleblowing concerns and objections to accounts
- 42 reopened issues of concern
- 73 enquiries about our audit work.

**7.** We also carried forward six cases that were still in progress on 1 April 2021, bringing the total we dealt with in 2021/22 to 264.

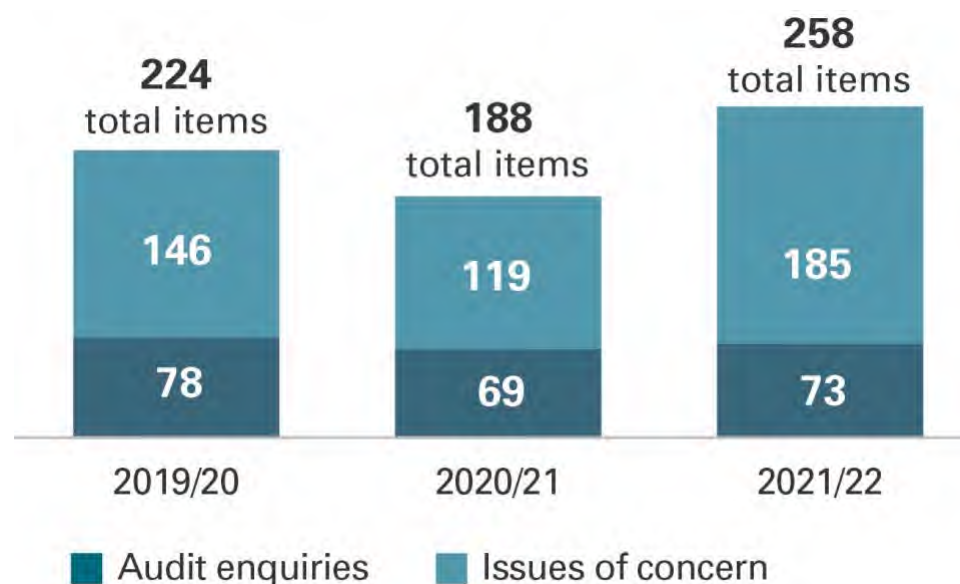
**8.** Most of the issues of concern were raised by members of the public (93 per cent). MSPs and councillors raised seven per cent of concerns.

**9.** Enquiries and requests for information about our audit work include questions about legislation and information about the role of public bodies. We also receive requests for further data from performance audit reports and comments following publication of reports such as [New vessels for the Clyde and Hebrides](#) and the S22 report on [The 2020/21 audit of the Commissioner for Ethical](#)

[Standards in Public life in Scotland](#). We received an unusually high volume of correspondence on these two reports.

## Exhibit 1

### Volume of correspondence received, 2019/20 to 2021/22



Note: The information for 2021/22 does not include the six cases carried forward from the previous year.

# Correspondence in 2021/22

## Whistleblowing

**10.** Workers, as described by the guidance Public Interest (Prescribed Persons) Disclosure Order (2014), 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.

**11.** We take our whistleblowing responsibilities very seriously and have a process in place to ensure we deal with disclosures appropriately.

**12.** Whistleblowing cases are reported in the overall number of issues of concern we receive. In 2021/22, we received 13 whistleblowing disclosures, an increase on the 11 in 2020/21. The breakdown by prescribed person is as follows:

- Auditor General – five
- Accounts Commission – eight.

**13.** 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

- Issues raised in **two** disclosures were included as part of routine audit work.
- Issues raised in **six** disclosures did not warrant an investigation but were considered as useful audit intelligence.
- We could not take any action in relation to issues raised in **five** disclosures as the concerns raised were outside the scope of our audit work. Nonetheless we shared this intelligence with the auditors for information.

# Correspondence in 2021/22

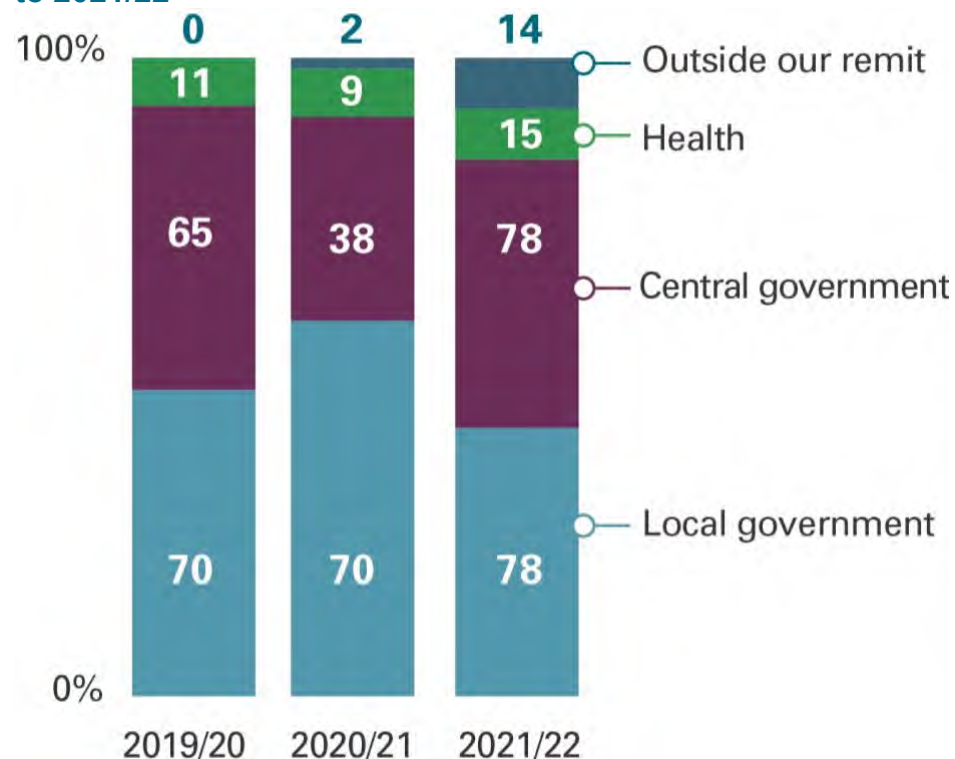
## Issues of concern

**14.** All but 14 of the concerns we received in 2020/21 were about public bodies we audit, 78 concerns (42 per cent) related to the local government sector, 78 concerns (42 per cent) related to central government bodies and nine (eight per cent) to NHS bodies ([Exhibit 2](#)). In the previous year, a larger proportion of concerns related to local government (59 per cent).

**15.** Concerns are increasing in complexity. For example, concerns about complex technical or legislative issues or those involving more than one public body. We are also seeing an increase in persistent correspondents who write to us repeatedly about the same issues. In 2021/22, we had 42 reopened cases, compared to 22 in 2020/21. 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 the complexity of each case. We discuss [our performance on page 12](#).

## Exhibit 2

Number and percentage of concerns by sector, 2019/20 to 2021/22



## Local government issues of concern 2021/22

**16.** All but one of the 78 local government issues of concern we received were about councils ([Exhibit 3](#)). This includes four objections to accounts, one each about Angus Council and North Ayrshire Council, and two about City of Edinburgh Council.

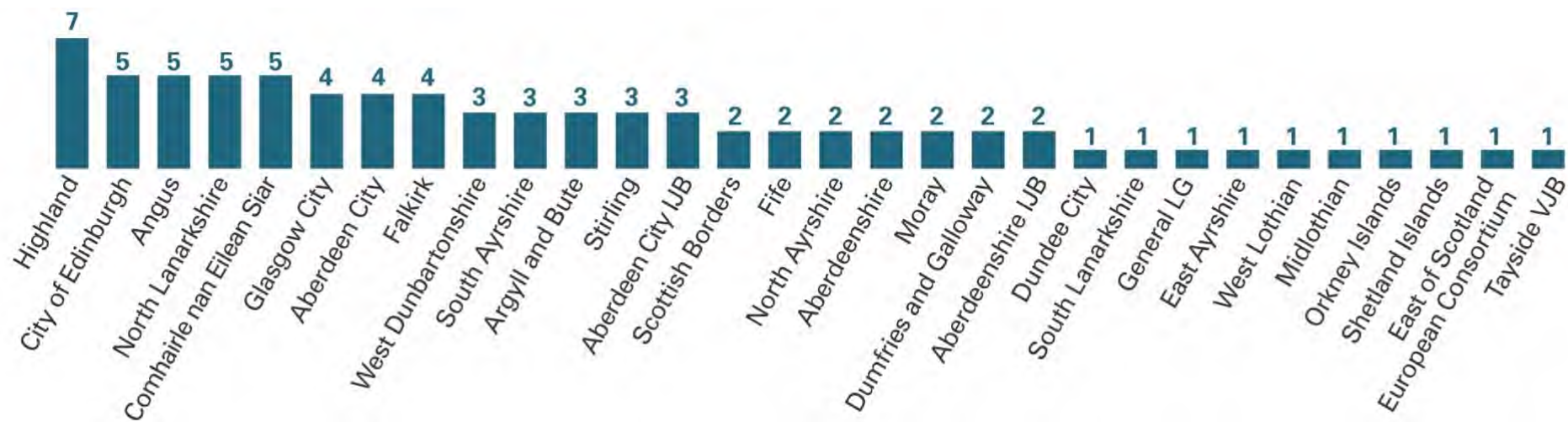
**17.** The council with the highest proportion of concerns raised in 2020/21 was Highland (nine per cent), followed by Angus, Comhairle nan Eilean Siar, City of Edinburgh and North Lanarkshire (all with six per cent).

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

- planning/planning decisions
- council decision-making
- town centre regeneration
- council support to development trusts
- alleged fraud.

### Exhibit 3

#### Number of correspondence concerns, by local government body 2021/22



Note: General LG is used to record concerns that are raised about councils in general, or where the person does not specify which council.

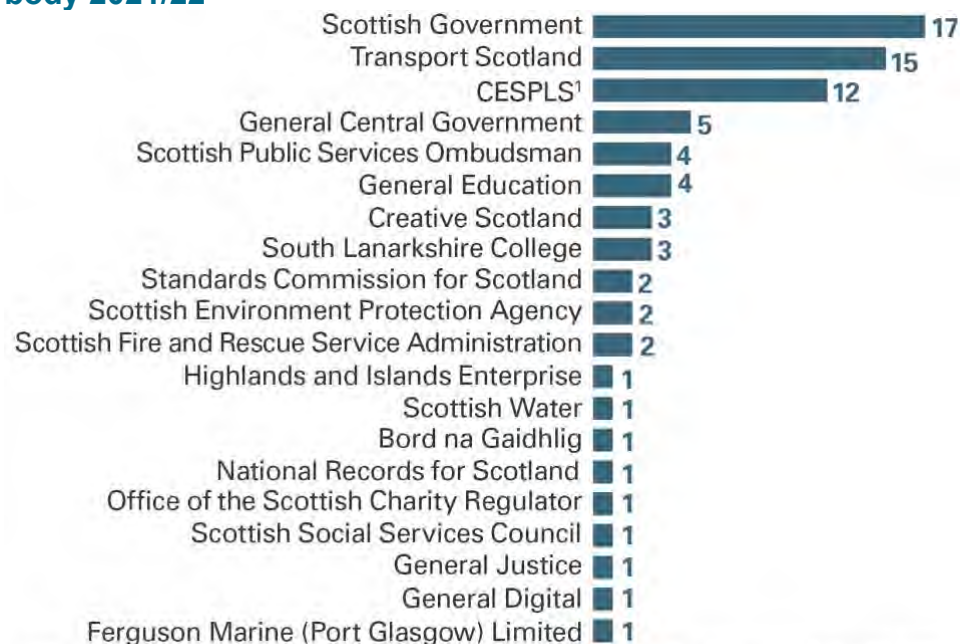
## Central government and NHS issues of concern 2021/22

**18.** We received 78 items of correspondence relating to 16 central government bodies ([Exhibit 4](#)). The bodies with the highest proportion of concerns were Scottish Government (22 per cent) and Transport Scotland (19 per cent).

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

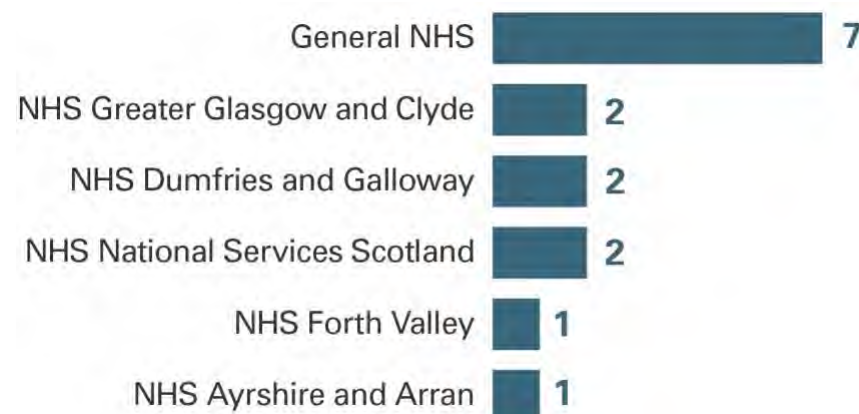
- ethical standards
- ferries.

### Exhibit 4 Number of correspondence concerns, by central government body 2021/22



**19.** We received 15 items of correspondence relating to six NHS bodies ([Exhibit 5](#)). The NHS boards with the highest proportion of concerns were NHS Greater Glasgow and Clyde, NHS Dumfries and Galloway and NHS National Services Scotland (each with two concerns).

### Exhibit 5 Number of correspondence concerns, by NHS body 2021/22



Note: 1. CESPLS – Commissioner for Ethical Standards in Public Life in Scotland



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# Outcomes for correspondence 2021/22

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## We use correspondence to inform our audit work

**20.** Audit Scotland's correspondence team shares all correspondence with the relevant audit teams, to ensure they have oversight of all the concerns that people contact us about. The team is reliant on receiving timely information from auditors in order to meet our response targets. Over the past year this has been challenging due to the significant pressures on audit teams.

**21.** The correspondence team, in collaboration with auditors, uses their technical and professional judgement in deciding 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.

**22.** We always advise the correspondent of the four potential outcomes from their contact with us ([Exhibit 6, page 10](#)).

## Exhibit 6

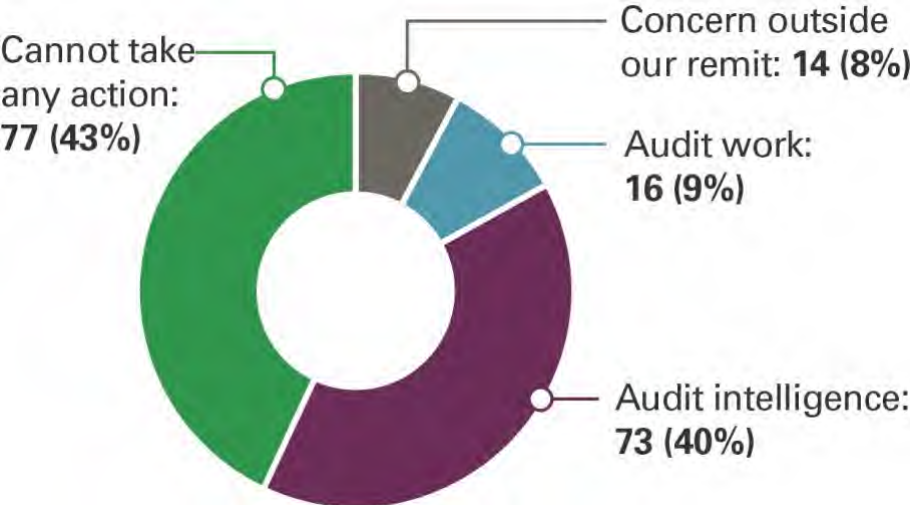
### Outcomes for correspondence

Concern outside our remit	We cannot take any action	Audit intelligence	Audit work
<p>We cannot examine an issue of concern about a body that we do not audit.</p> <p>You can find a list of the public bodies we audit <a href="#">here</a>.</p> <p>Where possible, we will suggest other organisations that may be able to help.</p>	<p>We may conclude that we cannot act on your issue of concern. For example, if you are unhappy about a council's planning decision or how a health board has handled your complaint.</p> <p>Where possible, we will refer you to the public body or a regulator that may be able to help you.</p>	<p>We may conclude the issue of concern does not warrant specific audit work, but that it can still inform the work we do. Along with other sources of intelligence, the information you provide may be helpful to the auditors in carrying out their work.</p> <p>It can help us to identify trends affecting public bodies that we may need to examine.</p>	<p>Sometimes the issue of concern you raise relates to a topic that we are already covering in our audit work. The auditors can include this as part of the audit process. We may be able to provide you with findings of this work, but generally auditors would only report significant findings in the relevant published audit report.</p> <p>In some cases, your concern may lead to us carrying out specific audit work to examine the issue. If appropriate, we would publish the findings of this work on our website.</p>

**23.** We use the correspondence to add to our knowledge of public bodies, and most issues of concern inform audit work in some way, even in cases where we cannot take any direct action. Issues raised in 50 per cent of the concerns were included in audit work or used as audit intelligence ([Exhibit 7](#)).

**24.** 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 2021/22 correspondence**





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# Our performance in 2021/22

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## We performed well in relation to target response times

**25.** 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.

**26.** During 2021/22, we acknowledged 97 per cent of concerns within five working days and 97 per cent received a final response within 30 working days (98 per cent and 96 per cent respectively in 2020/21). We took longer than 30 days to give a final response to four concerns. These were complex cases which required additional work. We informed the correspondents of the delayed timescales.

**27.** The cost for 2021/22 was around £125,529. This includes time spent by our correspondence team on managing cases, training and some of auditors' input. The overall cost will be higher, as most auditors record time on items of correspondence as part of their annual audit work.

**28.** For more information about the correspondence function, please visit our [website](#).

# Correspondence and whistleblowing

Annual report 2021/22

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ISBN 978 1 913287 83 2

# Annual Report and Accounts 2021-22

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

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

- a The number of disclosures made to the Auditor General in that year that he believes to be qualifying disclosures<sup>79</sup>.
- b The number of qualifying disclosures where the Auditor General has decided to take action.
- c A summary of the types of action that the Auditor General has taken.
- 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 2021-22, 27 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 14 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 14 apparently qualifying disclosures, in seven 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 three of the other seven cases, after initial consideration by audit staff, significant further review work has been undertaken or is pending. In one of 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 at least three cases, this information has led to the identification of issues meriting significant examination.

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<sup>79</sup> Disclosures that meet the criteria set out in section 43B of the Employment Rights Act 1996 and which engage the protection from detriment provided by that Act.



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# Bank of England

## Prudential Regulation Authority

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

June 2022



## Disclosures

### In the Period 1 April 2021 to 31 March 2022 inclusive

(a)(i)	We received a total of 166 disclosures that have been subject to assessment against the Public Interest Disclosure Act 1998 ('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 156 disclosures were protected disclosures within section 43B of the Employment Rights Act 1996 and subject to the Bank's and PRA's role as Prescribed Persons. The remaining 10 disclosures were not protected disclosures:</p> <ul style="list-style-type: none"> <li>• 5 disclosures related to firms which are not regulated by the PRA or Bank (5 of which are regulated solely by the Financial Conduct Authority ('FCA');</li> <li>• 3 disclosures related to firms which are regulated by the Bank but the issues fell outside of the Bank's or PRA's regulatory remit; and</li> <li>• 2 disclosures relate to individuals who do not identify or meet the definition of a whistleblower.</li> </ul>
(b)	Regardless of the statutory basis of any disclosures, the information provided through the whistleblowing channel can contain vital information to further supervisory assessments. We therefore provided supervisory colleagues with all disclosures (protected and non-protected) to either consider, or for information purposes.
(c)(i)	<p>All protected disclosures were the subject of supervisory consideration, from which:</p> <ul style="list-style-type: none"> <li>• 114 originated from the FCA; and</li> <li>• 42 were provided to both the PRA and FCA.</li> </ul>
(c)(ii)	<p>Of the 156 protected disclosures that were subject to supervisory consideration:</p> <ul style="list-style-type: none"> <li>• 4 disclosures contributed to significant regulatory or supervisory activity;</li> <li>• 20 disclosures provided intelligence, which were of prudential value;</li> <li>• 60 disclosures provided intelligence, but did not directly lead to any regulatory or supervisory activity; and</li> <li>• A further 72 disclosures are currently subject to ongoing supervisory assessment.<sup>1</sup></li> </ul> <p>Anonymised examples of the action taken in response to protected disclosures are included at the end of this Report.</p>

<sup>1</sup> Depending on the complexity, a whistleblowing disclosure may be subject to protracted assessment and engagement before conclusion of the case.

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

Employment Rights Act 1996:

<https://www.legislation.gov.uk/ukpga/1996/18/contents>

Public Interest Disclosure Act 1998:

<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>

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/whistleblowing>

PRA Supervisory Statement 28/15: 'Strengthening individual accountability in banking', July 2018:

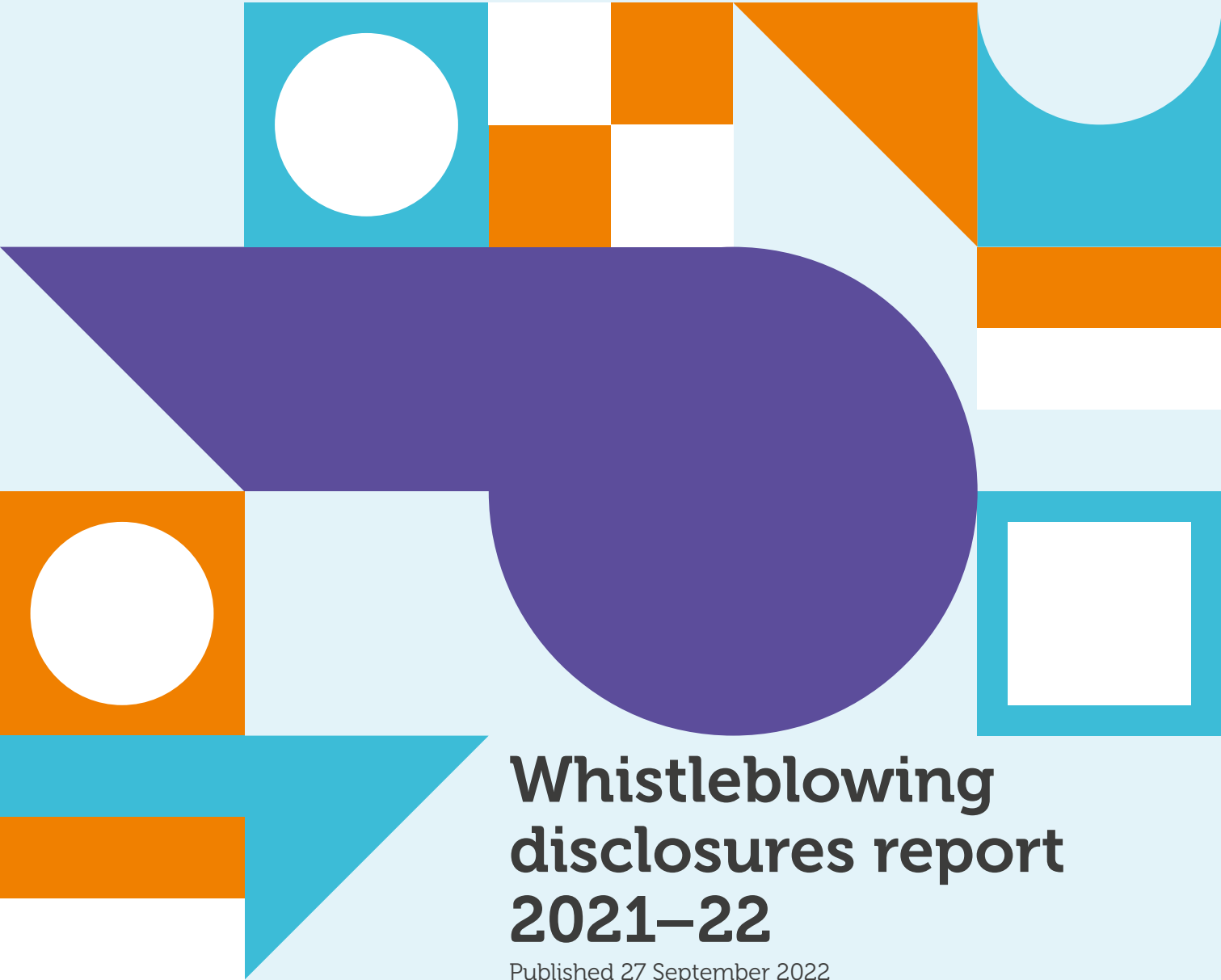
<https://www.bankofengland.co.uk/prudential-regulation/publication/2015/strengthening-individual-accountability-in-banking-ss>

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>

PRA Supervisory Statement 39/15: 'Whistleblowing in deposit-takers, PRA-designated investment firms and insurers', July 2018:

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



# Whistleblowing disclosures report 2021–22

Published 27 September 2022



HAPPY TO TRANSLATE

## Whistleblowing Disclosures Report 2021/22

### Introduction

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 2021/22, we received no internal whistleblowing complaints about the Care Inspectorate from staff or ex-staff.

In 2021/22, we received 5,595 complaints about care services, and this continues an overall trend for increasing numbers of complaints about services over the past 10 years. Of all the complaints we received, 27% were from employees (22%) or former employees (5%).

When someone makes a complaint, they can choose to remain completely anonymous. Over the past three years, the percentage of complaints received anonymously has increased: 67% of all complaints received this year compared with 64% in 2019/20.

Based on all the complaints received over a three-year period, the most likely group who wished to remain anonymous was those whose relationship to the service was also unknown – 81% did not wish to be named.

72% of employees and/or ex-employees and 70% of ‘other’ complainant types wished to remain anonymous. In contrast, 50% of people who experienced care were happy to be named. It is important to note that, in anonymous complaints, the relationship of the complainant to the service is based on the information provided by the complainant and is not verifiable by us.

We define whistleblowing complaints as:

Concerns or complaints, self-identified, as received from an employee or ex-employee of a registered care service; where these are anonymous concerns or complaints, we cannot verify the detail.

We publish each year a complaints report that details the numbers and types of complaints we receive as well as the pathways for resolving complaints. This report can be assessed [here](#).

### Impact of whistleblowing complaints

While the primary responsibility for protecting whistleblowers lies with the provider of the registered care service as the employer, the Care Inspectorate informs whistleblowers of their rights and signposts them to sources of support.

For the regulation of services, complaints are an important source of information, and whistleblowing complaints form a significant part of the overall number of complaints we receive. In 2021/2022, 27% (1510) of the concerns we received were defined as 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 to ensure their safety and wellbeing.

The complaints function of the Care Inspectorate is an important element in the continuum of our regulatory methodology and contributes to direct action and the accumulation of important intelligence. Each whistleblowing complaint irrespective of its disposal and outcome contributes to the overall scrutiny of care services and their journey of improvement. All complaints are included in our scrutiny assessment tool (SAT) which directly influences the shape, focus and timing of our inspection activity.

Where someone tells us they are a staff member or ex staff member we inform them of their protection under whistleblowing legislation. On the website we have information for whistleblowers and when we write to people, we include the following statement in the letter to them:

“As you have identified yourself as an employee/ex-employee in the registered care service, we are informing you that you have rights to protection under the Public Interest Disclosure Act. It can be stressful to raise a concern at work and as a whistleblower you should be supported.

The Care Inspectorate/SSSC leaflet (available at <https://bit.ly/2Lg4N1v>) gives further information regarding whistleblowing and signposts whistleblowers to organisations that can provide support, including:

Protect – a charity which provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise a concern <https://protect-advice.org.uk/>

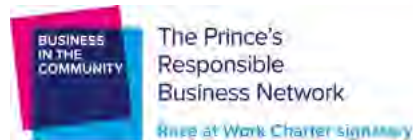
In conclusion, the Care inspectorate takes all concerns raised with us seriously, and have worked to support whistleblowers, where known, to resolve their concerns. We do this in a manner that confirms their rights with their employer and signpost people to sources of support.

## Headquarters

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This publication is available in alternative formats on request.



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# Annual report and accounts 2021/22





# Care Quality Commission

## **Annual report and accounts** 2021/22

Presented to Parliament pursuant to paragraph 10(4) of Schedule 1 of the Health and Social Care Act 2008.

Ordered by the House of Commons to be printed on 6 July 2023.

HC1665



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ISBN 978-1-5286-4289-7

E02937000 07/23

Printed on paper containing 75% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

# Key highlights

**10,114**

**Inspections carried out** with site visit



Including:

**126** Children's and Health & Justice

**51** Defence Medical Services

**45** IRMER inspections (Ionising Radiation Medical Exposure Regulations)

**263** Sample inspections

**Enforcement** representations received increased by

**46%**

**Whistleblowing** received increased by

**13%**

**Give Feedback on Care** received has seen an increase of

**51%**

**952,272**

**National Customer Service Centre transactions** carried out



**196,966** NCSC calls taken

**755,306** Emails and other processing sources

**4,392**

**Direct Monitoring Activities** carried out



**102**

**Urgent and emergency care** inspections carried out



**95**

**Learning disability and autism** inspections carried out



Received and reviewed **272** visiting concerns, with **114** relating to blanket bans

Released **770 beds** into the sector through carrying out **137 improvement** and **304 unrated services** inspections

Carried out **3,335 workforce pressure** reviews



**33,229**

**Registration**

applications completed



**Simple applications** processed in an average of 25.8 days

**Normal applications** processed in an average of 56 days

**Complex applications** processed in an average of 121.3 days

# Performance summary

Our ambition is set out in our strategy, published in 2021. What we have learned from the past 5 years puts us in a better position for the future. Our new strategy combines this learning and experience, and is further enhanced through valuable contributions from the public, service providers and all our partners.

Delivering on our strategy means our regulation will be more relevant to the way care is now delivered, and more flexible to manage risk and uncertainty. It will enable us to respond in a quicker and more proportionate way as the health and care environment continues to evolve. Our purpose and our role as a regulator won't change – but how we work will be different.

Our strategic ambitions are set out under 4 themes: people and communities, smarter regulation, safety through learning, and accelerating improvement. Running through each theme are 2 core ambitions: assessing local systems and tackling inequalities in health and care.

## Priority 1: People and communities

Our campaigns on 'Because we all care' continued quarterly across the year, with specific focuses on different audiences. Receiving feedback from people is a key element to our strategy. We use all feedback to help keep track on the quality of care that services provide. Through our 'Because we all care' campaign, as well as through other channels, we promote our Give Feedback on Care service. This year we saw a 51% increase in the volume of feedback we received, with a prominent increase in the primary medical services sector. Across the year we received over 64,000 pieces of feedback, an increase of more than 20,000 compared with 2020/21.

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

In 2021/22 we received 17,937 whistleblowing enquiries. This was a 13.3% increase from 2020/21, when we received 15,827 enquiries. The majority of these (80%) were about adult social care services, while 15% were about hospitals and the rest were about primary medical services.

This year we continued to focus on our digital capabilities. This has enabled us to deliver against our strategy and introduce new data collections. In 2020/21, driven by the need to adapt to the pandemic, we made substantial progress in our ability to monitor services. We continued to build on the learning from last year to further enhance our regulatory monitoring and activity with the use of technology. We recognised the need for further data and insight on the impact on workforce pressures in adult social care, as a result of COVID-19 vaccination becoming a condition of deployment and due to the wider pandemic itself. We created a data collection so that our inspectors, when carrying out inspections or monitoring calls, could collate key data about the sector. At the end of March 2022, we had carried out 3,335 workforce pressure reviews. Thirty-eight per cent of services indicated that

workforce pressures had had a negative impact on them, and 27% highlighted a delay in people accessing health care.

Our COVID-19 Insight reports continued to be a key part of our engagement and information sharing with the public, providers and stakeholders across the year. The aim of the Insight reports was to help everyone involved in health and social care to learn from what we know through our conversations and regulatory activity. This year our reports included areas around dental services, how services work together for people with a learning disability, and the quality of ethnicity data recording for mental health services.

- 479 Mental Health Act visits were carried out. The average inspection report was published in under 15 days.
- We published 6 Insight reports during the year.
- There were 26,424 safeguarding enquiries during the year (safeguarding concerns and safeguarding alerts).

## Priority 2: Smarter regulation

Throughout the pandemic, we kept our regulatory approach under review. This is in recognition of the changing pressures that health and social care services have found themselves working under. Our priority has always been to support services to ensure people receive safe care. We want to ensure our approach is appropriate and proportionate.

Throughout the year, we continued to ensure that our registration service was responsive to the needs of the sector. We fast tracked applications where the provider intended to deliver services that provide additional health and social care capacity, or that contributed to the control of the pandemic or the treatment of people with COVID-19. During winter, we ensured that any applications that supported winter pressure planning for NHS trusts, clinical commissioning groups or a local authority were also fast tracked.

We made good progress in our ambition to be intelligence-led and a responsive regulator. We have taken the learning from our Emergency Support Framework and launched our direct monitoring approach (DMA). Where the information we have does not find evidence that indicates we need to re-assess the rating or quality at a service, we now publish a short statement on the service's profile page on our website. This helps to inform the public that a review has taken place and that we had no concerns based on the information we held at the time.

Last year, we completed infection prevention and control (IPC) reviews as part of our response to the pandemic. These inspections and IPC methodology have continued to be a key tool. This year we reviewed IPC practices in 4,066 adult social care settings over 4,412 inspections.

- 21,169 services have a public statement published on our website following our intelligence review.
- We carried out more than 10,306 inspections across all sectors, an increase of 46% on the previous year.
- We completed 4,392 direct monitoring calls, across 4,003 services.





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

**1 April 2021 – 31 March 2022**

## 1. Introduction

The National Guardian's Office (NGO)<sup>1</sup> provides guidance, training and support for Freedom to Speak Up Guardians. The NGO provides support to the healthcare system in England on speaking up.

The NGO makes this report in accordance with the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.<sup>2</sup>

The NGO is a 'prescribed person'.<sup>3</sup> As such, under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, the office has a duty to annually report on the 'qualifying disclosures' workers have made to it. These disclosures are defined by section 43B of the Employment Rights Act 1996.<sup>4</sup> The meaning of 'qualifying disclosures' is described further below.

This report relates to the disclosures the NGO received between 1 April 2021 to 31 March 2022. The report summarises:

- the number of disclosures received
- how the NGO has responded to the disclosures
- how the disclosures have affected the NGO's ability to perform its functions and meet its objectives

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<sup>1</sup> National Guardian's Office, <https://www.nationalguardian.org.uk/>

<sup>2</sup> The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017. Available at: [The Prescribed Persons \(Reports on Disclosures of Information\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2017/11/section/1) (Accessed: September 23<sup>rd</sup>, 2022)

<sup>3</sup> Whistleblowing: list of prescribed people and bodies, Department of Business, Energy and Industrial Strategy. Available at: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/whistleblowing-list-of-prescribed-people-and-bodies) (Accessed: September 23<sup>rd</sup>, 2022)

<sup>4</sup> Employment Rights Act 1996, c.18. Available at: [legislation.gov.uk/ukpga/1996/18/section/43B](https://www.legislation.gov.uk/ukpga/1996/18/section/43B) (Accessed: September 23<sup>rd</sup>, 2022)

The information provided in this report is in accordance with guidelines and advice provided by the Department of Business, Energy and Industrial Strategy.<sup>5</sup>

The guidance sets out the purpose of the prescribed person's 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 whistle-blowers 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.”*

## 2. Definitions

### Qualifying disclosures

A 'qualifying disclosure' is defined under the Employment Rights Act.<sup>6</sup> It describes the circumstances where a worker, reasonably believing they are acting in the public interest, discloses information about a relevant failure.

Such 'relevant failures' include a breach of a legal obligation or a criminal offence.

A worker may make a disclosure using various communication methods. The number of disclosures reported below includes those the NGO has received by email, phone and directly to its staff in person.

The office determines a qualifying disclosure to be where the person speaking up is a worker and their disclosure relates to the office's work.

### Prescribed Persons

Prescribed persons provide workers with a mechanism to make their public interest disclosure to an external body, rather than directly to their employer.<sup>7</sup>

### Workers

When deciding whether someone is a 'worker', the NGO takes account of the statutory definition.<sup>8</sup> It takes the meaning further to ensure it supports as many individuals as possible working in an organisation to speak up.

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<sup>5</sup> Whistleblowing: prescribed persons guidance, Department of Business, Energy and Industrial Strategy. Available at: [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) (Accessed: September 23<sup>rd</sup>, 2022)

<sup>6</sup> Ibid., 4.

<sup>7</sup> Employment Rights Act 1996, c.18. Available at: [Employment Rights Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/18) (Accessed: September 23<sup>rd</sup>, 2022)

<sup>8</sup> Employment Rights Act 1996 Section 230, Available at: [legislation.gov.uk/ukpga/1996/18/section/230](https://www.legislation.gov.uk/ukpga/1996/18/section/230) (Accessed: September 23<sup>rd</sup>, 2022)



The NGO's definition of a 'worker' includes:

- An individual who has entered into, or works under a contract of employment
- An agency worker
- A non-employee undertaking training or working experience
- Student healthcare workers
- Self-employed persons
- Volunteers

### 3. Functions and Objectives of the National Guardian's Office

This report summarises how disclosures received by the NGO have affected the office's ability to perform its functions and meet its objectives.

The NGO is an independent, non-statutory body that provides:

- guidance, training and support to Freedom to Speak Up Guardians
- learning and improvement through speak up reviews and research
- support for the healthcare system in England on speaking up

### 4. Number of qualifying disclosures received, and actions taken

#### 4.1 Number of qualifying disclosures received

The NGO received 30 qualifying disclosures between 1 April 2021 and 31 March 2022. The NGO acted in response to each of them.

Where the NGO received multiple communications from the same individual about the same disclosure of information, it has counted that as one disclosure.

#### 4.2 Actions taken in response to disclosures received

The NGO took a range of actions in response to the qualifying disclosures it received. The frequency of those actions is listed below. In some cases, the NGO took more than one action in response to a disclosure.

Table 1 (below) provides a breakdown of the actions undertaken in response to the qualifying disclosures received by the NGO.

Table 1

Action in response to a disclosure	Frequency of action
Signposted a worker to the Freedom to Speak Up Guardian at their organisation, so that the worker could contact them for support to raise matters relating to their disclosure	13
Provided information or guidance to a Freedom to Speak Up Guardian to help them to support workers to speak up	19

Initiated a case review, providing information on how a referral for a case review could be made, or explaining the case review process	0
Contacted the enquirer to obtain further information	7
Signposted the worker to other sources of advice or guidance, or to an appropriate regulator, authority or body	13
Contacted an organisation to seek clarification and assurance about their speaking up arrangements	2
Raised a safeguarding alert with the relevant authorities and bodies	0

## 5. How disclosures have affected the National Guardian's Office's ability to perform its functions and meet its objectives

The disclosures referred to in this report have been used to inform, develop and improve:

- understanding of the freedom to speak up culture, and matters affecting it, across the healthcare sector in England
- guidance, training and support the NGO provides for Freedom to Speak Up Guardians
- Speaking up reviews and research

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

# Annual Report

## In this report

**Review of the Year**

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**Overview of 2021–2022**

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**Lists of Trade Unions and  
Employers' Associations; the Review of the Lists**

**Annual Returns**

**Operational Work Summary**

**Complaints**

**Political Funds**

**Trade Union Act 2016: Implementation**

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**Appendices –**

**Trade Union and Employers' Association Data**

**Certification Officer Functions**

**2021-22**

Kwasi Kwarteng MP  
Secretary of State for Business,  
Energy and Industrial Strategy  
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London  
SW1H 0ET

Clare Chapman  
Chair  
Advisory, Conciliation and Arbitration Service  
Windsor House  
8th Floor  
50 Victoria Street,  
London  
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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 2021 to 31 March 2022.

## Key Figures on Political Funds

The total income of political funds for 2020-2021 was £23.69 million compared with £24.75 million the previous year, a decrease of 4.28%. The total expenditure from political funds was £13.57 million compared with £24.22 million in the previous year, a decrease 43.97%.

The total amount held in political funds at the end of the reporting period was £51.88 million, an increase of 23.9% over the £41.87 million reported in the previous year.

4,094,287 union members contributed to a political fund in this reporting year compared with 4,213,849 in the previous year, a decrease of 2.84%.

Detailed statistical information is at Appendix 6.

## Protected Disclosures

I am a designated or a prescribed person under the Public Interest Disclosure Regulations 2014 in relation to relevant disclosures by employees/workers of trade unions and employers' associations.

Under Part IVA of the Employment Rights Act 1996 and the 2014 Regulations, employees/workers of a trade union or employers' association may be protected if they make a relevant disclosure to me. A relevant disclosure 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 I received no relevant disclosures.

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

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[Home](#) > [Whistleblowing disclosures made to the Charity Commission for England and Wales 2021 to 2022](#)



Transparency data

# Whistleblowing disclosures made to the Charity Commission for England and Wales 2021 to 2022

Published 29 September 2022

## Applies to England and Wales

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- [6. Whistleblowing in the Charity Commission](#)



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This publication is available at <https://www.gov.uk/government/publications/whistleblowing-disclosures-made-to-the-charity-commission-for-england-and-wales-2021-to-2022/whistleblowing-disclosures-made-to-the-charity-commission-for-england-and-wales-2021-to-2022>



# 1. The statutory framework

The Charity Commission is a ‘prescribed person’ under the [Public Interest Disclosure \(Prescribed Persons Order\) 2014](https://www.legislation.gov.uk/ukxi/2014/2418/pdfs/ukxi_20142418_en.pdf) ([https://www.legislation.gov.uk/ukxi/2014/2418/pdfs/ukxi\\_20142418\\_en.pdf](https://www.legislation.gov.uk/ukxi/2014/2418/pdfs/ukxi_20142418_en.pdf)), 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](https://www.legislation.gov.uk/ukpga/1998/23/contents) (<https://www.legislation.gov.uk/ukpga/1998/23/contents>)). 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](https://www.gov.uk/government/publications/risk-framework-charity-commission/regulatory-and-risk-framework) (<https://www.gov.uk/government/publications/risk-framework-charity-commission/regulatory-and-risk-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](https://www.gov.uk/government/publications/whistleblowing-guidance-for-prescribed-persons) (<https://www.gov.uk/government/publications/whistleblowing-guidance-for-prescribed-persons>) 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 whistle-blowers. 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 \(https://www.gov.uk/government/publications/risk-framework-charity-commission\)](https://www.gov.uk/government/publications/risk-framework-charity-commission).

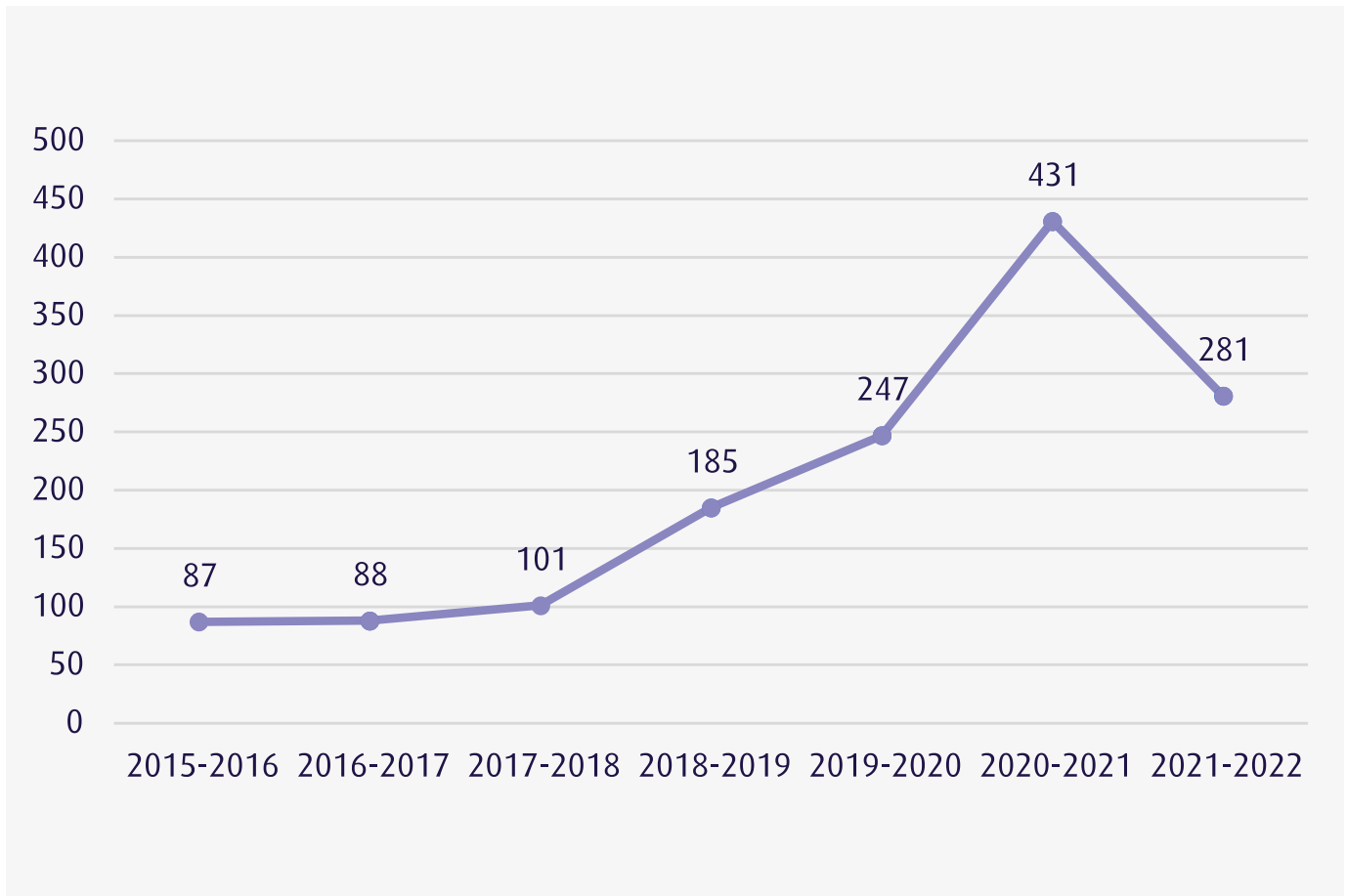
This helps ensure that the Commission's regulatory engagement with charities is proportionate, accountable, consistent, transparent and targeted as required by the Charities Act 2011.

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 2021 to 2022

We received 281 whistleblowing disclosures in 2021 to 2022 [\[footnote 1\]](#). This is the second highest in volume within the last six years but represents a decrease of 150 in the number of disclosures compared to the previous year, as shown below:



Key findings from 2021 to 2022 disclosures:

- the majority of disclosures are from employees
- the primary issues raised were governance, safeguarding or financial management concerns
- there has been a 35% decrease in the number of disclosures compared to the previous reporting period, however numbers remain above the recent average

In the previous reporting period, 2020-2021, we saw a 75% increase in whistleblowing disclosures, with a total of 431 reports. This may have been driven by the uncertainties and financial challenges caused by the Covid-19 pandemic as well as our improved approach to handling whistleblowing disclosures.

We consider that the 35% decrease in the number of disclosures in the latest reporting period could be as a result of some of the challenges associated with Covid-19 being less pronounced.

## 4.1 Source of whistleblowing disclosures

We continue to receive the majority of disclosures from employees (147, 52.3%), which includes current employees and ex-employees. The remaining disclosures are received from non-employees (134, 47.7%), which includes volunteers, ex-volunteers, ex-trustees and trustees. Last year, 50.8% of disclosures were from employees and 49.2% were from non-employees.

## 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 to identify what the charity does, who it helps and how it operates. The charities we received disclosures about varied across 34 different classifications.

Charity classifications and the number of disclosures are detailed below:

Who the charity helps and the number of disclosures made are detailed below:

How the charity operates and the number of disclosures made are detailed below:

As more than one classification can be used by a charity the numbers shown in these tables will be larger than the overall number of the 281 individual disclosures received.

## 4.3 Type of issues raised

When we open a case following a disclosure, we record the type of issue raised with us. The top three reported issues in 2021 to 2022 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 six years.

Similar to the last two years, governance is the most prominent type of reported issue. However, we have seen a decline in reporting for various types of issues in the last year. Reports regarding safeguarding have seen a slight decrease in the last year, reducing to 90 this year compared to 122 last year. Additionally, reports regarding financial harms have dropped to 50 this year compared to 121 last year, which may in part reflect the evolution of the pandemic as described earlier.

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 2021 to 2022 include: disputes (11), conflicts of interest (6), reputational damage (6), and GDPR breach (1).

The top three types of issues reported by employees and ex-employees are:

The other types of issue disclosed by employees and ex-employees in 2021 to 2022 include: reputational damage (4), conflicts of interest (2) and disputes (1).

The top three types of issues reported by trustees and ex-trustees are:

The other types of issue disclosed by trustees and ex-trustees in 2021 to 2022 include: disputes (5), conflicts of interests (4) and reputational damage (1).

The top three types of issues reported by volunteers and ex-volunteers are:

The other types of issue disclosed by volunteers and ex-volunteers in 2021 to 2022 include: disputes (5), GDPR breach (1) and reputational damage (1).

## 4.4 Action we have taken

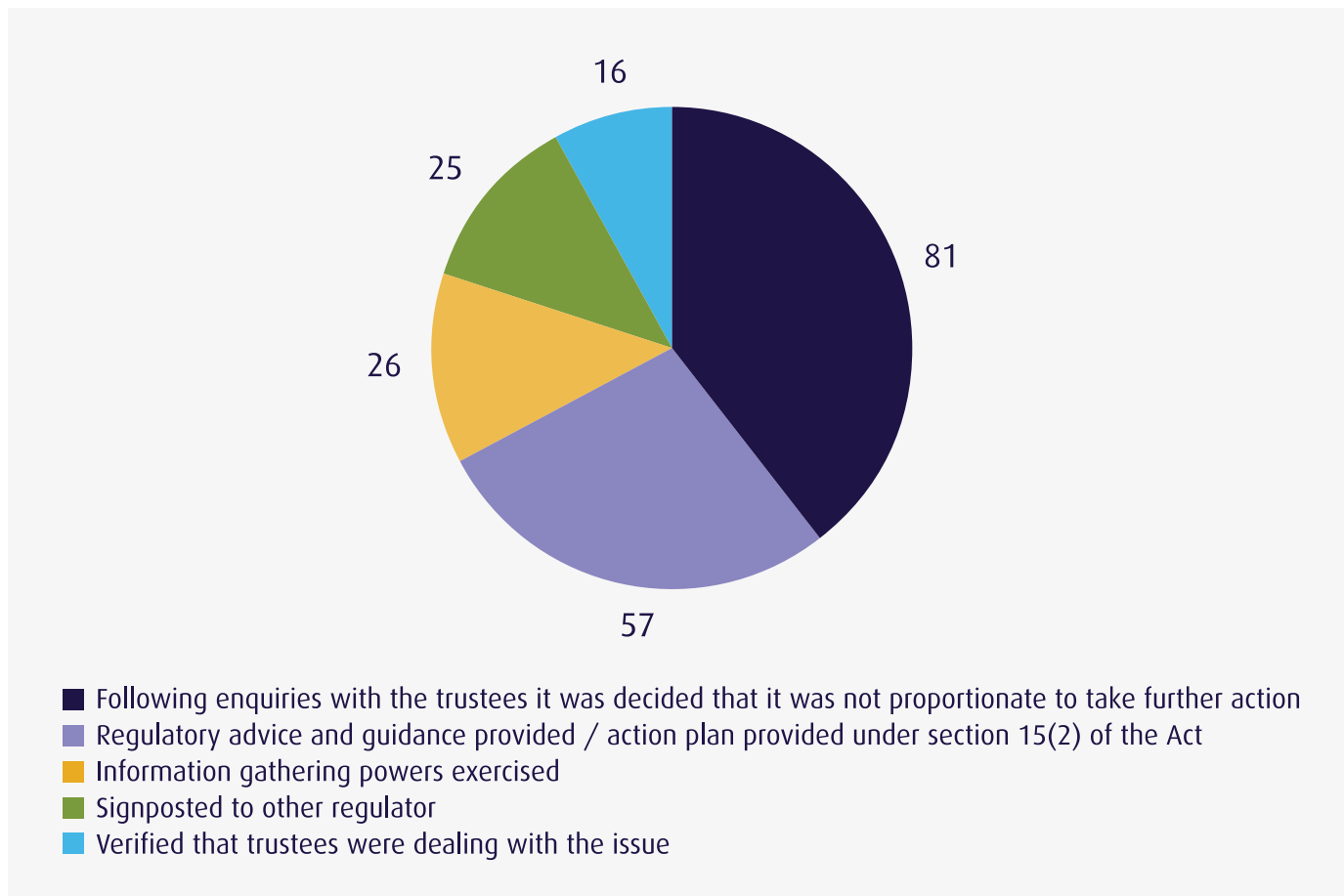
The action we take is guided by our [Risk and Regulatory Framework](https://www.gov.uk/government/publications/risk-framework-charity-commission/regulatory-and-risk-framework) (<https://www.gov.uk/government/publications/risk-framework-charity-commission/regulatory-and-risk-framework>).

Our assessment of the nature and level of risk of the 281 disclosures led us to:

- open a case in response to 243 (86.4%) of the disclosures, so we could consider further regulatory engagement. Of these, we assessed that 196 warranted making enquiries of the relevant charity
- the remaining 38 (13.6%) disclosures received related to a case which was already open against the charity in the same period

179 (64%) of the 281 cases relating to disclosures were closed by the end of the reporting period. When a case is closed, we record what we have done by recording the outcome. Please note, more than one outcome can be applied to an individual case.

The closed cases broadly fell into the following categories:



## 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.

Examples of impacts include:

- opening compliance cases into charities where the disclosure identified a 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. Whistleblowing in the Charity Commission

Supporting and encouraging disclosures to be made to us enables the Commission to fulfil its statutory objectives (as set out in paragraph 2).

It also assists us in our key strategic objective of holding charities to account and dealing with wrongdoing and harm whilst delivering on our purpose to ensure charity can thrive and inspire trust so that people can improve lives and strengthen society.

Our approach to whistleblowing continues to evolve and it is an important part of how the Commission uncovers wrongdoing and harm in charities.

We are continuing to promote the confidential advice line service run by the independent charity Protect, which enables potential whistle-blowers to access support and guidance from the experts and encourages individuals to report wrongdoing in charities to the relevant authorities, including the Commission. This service can be accessed via Protect's specialist freephone number of 0800 055 7214.

Individuals who want to make a disclosure to us have an easy way to approach us via our dedicated email address of [whistleblowing@charitycommission.gov.uk](mailto:whistleblowing@charitycommission.gov.uk) and follow up phone call from the Commission ensures that they will be listened to.

Our policy of offering to speak directly with each whistleblower on receipt of their disclosure is a key part of our assessment function. This is our standard approach and allows us to better identify and investigate wrong-doing and potential misconduct and mismanagement in the administration of charities.

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1. In our 2021/ 2022 Annual Report we reported that we had received 287 whistleblowing disclosures. Upon further checking of the underlying information source we have identified an error and include the revised and verified figure of 281 in this report.

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## Whistleblowing Disclosures

1 April 2021 to 31 March 2022

### 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 Children's Commissioner's office whistle-blowing procedures are consistent with the Public Interest Disclosure Act and have been in place throughout 2020-21.

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

Sometimes the Children's Commissioner's office is the first organisation that the whistle-blower has raised their concerns with and on other occasions they have raised them many times before and felt no one was listening, and so approach the office as a final resort. The Employment Tribunal may also refer claims to the Children's Commissioner's office when they feel that the Commissioner is the relevant prescribed person.

The Children's Commissioner's office recognises, in accordance with established protocols, that whistleblowing is an important avenue for those with genuine concerns about an organisation and its conduct towards children to raise such concerns so that they can be addressed without that individual being concerned for their employment or position.

The Children's Commissioner office has published [policy and guidance for whistleblowers](#) on their website.



### Activity in 2021/22

During 2020/21 the Children's Commissioner's office received seventeen whistle-blowing concerns from a range of sources including employees of children's services, children's homes, and unregulated accommodation.

Many of these concerns were primarily relating to failures in safeguarding procedures. A typical example would be a children's home employee alleging that children in home are not getting adequate supervision to keep them safe and that DBS checks were not carried out on staff. In these cases, the Children's Commissioner's team will make referrals to Ofsted and LADO as the relevant agencies to investigate concerns and will keep the whistle blower updated as appropriate.

### Breakdown of disclosures received from 1 April 2020 to 31 March 2021

<b>Service the disclosure relates to</b>	<b>Number of Disclosures Received</b>
Children's Homes	4
Local Authority	3
NHS service	1
School	2
Unregulated setting	5
Early years provider	2
<b>Total</b>	<b>17</b>

<b>Action taken in the reporting period</b>	<b>Number of Disclosures Received</b>
All concerns were sent to the appropriate bodies including the local authority, police and Ofsted	12
Not taken forward: closed through lack of engagement/ information from the whistle-blower or matter already been investigated	5

# Children`s Commissioner for Wales`

## Whistleblowing Disclosures

### Annual Report 2021 – 2022

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 1.4.21 – 31.3.22	1
The number of qualifying disclosures where the Children`s Commissioner for Wales decided to take further action	1

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

Our office received an anonymous whistleblowing allegation about the behaviour of teachers towards pupils at a primary school, but with insufficient information for us to investigate. Contact was made with the Whistleblower seeking further information, which was not forthcoming. We made contact with the Local Authority Safeguarding in Education Officer and the information we had received about the school was passed on to them to consider if there was any action they could take.

#### 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**).

# Annual Report

2021-2022



## GOVERNANCE AND RESPONSES

We are a public body and we have statutory duties to ensure good governance. This year, we have once again had to reflect on our priorities, activities, and the way we work. The pandemic continued to have an impact on us, and we had to respond dynamically to meet its challenges.

### ACCESS TO INFORMATION

Our office is committed to openness and transparency, particularly in relation to freedom of information and environmental information rights, where anyone can ask for and be given the information we hold, unless we can give a good and lawful reason for not providing it. We responded to 11 freedom of information requests in 2021-22. We responded to ten requests within the required 20 working days, with an average response rate of 16 working days. We provided a late response to one request, taking 21 working days to respond. We received two requests for an internal review, both of which were responded to within the required 20 working days. One request was the subject of an application for a decision to the Scottish Information Commissioner, who found that we had complied with the Freedom of Information (Scotland) Act in responding to the Applicant's request. We did not receive any requests for environmental information.

We are also subject to UK data protection law. This law gives everyone, including children and young people, more control over how their personal information is used, shared and stored. Importantly it also requires organisations, including our office, to be more accountable and transparent about how we use personal information. We have the support of a Data Protection Officer who is independent of our office. They check to see how well we are complying with data protection law, provide us with advice, and issue recommendations on how we can best meet our data protection obligations.

### WHISTLEBLOWING REPORT

In the year ending March 2022, we received two whistleblowing disclosures, both linked to one local authority. Both were stark illustrations of not just the importance of the right to complain, but of the need for robust, rights-based, transparent complaints procedures to ensure that children and young people and their parents/carers can make well-informed decisions.



### CORPORATE PARENTING

The Commissioner is defined as a corporate parent by the Children and Young People (Scotland) Act 2014 and we also have duties to support care experienced children and young people up to the age of 21 under the Commissioner for Children and Young People (Scotland) Act 2003, which set up our office.

As mentioned previously on P32, the Commissioner spoke at the UN Committee on the Rights of the Child's Day of General Discussion on Children's Rights and Alternative Care, in his role as Chair of the European Network of Ombudspersons for Children. We have continued to work to improve the ways in which we engage with a range of care experienced children and young people across all our policy and participation work, as part of our work to realise [The Promise](#). Examples of this include our ongoing work on implementation of the Children (Scotland) Act 2020; our work on Covid recovery, including our evidence to the Covid Recovery Committee; and in November 2021 the Commissioner gave evidence to the Scottish Parliament's Education, Children and Young People Committee on the impact of Covid-19 on children with additional support needs and care experienced young people.





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 [@cypcs](https://twitter.com/cypcs)  [@cypcs](https://www.instagram.com/cypcs)  [/cypcs](https://www.facebook.com/cypcs)

If you would like this document in another format, please let us know.

# Make a Whistleblowing report

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 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 UK (EU) 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](#) (<http://publicapps.caa.co.uk/modalapplication.aspx?catid=33&pagetype=65&appid=43>) or via [whistleblowing@caa.co.uk](mailto:whistleblowing@caa.co.uk) (<mailto: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](mailto:whistle@protect-advice.org.uk) (<mailto:whistle@protect-advice.org.uk>).

You can find out more about whistleblowing from the [Protect \(https://protect-advice.org.uk/\)](https://protect-advice.org.uk/) 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 \(https://protect-advice.org.uk/\)](https://protect-advice.org.uk/).

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.

Between 2020 and early 2022 this changed to nearer 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.

	<b>April 2018 to March 2019</b>	<b>April 2019 to March 2020</b>	<b>April 2020 to March 2021</b>	<b>April 2021 to March 2022</b>
Total number of disclosures of information handled by the CAA under its whistleblowing process, including qualifying disclosures	265	317	220	177
The number of those disclosures of information where the CAA were able to take further action	254	311	210	173

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	104	96	62	63
The number of qualifying disclosures of information where the CAA were able to take further action	101	94	60	62

## 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.

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## Whistleblowing Disclosures made to the Competition and Markets Authority for the period 1 April 2021 to 31 March 2022

1. The Competition and Markets Authority (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. The CMA’s mission is to make markets work well in the interests of consumers, businesses and the economy. Further information is contained in the CMA Annual Plan 2022/2023.<sup>1</sup>
2. The Prescribed Persons Regulations 2017 requires ‘Prescribed Persons’, such as the CMA, 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.
3. Under the Public Interest Disclosure Act 1998 (PIDA 1998) and The Prescribed Persons Order 2014 (PPO 2014) the CMA is designated a ‘Prescribed Person’. This legislation enables workers<sup>2</sup> to contact the CMA and make ‘qualifying disclosures’ whilst being afforded the protections provided by PIDA 1998.
4. 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.
5. Under the PPO 2014, the CMA can consider 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’.
6. During 1 April 2021 to 31 March 2022 the CMA received the following qualifying disclosures in its role as a Prescribed Person:

Total number of qualifying disclosures received	21
Initial investigation only – held for intelligence	7
Further investigation/action taken	14

<sup>1</sup> <https://www.gov.uk/government/news/cma-publishes-annual-plan-2022-to-2023>

<sup>2</sup> [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/26)

7. This information has assisted the CMA in delivering effective enforcement. 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.
8. Specific cases cannot be referred to in this report as either activity is still ongoing or it could identify the person providing information, the employer involved or the activity reported. It is clearly essential for the CMA to have access to complete and accurate information to carry out investigations properly and the whistleblower process supports this.

# ANNUAL REPORT AND ACCOUNTS 2021/22





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# Criminal Cases Review Commission Annual Report and Accounts 2021/22

For the period 1 April 2021 to 31 March 2022

Report presented to Parliament pursuant to paragraph 8(3) of Schedule 1 to the Criminal Appeal Act 1995.

Accounts presented to Parliament pursuant to paragraph 9(4) of Schedule 1 to the Criminal Appeal Act 1995.

Ordered by the House of Commons to be printed on 18 October 2022

HC 634



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Criminal Cases Review Commission, 23 Stephenson Street, Birmingham, B2 4BH.

ISBN 978-1-5286-3516-5

E02763177 10/22

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

previous year, are still not at pre-COVID-19 numbers, which we have linked to restrictions within prisons.

- Exposure to legal action – We must ensure that there are adequate quality assurance processes in place and more robust scrutiny of assertions made in cases to reduce the exposure to legal action taken against the CCRC. We also engage with applicants who seek judicial review or to bring other legal action.

## Assurance

The framework within the CCRC that provides assurance is based on HM Treasury’s ‘three lines of defence’ model. The conceptual model of three lines of defence is derived from:

- first line: management assurance from frontline or business operational areas
- second line: oversight of management activity, separate from those responsible for delivery, but not independent of the organisation’s management chain
- third line: independent and more objective assurance, including the role of internal audit and from external bodies (e.g. accreditation and Gateway reviews)

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

## Effectiveness of whistleblowing policy

Our whistleblowing policy was reviewed and revised during 2021/22, reinforcing the role of the independent non-executive directors as whistleblowing champions. In 2021/22, 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 of the CCRC, 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 CCRC to report annually on any such disclosures made to us, how they were handled and what actions were taken. During 2021/22, we received no disclosures (during 2020/21 we received none).



Corporate report

# Whistleblowing about environmental malpractice: annual report 1 April 2021 to 31 March 2022

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

## **We are the Environment Agency. We protect and improve the environment.**

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

## **The Environment Agency's functions, objectives and statutory powers**

We were established in 1996 to protect and improve the environment. We have around 10,600 employees. Our head office is in Bristol and we have another office in London. We have offices across England, divided into 14 areas.

Within 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

We are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

Our priorities and objectives are to:

- work with businesses and other organisations to manage the use of resources
- increase the resilience of people, property and businesses to the risks of flooding and coastal erosion

- protect and improving water, land and biodiversity
- improve the way we work as a regulator to protect people and the environment and support sustainable growth

Read more about [EA2025 plan](#).

This is our ambition for how we plan to create better places for people, wildlife and the environment.

This document includes our purpose, priorities, culture and values as well as how we will help to deliver the 25-year environment plan. It includes the metrics we will be measured against, so we know when we are succeeding in our ambitions. This document also describes three long term goals that will drive everything we do today, tomorrow and to 2025.

### Statutory powers

Our principal statutory responsibilities for regulating and managing the environment are to:

- regulate industrial processes to prevent or minimise pollution to the environment as a whole;
- regulate the disposal of radioactive waste and the keeping and use of radioactive material and accumulation of radioactive waste;
- regulate the treating, keeping, movement and disposal of controlled waste to prevent pollution of the environment or harm to human health, in a manner which is proportionate to the threat posed;
- preserve or improve the quality of rivers, estuaries and coastal waters through its powers to regulate, prevent, mitigate or remedy pollution to water;
- take any necessary action to conserve, redistribute, augment and secure proper use of water resources;
- exercise a general supervision over all matters relating to flood and coastal risk management; we also have powers to take certain flood and coastal risk management measures as approved by Regional Flood Defence Committees;
- maintain, improve and develop salmon, trout, freshwater and eel fisheries;
- promote the conservation and enhancement of inland and coastal waters, and their use for recreation;
- maintain or improve non-marine navigation;
- regulate the remediation of contaminated land designated as special sites; and
- administer, in accordance with regulations on producer responsibility, registration of businesses and exemption schemes, and monitoring and enforcement of associated obligations.
- Our work helps to support a greener economy through protecting and improving the natural environment for beneficial uses, working with businesses to reduce waste and save money, and helping to ensure that the UK economy is ready to cope with climate change.

# List of disclosures

We received 8 disclosures between 1 April 2021 and 31 March 2022. Some of these were anonymous. We cannot always be certain whether a disclosure has been made by employees wishing to make 'qualifying disclosures' under the whistleblowing legislation about their employers or other third parties.

Here is a summary of the disclosures we received that may have been "qualifying disclosures".

## Disclosure 1

### **Date of disclosure**

11 May 2021

### **Summary of disclosure**

Allegation that a company paid a landowner to deposit waste on their land unlawfully.

### **Action taken**

The report was assessed at the time and the occupier of the land in question was contacted. The risk to the environment was not deemed serious or significant and no further action was taken.

### **Impact on the Environment Agency**

The local planning authority led on the response. The site was not visited by the Environment Agency as it did not meet the criteria for attendance. The report was re-assessed and no further action was required.

## Disclosure 2

### **Date of disclosure**

29 August 2021

### **Summary of disclosure**

Allegations of burning of plastic silage wrap on agricultural property, illegal waste deposits and burning from other sources.

### **Action taken**

The investigating officer was unable to categorically confirm that the premises identified were responsible for the alleged environmental offences. It was categorised as category 3 ("minor impact"). However, the officer issued appropriate advice and guidance to the operator as appropriate and would continue to monitor the site.

### **Impact on the Environment Agency**

The only impact on the Environment Agency has been providing appropriate resource to carry out preliminary investigation and to issue the advice and guidance.

## Disclosure 3

### **Date of disclosure**

1 October 2021

### **Summary of disclosure**

An anonymous person reported pollution discharge into a river.

### **Action taken**

Our investigations did not substantiate any impact on the environment.

### **Impact on the Environment Agency**

There was no impact – the report was not substantiated.

## Disclosure 4

### **Date of disclosure**

17 November 2021

### **Summary of disclosure**

Report of a number of alleged environmental permit breaches at a waste company, namely a failure to store waste correctly, discharging paint down drains and storing hazardous waste on the roadside outside their premises.

The incident was allocated to the Site Responsible Officer for the site.

An unannounced site visit was carried out on 23 November 2021 and inspections were carried in respect of the alleged permit breaches. The officer found no waste outside of the site boundary or adjacent to the highway as reported, waste was being adequately separated and there was no evidence of paint being poured down the drains in either of the warehouses (it was found the drains were sealed sumps and not connected to foul or surface water drains).

No permit breaches were identified.

### **Impact on the Environment Agency**

The only impact on the Environment Agency was providing the resource to carry out on-site investigations.

## Disclosure 5

### **Date of disclosure**

25 January 2022



**Summary of disclosure**

An anonymous allegation against an operator of polluting a watercourse.

**Action taken**

This was classified as a category 3 (“minor impact”) and it was not deemed necessary to attend the site given the low risk to the environment.

**Impact on the Environment Agency**

There no impact on the Environment Agency.

## Disclosure 6

**Date of disclosure**

10 March 2022

**Summary of disclosure**

A person notified us that they were intending to raise concerns relating to a water company.

**Action taken**

The Environment Agency was contacted by someone who intended to raise a concern about a water company, but no further contact was received.

**Impact on the Environment Agency**

There was no impact on the Environment Agency.

## Disclosure 7

**Date of disclosure**

15 March 2022

**Summary of disclosure**

A person raised concerns about the actions taken by a water company.

**Action taken**

This is subject to ongoing investigation.

**Impact on the Environment Agency**

The only impact on the Environment Agency has been providing appropriate resource to carry out ongoing investigations.

## Disclosure 8

**Date of disclosure**

4 May 2021

### **Summary of disclosure**

A person raised allegations of unpermitted deposits at a landfill site.

### **Action taken**

As the site is already under investigation, these allegations have been included.

### **Impact on the Environment Agency**

The only impact on the Environment Agency has been providing appropriate resource to carry out ongoing investigations.

## **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.

[Find out more about what the Environment Agency is responsible for.](#)

[Find out about other ways you can report whistleblowing.](#)

## **Contact the Environment Agency**

General enquiries

National Customer Contact Centre  
PO Box 544  
Rotherham  
S60 1BY

Email [enquiries@environment-agency.gov.uk](mailto: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.

# Whistleblowing report for 2021 to 2022

Legal, Intelligence and Impact team

# Contents

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## Introduction

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.

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

We became a prescribed body for whistleblowing in November 2019. This means workers who are concerned that their employer is committing breaches of equality and human rights law can [report their concerns to us](#).

This report:

- describes what legal (litigation and enforcement) powers we have and how we use them in the context of our whistleblowing role
- describes how we respond to the whistleblowing reports (disclosures) made to us, and
- gives information on the whistleblowing disclosures that were made to us between 1 April 2021 and 31 March 2022.

This report covers work undertaken during our [Strategic plan for 2019–21](#).

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## Who we are and what we do

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. A simple belief drives our work: 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 Britain’s national equality body and have been awarded an ‘A’ status as a National Human Rights Institution 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 businesses.

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, please read:

- our [Strategic plan](#), which explains our goals and aims for 2019–22
- our [Business Plan 2021-22](#), which describes our aims for the year and the projects we worked on in 2020–21.

---

## How we use our litigation and enforcement powers

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 relevant strategic priorities. For this reporting cycle, 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, there are other factors we will consider when deciding whether to use our legal powers.

We consider 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 some organisations or sectors).

We also consider 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 others may take.

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
- if the scale of the problem and the likely impact we will have justifies the amount of resources we will need to achieve it
- if there are more effective ways of achieving the desired outcome
- if 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
- if 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](#) describes our legal powers, what we use them for and how we decide when to use them.

---

## How we respond to whistleblowing disclosures

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 we receive and assess it to decide whether to pursue regulatory action. When we do this we also consider 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 manage their expectations. In many cases, we don't need to contact a whistleblower following our initial response. Generally we only do so if we require additional information from them.

Even if we do not take 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

Between 1 April 2021 and 31 March 2022, we received 199 whistleblowing disclosures.

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### Action we have taken

We are a strategic regulator. Our approach for the period covered by this report has generally been to only use our legal powers to tackle issues that advanced our core aim or one of our five priority aims described in our Strategic plan 2019–22.

Approximately 67% 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 taken – it did not align with our strategic priorities or meet the criteria set out in our litigation and enforcement policy	133	67%
No further action taken – there was not enough information disclosed for us to determine whether the disclosure is in our remit or whether it aligns with our strategic priorities or meets the criteria in our litigation and enforcement policy / other	5 <sup>1</sup>	3%
Considered further for potential enforcement action	10 <sup>2</sup>	5%
Outside of our remit as a regulator or prescribed body	51	25%

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<sup>1</sup> In two matters, the whistleblower responded to a request for information to say they had resolved the issue and withdrew the disclosure. Two of these matters did not have sufficient information and the whistleblower was anonymous and could not be contacted. For one of these cases we are still awaiting information from the whistleblower to be able to assess the disclosure.

<sup>2</sup> The 10 matters given further consideration for potential enforcement action are listed in the table below.

	Issue	Action / impact
1	Disability discrimination, failure to make reasonable adjustments in relation to a face covering policy in leisure sector organisation	Concluded after correspondence with organisation. We were satisfied with the assurances provided by the organisation that they would comply with relevant legislation and communicate the policy clearly to managers within the organisation.
2	Unequal pay and concerns about inaccurate reporting of Gender Pay Gap (GPG) information by a public sector organisation	No further action taken. Issues raised related to a period when the organisation was not required to report GPG information. The intelligence received will inform how we monitor the accuracy of data reported.
3	Failure of public sector employer to refer to transgender employees in HR policies	No further action taken.
4	Discrimination by public sector employers relating to transgender issues in the context of HR policies	No further action taken.
5	Sex discrimination in the assessment of nominations in a public sector organisation	No further action taken.
6	Use of definitions of 'sex' and 'gender' within internal documentation of publicly funded organisation	No further action taken.
7	Age discrimination relating to the requirement to attend meetings in person (public sector)	No further action taken.

	Issue	Action / impact
8	Sexual assault and sexual harassment of an employee in the retail sector employer	Ongoing confidential enforcement action being pursued with the employer organisation.
9	Discrimination by education provider relating to its Gender Identity policy	No further action. We determined no evidence of an unlawful act to form a basis for enforcement work.
10	Sexual orientation and race discrimination by a retail employer during recruitment	Under consideration given ongoing employment tribunal proceedings and time period over which the issues relate.

---

## Issues disclosed to us

Of the disclosures determined to be in our remit (150 in total), we identified 189 separate issues. This was because some whistleblowers raised more than one issue in the same disclosure.

- 76% 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 or students, and
- in 7%, it was unclear whether the issues related to the treatment of staff or service users, customers or students.

**Types of equality or human rights issue raised in disclosures about the treatment of staff**

Type of issue	Number	Percentage
Race discrimination or harassment	48	34%
Disability discrimination, harassment or failure to make reasonable adjustments	29	20%
Sex discrimination or harassment	24	17%
Religion or belief discrimination (or harassment)	6	4%
Age discrimination or harassment	9	6%
Sexual harassment	6	4%
Sexual orientation discrimination or harassment	5	3%
Victimisation	5	3%
Human rights breach	6	4%
Pregnancy or maternity discrimination	2	1%
Gender reassignment discrimination	2	1%
Marriage discrimination	1	1%

**Types of equality or human rights issue raised in disclosures about the treatment of service users, customers or students**

Type of issue	Number	Percentage
Race discrimination or harassment	7	22%
Disability discrimination, harassment or failure to make reasonable adjustments	13	41%
Sex discrimination or harassment	3	9%
Age discrimination	2	6%
Victimisation	4	13%
Human rights breach	2	6%
Gender reassignment discrimination	1	3%

**Types of equality or human rights issue raised in disclosures where it was unclear if the issue related to the treatment of staff or of service, users, customers or students.**

Type of issue	Number	Percentage
Race discrimination or harassment	4	29%
Disability discrimination, harassment or failure to make reasonable adjustments	2	14%
Religion or belief discrimination (or harassment)	1	7%
Age discrimination or harassment	3	21%
Sexual orientation discrimination or harassment	1	7%
Human rights breach	3	21%

## Details provided of worker or employer

The tables below set out how many disclosures (out of those in our remit) did and did not include details of the whistleblower themselves or their employer.

### Worker details provided

Worker details / anonymous	Number	Percentage
Worker details	131	87%
Anonymous	19	13%

**Employer details provided**

<b>Employer details / no details</b>	<b>Number</b>	<b>Percentage</b>
Employer details	135	90%
No details	15	10%



## Summary

The Equality and Human Rights Commission received 199 whistleblowing disclosures between 1 April 2021 and 31 March 2022.

We determined that about 28% of those disclosures were either outside of our remit or did not include enough information to make a full assessment.

We assessed the remaining disclosures (143 in total) to determine whether they aligned with our current strategic priorities and the criteria in our litigation and enforcement policy. About 93% of these did not merit further action by us because the issues did not align with those priorities or criteria.

We referred 10 (about 7%) of the disclosures in our remit to our enforcement team for further assessment to identify the most appropriate response.

Of these:

- we decided to take no further action on seven matters
- one was concluded following scoping or early enforcement work by the Enforcement team, and
- two matters remain ongoing at the time of writing.

# Ethical Standards Commissioner

## WHISTLEBLOWING REPORT

2021/22

## 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 2000. 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 2021 to 31 March 2022 the Commissioner received no qualifying whistleblowing disclosures.

The statutory template for reporting is published below:

Category	Number of disclosures
Number of non-qualifying disclosures	14
Number of disclosures withdrawn prior to confirming whistleblowing status	0
Number of qualifying disclosures	0
Number of qualifying disclosures requiring no further action	0
Number of qualifying disclosures requiring further action	0
Number of disclosures to be assessed as at 31 March 2022	4

The Commissioner investigates complaints about the conduct of Scottish local authority Councillors and the board members of specified Scottish public bodies. We offer all complainers the opportunity to identify as a whistle-blower and then investigate the circumstances to establish whether they qualify as such. We rarely receive complaints from workers of public bodies and local authorities.. In all instances during the year, the disclosure was non-qualifying as the complainer was not a worker.

## 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.



Ian Bruce  
Acting 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](http://www.ethicalstandards.org.uk)

**General enquiries**

E: [info@ethicalstandards.org.uk](mailto:info@ethicalstandards.org.uk)



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## Whistleblowing: Make a report in confidence

If you think a firm or individual is involved in wrongdoing in an area we regulate and you need to make a report in confidence, you can speak to us. Every report we receive will be considered and we will protect your identity.



## Whistleblowing

Whistleblowing reports are a vital source of our information. They give us unique insight into the sectors and firms we regulate, helping us to do our job and protect consumers. We assess every report we receive. Reports can lead to action against a firm or individual and can help inform our supervisory and enforcement strategies for both sectors and firms.

Between April 2021 and March 2022, we received and assessed 1,041 whistleblower reports with 2,114 separate allegations.

In July 2021, we introduced webforms to give whistleblowers a quicker and easier way to report concerns to us. Between then and end March 2022, whistleblowers sent us 274 webforms. This hasn't led to an increase in overall reports from the previous year (1,046 reports

March 2020 to April 2021), but it has reduced the number of whistleblowers who use other channels, such as our helpline and email.

As of 20 April 2022, these 1,041 reports have led to:

- significant action to manage harm in three cases – this may include enforcement action, a s166, or restricting a firm's or individual's permissions
- action to reduce harm in 96 cases – this may include writing to or visiting a firm, asking it for information, or asking it to attest to complying with our rules
- 99 cases informing our work, including harm prevention, but no direct action
- 42 cases being considered not relevant to the prevention of harm
- 801 cases remain under assessment, which means that they are being reviewed by the relevant teams across the FCA

99

**cases informing our work, including harm prevention, but no direct action**

42

**cases being considered not relevant to the prevention of harm**

801

**cases remain under assessment, which means that they are being reviewed by the relevant teams across the FCA**





Financial Reporting Council

# Financial Reporting Council Annual Report and Financial Statements for the Year Ended

31 March 2022  
HC 391





# Financial Reporting Council Limited

## Annual Report and Financial Statements 2021–2022

For the period 1 April 2021 to 31 March 2022

Presented to Parliament pursuant to the Secretary of State for  
Business, Energy and Industrial Strategy by Command of Her Majesty

Ordered by the House of Commons to be printed on 19 July 2022



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Any enquiries regarding this publication should be sent to us at Financial Reporting Council Limited 125 London Wall London EC2Y 5AS.

ISBN 978-1-5286-3398-7

E02754187 07/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office



## 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 (also known as 'making a disclosure'). The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, provides the legal framework for protecting workers from harm if they blow the whistle. The purpose of a prescribed person is to provide 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 that are within the scope of the FRC's regulatory remit.

During 2021/22 the FRC received 61 disclosures in its capacity as a prescribed person. In respect of the disclosures made, the following action was taken:

- Fifty-five related to issues not within the remit of the FRC, but the whistleblowers were signposted to the relevant bodies where appropriate.
- Six were of direct relevance to the FRC's responsibilities and were addressed by the relevant teams.

### Complaints about the FRC

During 2021/22, five new complaints were received about the FRC. None raised significant issues of wider concern and were handled under the FRC Complaints Procedure.

Concerns were raised regarding:

- Dissatisfaction with the FRC's review of the handling of their complaint by the relevant professional body.
- Issues with the publication process.
- That a complainant was not updated following a historical complaint.
- Issues with being unsubscribed from a newsletter.

All of the complaints have been reviewed, investigated and responded to. One complainant exercised their right to have their complaint escalated to the Independent Complaints Reviewer, which is currently under review.

Additionally, during the course of the year, one historical complaint was passed to the Independent Complaints Reviewer, which was not upheld and the FRC was found to have acted in accordance with our processes.

The FRC does not accept any liability to any party for any loss, damage or costs, however arising, whether directly or indirectly, whether in contract, tort or otherwise from action or decision taken (or not taken) as a result of any person relying on or otherwise using this document or arising from any omission from it.

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Registered in England number 02486368.

Registered Office: 8th Floor, 125 London Wall, London, EC2Y 5AS



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# **Whistleblowing Annual Report 2021/22: 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 2021 to 31 March 2022 whistleblowing disclosures must be published no later than the end of September 2022.

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 –
  - Qualifying disclosures within the meaning of section 438 of the Employment Rights Act 1996; and
  - Which fall within the matters in respect of which that person is so prescribed.
- b. The number of those disclosures in relation to which the Prescribed Person decided during the reporting period to take further action.
- c. A summary of –
  - The action the Prescribed Person has taken during the reporting period in respect of those disclosures; and
  - 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 2021 to 31 March 2022 inclusive:**

- a. (i) We received a total of 222 disclosures which have been assessed against the Public Interest Disclosure Act 1998 (PIDA) and the statutory requirements of the Food Standards Agency (FSA).  
(ii) We reasonably believe that 222 disclosures were qualifying disclosures and fell within the matters in which the FSA is a Prescribed Person.
- b. We decided to take action on 159 of the 222 disclosures which we reasonably believed to be qualifying disclosures. (63 failed to leave contact details with the FSA to engage further. The information was passed straight to the appropriate authority)
- c. Of the 159 disclosures on which we decided to take action:
  - 159 left contact details and were spoken to directly by FSA staff.
  - 159 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.
  - 14 disclosures were the subject of additional intelligence development activity by the FSA, following which the Agency made an informed decision to lead, support or coordinate further action where the intelligence case indicated wrongdoing may have occurred.

Outcomes achieved in relation to the 159 disclosures on which we decided to take action include:

- 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.
- (ii) All 159 disclosures impacted the ability of the Food Standards Agency to perform its functions and meet its objectives by:

- 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.
- Build the FSA's knowledge and understanding of food safety risks, enabling strategic priorities to be determined and resources allocated to those priorities.

In doing so, the disclosures have contributed to the FSA's work to ensure food is safe and is what it says it is.

- d. 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.

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.

Food Standards Agency  
Floor 7  
Clive House  
70 Petty France  
London  
SW1H 9EX

Telephone 0207 276 8787

Webform: [Report a food safety concern](#)

Email [foodcrime@food.gov.uk](mailto:foodcrime@food.gov.uk)





## **Whistleblowing disclosures 2021-22**

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' Scottish Food Crime and Incidents Unit (SFCIU) is the dedicated incidents, investigations and intelligence gathering arm of FSS, which focuses on tackling food crime and maintaining consumer protection.

The SFCIU has a dedicated Intelligence Office which analyses, develops and actions information received from members of the public, food business operators and industry whistleblowers. 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 2021/22, one whistleblower contacted FSS with a qualified disclosure within the meaning of section 43B of the Employment Rights Act 1996\*. The information was disseminated to the appropriate agency to investigate the concerns raised and to deal with any issues accordingly.

The disclosure 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:

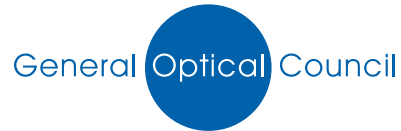
- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- the endangering of an individual's health and safety
- damage to the environment
- deliberate concealment of information tending to show any of the above.

# Whistleblowing disclosures report 2022

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Healthcare professional regulators

This report has been produced by the healthcare professional regulators



General  
Medical  
Council

General  
Dental  
Council



General  
Pharmaceutical  
Council

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## About the report

On April 1 2017, a new legal duty came into force which requires 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 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	This applies to disclosures that have been identified as a qualifying whistleblowing disclosure but no regulatory assessment, action or onward referral was required.  This could be in cases where it was decided the incident was resolved or no action was appropriate at the current time.
Onward referral to alternative body	This applies to disclosures 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	This applies to disclosures where the regulator has taken an action which falls under their operative or regulatory remit.  This may include but is not limited to: <ul style="list-style-type: none"> <li>● referral to its Fitness to Practise team or any other fitness to practise process</li> <li>● opening an investigation</li> <li>● advice or guidance given to discloser, employer, education body or any other person or organisation</li> <li>● registration actions</li> <li>● other enforcement actions.</li> </ul> In cases where the disclosure was assessed via a regulatory action but it was then found that there was not enough information to proceed, the disclosure is categorised as 'no action - not enough information'.
No action - not enough information	This applies to disclosures that have been assessed by the regulator and a decision has been made that there is not enough information to progress any further.  This may be in cases where the disclosure was made anonymously with insufficient information to allow further investigation, a discloser is unable to provide more information or the disclosure was withdrawn before it could be investigated.
Onward referral to alternative body and regulatory action taken	This applies to disclosures where a regulatory action was taken and the disclosure was referred on to another external organisation.

To protect the confidentiality of whistleblowers and other parties involved, no information is included here that would enable a worker who has 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 2021 and 31 March 2022.

## 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 2021 to 31 March 2022

From 01 April 2021 to 31 March 2022 the General Chiropractic Council received 1 disclosure of information.

### Actions taken in response to disclosures

Closed with no action taken	1
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### Summary of actions taken

The disclosure we received in 2021-22 was placed in our Development directorate which deals with education, registration, policy and communications as it related to an educational institution matter. This was a disclosure by a student at a chiropractic education institution who initially wished to remain anonymous. This disclosure was investigated by our Development Directorate and the matter was closed with no action taken on the basis that the incident was resolved / no action was required.



## Learning from disclosures

In total in 2021-22, we received 1 protected disclosure and therefore the number of disclosures received by the GCC remain relatively small. Although protected disclosure complaints are, by their very nature, more complex and time-consuming to investigate, more so where the discloser wishes to remain anonymous, it has not impacted on our ability to perform our regulatory functions or meet our objectives during the reporting period.

## General Dental Council

**The General Dental Council (GDC) is the UK-wide statutory regulator of over 114,000 members of the dental team, including over 43,000 dentists and over 71,000 dental care professionals (DCPs).**

An individual must be registered with the GDC to practise dentistry in the UK. Unlike other health professional regulators, we register the whole dental team including dental nurses, clinical dental technicians, dental hygienists, dental technicians, dental therapists, orthodontic therapists and dentists.

Our primary purpose is to protect patient safety and maintain public confidence in dental services.

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

To achieve this, we register qualified dental professionals, set standards for the dental team, investigate complaints about dental professionals' fitness to practise, and work to ensure the quality of dental education.

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.

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 2020 to 31 March 2021

From 01 April 2021 to 31 March 2022 the General Dental Council received 61 disclosures of information.

### Actions taken in response to disclosures

Regulatory action taken	61
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## Summary of actions taken

All disclosures were made directly to the Fitness to Practise team. In 61 of those disclosures, regulatory action was taken, namely the opening of a fitness to practise case. 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.

Of all fitness to practise cases received by the GDC, 61 were identified as being from a whistleblower and an investigation case was opened. Of these 61 cases, 15 were subsequently closed with no further action following a casework assessment. Seven were closed due to lack of engagement from the whistleblower/informant. The remaining eight did not meet our Assessment Test.

Of the 61 cases where regulatory action was taken, 35 were received from dental professionals, seven from the public and 19 were anonymous.

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 this 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 way initial concerns are reviewed through the initial assessment process has enabled us to identify whistle blowing complaints earlier and significantly reduced the number of complaints we could not progress due to insufficient information, with none falling into this category in 2021-2022.

The number of disclosures we received decreased from 93 in the previous period to 61 this year. This reduction was partly due to the lower number of concerns we received relating to the pandemic, such as allegations of not using PPE, poor cross infection procedures and not adhering to social distancing rules. This we believe, could be a result of the improved guidance and information that was available to both dental professionals and patients.

Compared to some other regulators we have received a higher proportion of disclosures for 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.

We have also continued to review our processes and procedures for the identification of whistle blowers and have a more robust process for this identification at the point a concern is received, with support from internal legal services.

## General Medical Council

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

- We decide which doctors are qualified to work here and we oversee UK medical education and training.
- We set the standards that doctors need to follow, and make sure that they continue to meet these standards throughout their careers.
- We take action to prevent a doctor from putting the safety of patients, or the public's confidence in doctors, at risk.

Every patient should receive a high standard of care. Our role is to help achieve that by working closely with doctors, their employers and patients, to make sure that the trust patients have in their doctors is fully justified.

### Whistleblowing disclosures received from 01 April 2021 to 31 March 2022

From 01 April 2021 to 31 March 2022, the General Medical Council received 62 whistleblowing disclosures.

#### Actions taken in response to disclosures

Regulatory action taken	60
No action - not enough information	1
Onward referral to an alternative body and regulatory action taken	1

The majority (59 out of 62) of the whistleblowing disclosures we received came in to our fitness to practise team, and three were received by registration and revalidation teams. Of all the disclosures we received, 34 were made by doctors, 14 were made by other healthcare professionals and 14 were made anonymously.

Of the 59 disclosures that were assessed by our fitness to practise team:

- 48 were closed after an initial assessment
- 11 resulted in either a preliminary or full investigation – 10 of these are still going through the investigation process and one has been closed.

Of the disclosures that closed, 48 after an initial assessment or one following 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. a local employment dispute
- no concerns were found from the information provided.

Our registration and revalidation teams received three disclosures:

- one case resulted in regulatory action and a referral to an alternative body
- one was forwarded for consideration by our fitness to practise team and so regulatory action was taken
- the other was closed as there was insufficient information to progress.

## Update on disclosures from last year

24 disclosures that we received before 1 April 2021 have 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.

Although the data collected for this report covers the second year of the pandemic, an analysis of the allegations does not indicate that the whistleblowing concerns are linked to the pandemic. As with previous years, complaints covered a wide-variety of allegations, including staffing structures at particular locations, professional misconduct and individual dishonesty.

We've seen a 44% increase in the number of total whistleblowing complaints against last year (43 in 2020-21, 62 in 2021-22). When we consider this alongside the slight drop in the number of people raising anonymous complaints, it's possible this indicates people feeling more able to report a whistleblowing concern to us. However more data will be required to say if this is a trend. We'll keep monitoring the numbers to decide if further investigation of this pattern is needed.

Nine complaints were incorrectly labelled as meeting the criteria for whistleblowing. We continue to provide training and support for operational staff on how to recognise and act on whistleblowing disclosures.

\*Medical Act 1983 (as amended)

This continues to be a challenging and pressured time for healthcare professionals. Our [speaking up hub](#) provides advice to doctors who want to raise a concern and guides them through the reporting process. They can also call our confidential helpline on 0161 923 6399, where we provide support to those that are worried about patient safety. And, to protect those who speak up, we require employers making a referral to us to disclose if a doctor they're referring has previously raised public interest concerns.

## General Optical Council

### General Optical Council is the regulator for the optical professions in the UK.

We are the regulator for the optical professions in the UK. As of 31 March 2022, there were 33,174 optometrists, dispensing opticians, student opticians and optical businesses on our register, who are known as our 'registrants'.

Our charitable purpose and statutory role are to protect and promote the health and safety of members of the public by promoting high standards of professional education, conduct and performance among optometrists and dispensing opticians and those training to be optometrists and dispensing opticians.

We have four core functions:

- 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; and
- investigating and acting where registrants' fitness to practise, train or carry on business is impaired.

We published an updated 'Speaking up' (Whistleblowing) Policy in 2021:

[Speaking up | GeneralOpticalCouncil](#)

### Whistleblowing disclosures received from 01 April 2021 to 31 March 2022

From 01 April 2021 to 31 March 2022, the GOC received ten disclosures of information. These were all via Fitness to Practise (FTP). There was nil return from our Education and Legal team.

### Actions taken in response to disclosures

Under review	1
Closed with no action taken	1
Onward referral to alternative body	2
Regulatory action taken	3
No action – not enough information	3

## Summary of actions taken

All ten disclosures received were placed into our fitness to practise triage system for formal assessment, and of these, three progressed to a formal investigation.

Of the seven remaining:

- In one case, we were satisfied that the disclosure was already being investigated within an existing case and the matter was closed.
- In three cases, we decided to close the matter as we had not received sufficient information to progress them any further.
- In two cases, we identified that the concern was more appropriately dealt with at a local level and referred it accordingly.
- One case is being monitored while we await the outcome of an internal investigation.

## Learning from disclosures

The number of disclosures received by the GOC in 2021-22 was again relatively small, accounting for two per cent of the 478 complaints received (compared to three per cent in 2020-21). Given the pandemic and that the GOC regulates optical businesses (who were having to adapt to ever-changing regulations and guidance regarding safe practice), it is perhaps still surprising that we have had fewer disclosures than we received the previous year.

Although protected disclosure complaints continue to be more difficult and time-consuming to investigate, they have not directly had an impact on our ability to perform our regulatory functions. As reported in the previous year, the main difficulty over the past year is that it has been more challenging to ensure we identified protected disclosures, due to the numbers of complaints we received relating to how businesses were operating during Covid-19 restrictions.

In addition, we continue to find it difficult to investigate concerns where the discloser is anonymous or withdraws and does not provide sufficient information to take forward, even if there might be a public interest in doing so. Although it is sometimes 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 although we have powers under the Opticians Act 1989 to demand information, this is challenging in the absence of a discloser who can advise as to the relevant information to be sought. From a wider learning perspective, we have identified that our previous 'Raising concerns with the GOC (Whistleblowing)' policy was aimed at too many audiences. We are pleased to announce that we have published updated 'speaking up' guidance specifically aimed at our registrants, to help address some of the difficulties that registrants have encountered when speaking up, or when thinking of doing so. The link has been provided above.

We also have [FTP focus bulletin](#) where we may share case examples in a way that will not identify any persons but assist the profession to ensure that they comply with the relevant Standards and Opticians Act 1989.



## General Osteopathic Council

**The General Osteopathic Council is the statutory regulator of osteopaths in the UK and it is our overarching duty to protect the public.**

We use a range of different ways to work with the public and osteopathic profession to promote patient safety including:

- setting, maintaining and developing standards of osteopathic practice and conduct;
- investigating serious allegations of misconduct which calls into question an osteopath's fitness to practise;
- assuring the quality of osteopathic education and ensuring that osteopaths undertake continuing professional development.

As part of our duty to protect the public, we investigate any concerns received about a registered osteopath's fitness to practise.

### Whistleblowing disclosures from 01 April 2021 to 31 March 2022

From 01 April 2021 to 31 March 2022, the General Osteopathic Council (GOsC) received two disclosures of information.

Closed with no action taken	1
Regulatory action taken	1

### Summary of actions taken

With regard to the one potential referral received that required no regulatory action or onward referral, this matter was received as a query that could have potentially amounted to a whistleblowing disclosure. On this occasion the anonymous complainant left only a phone number. We attempted to engage with the individual on a number of occasions in various ways, including voice messages signposting our Independent Support Service which is available to all complainants and registrants at every stage during our investigations. However, we did not receive a response and so the matter was closed as a query, and not as a fitness to practise concern.

The second disclosure received during the reporting period related to information from an anonymous complainant. We raised this concern as a 'Registrar's allegation'. This means the GOsC Regulation Department asked the GOsC Chief Executive and Registrar for authorisation to raise a concern against a registrant,

using information that was available from other sources and without needing to engage with the anonymous complainant.

In this particular case the concern was referred to our Investigation Committee (IC) but was closed by the IC as 'No Case To Answer' and therefore with no further action.

## Learning from disclosures

We have conducted a general review of our Whistleblowing Policy and have made practical changes to the policy in terms of structure, to make it more accessible to those seeking to raise a concern with the GOsC. We aim to publish the amended policy in November 2022.

With regard to the one disclosure that progressed to the IC during the reporting period, we were able to progress this concern without seeking input from the anonymous complainant. On this occasion it was possible to use information that was provided anonymously to progress the investigation, because this information was in the public domain.

The GOsC continues to consider anonymous disclosures on a case by case basis and, where applicable, provide the complainant with appropriate detail of the fitness to practise process, so that they can make an informed decision as to whether they wish to engage with the process.

## 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 2021 and 31 March 2022

From 01 April 2021 to 31 March 2022 General Pharmaceutical Council received 25 disclosures of information.

### Actions taken in response to disclosures

Under review	3
Onward referral to alternative body	3
Regulatory action taken	19

### Summary of actions taken

Out of the disclosures made we concluded our enquiries on 22 with a further three still under review. We also concluded two qualifying disclosures that were raised during the previous reporting period.

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 unexpected inspection.

12 concerns were investigated and concluded with no further action. Three were signposted to another organisation. The remaining seven cases were concluded by sharing information with inspection colleagues for follow up action.

Of the two concerns from the previous reporting period, one was concluded with no further action and the other remains under investigation.

## 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 concerns, including those that arise through inspections, are widely shared to ensure learning across the organisation. These issues inform our work on understanding the experiences of pharmacy professionals in the working environment and also inform 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 2021 and 31 March 2022

From 01 April 2021 to 31 March 2022 the HCPC received 4 disclosures of information.

The outstanding disclosure from last year was resolved.

### Actions taken in response to disclosures

Regulatory action taken	4
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### Summary of actions taken

Four whistleblowing disclosures were made to the Health and Care Professions Council (HCPC) during the financial year 2021/22. Three of these were made to the Policy and Standards Department and one was made to the Education Department.

All of the disclosures came from registered professionals, specifically operating department practitioners and paramedics. The reports referenced concerns about scope of practice, arrangements for service provision during the Covid pandemic, lack of training needed to carry out new duties request by an employer, and a conflict of interest.

For the three disclosures made to the Policy and Standards Department, we provided the discloser with advice and guidance, directing them to the relevant HCPC standards, and setting out our expectations. Where relevant, we signposted them to organisations that could further support them in raising a concern with their employer, including professional bodies, trade unions and in one case 'Protect', the whistleblowing organisation ([Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)).

The report received by our Education Department referenced a potential conflict at a placement site. This was addressed directly by the provider and led to them setting themselves recommendations for improvement. HCPC will be following up with the provider in future education assurance activity.

## Learning from disclosures

We record and analyse enquires that we receive and regularly review them to see how we can improve our publicly available information, including guidance on our standards.

Since last years' report we have created new content on Whistleblowing in induction eLearning for all new employees.

Following a successful pilot, we have implemented our new Education Quality Assurance model, which is helping providers to deliver to our Standards on Equality Diversity and Inclusion (EDI). In line with requirements of our model, we investigate referrals where they impact our Standards, and any whistleblowing disclosure is considered as part of our intelligence about education providers when we undertake our routine reviews under our risk-based approach.

The Covid pages on our website continue to provide information for registrants about what to do when they have concerns, or become aware of concerns held by other registrants, about the services employing them (<https://www.hcpc-uk.org/globalassets/resources/policy/whistleblowing-policy.pdf>). In December we issued a joint statement with other regulators of health and social care professionals to reiterate our support for health and care professionals and to remind them of the importance of speaking up.

Our Professional Liaison Service (PLS) works in partnership with employers and aims to influence and support the development of cultures, working environments and practices that enable our registrants to embed and achieve high professional standards. The enquiries and concerns we receive inform the themes and content of our Employer hub, e-newsletter, and workshops. This year, we added resources to help employers support registrant health and wellbeing and held employer workshops on supporting health professionals and managing concerns.

The PLS has co-delivered workshops with Freedom to Speak Up Guardians to empower and encourage registrants to speak up about their concerns. It partnered with Ambulance Trusts and Services to influence the creation of supportive cultures, the provision of supervision and proportionate regulatory referrals, and alleviate concerns about potential regulatory action during the pandemic. It has also co-delivered an event with the College of Paramedics on fitness to practise self-referral.

Over 2022/23 we will be consulting on revising our Standards of Conduct, Performance and Ethics (SCPEs), and will use the insights gained from reports and queries made to the organisation to shape the new Standards, scheduled for implementation in 2023-24.

## Nursing and Midwifery Council

We're the independent regulator of more than 758,000 nursing and midwifery professionals across the UK. Our purpose is to promote and uphold the highest professional standards in order to protect the public and inspire confidence in the professions. Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing.

Our core role is to regulate. To regulate well, we support our professionals and the public. Regulating and supporting our professionals allows us to influence health and social care landscape.

### Whistleblowing disclosures received from 01 April 2021 to 31 March 2022

From 01 April 2021 to 31 March 2022 the Nursing and Midwifery Council received 152 disclosures which we reasonably believed met the criteria and were 'qualifying disclosures'.

### Actions taken in response to disclosures

Regulatory action taken	152
Sharing information with another body	19

In all 'qualifying disclosures', we've either taken regulatory action; or taken both regulatory action and shared information with another body. The regulatory action we've 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):

- 137 disclosures were dealt with by our Professional Regulation Fitness to Practise team, which resulted in 166 new cases being opened
- two disclosures were dealt with by our Professional Regulation Registration and Revalidation team
- eight disclosures were dealt with by our Professional Practice Education team
- five disclosures were shared with our Employer Link Service team who engaged with employers in respect of the issues raised.

- we have shared information with the Advertising Standards Authority, Care Quality Commission, General Medical Council, Healthcare Improvement Scotland, Healthcare Inspectorate Wales and the Healthcare Safety Investigation Branch.

The main reason 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.

We still took action on many disclosures where we did not reasonably believe the criteria was met. We either took regulatory action or shared information with a range of other bodies including the Advertising Standards Authority, Care Quality Commission, General Medical Council, Healthcare Improvement Scotland, Healthcare Inspectorate Wales, Healthcare Safety Investigation Branch and HM Inspectorate of Prisons.

## Learning from disclosures

The number of 'qualifying disclosures' we received decreased from 192 last year (2020-2021) to 152 this year (2021-2022), returning to expected pre-pandemic levels. The most common themes of these disclosures have remained the same: patient safety and care; leadership and management; health and safety; and behaviour (including bullying, intimidation or harassment of colleagues).



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

**General Dental Council**

37 Wimpole Street, London, W1G 8DQ  
[www.gdc-uk.org](http://www.gdc-uk.org)

**General Medical Council**

Regent's Place, 350 Euston Road, London, NW1 3JN  
[www.gmc-uk.org](http://www.gmc-uk.org)

**General Optical Council**

10 Old Bailey, London, ED4M 7NG  
[www.optical.org](http://www.optical.org)

**General Osteopathic Council**

Osteopathy House, 176 Tower Bridge Road, London, SE1 3LU  
[www.osteopathy.org.uk](http://www.osteopathy.org.uk)

**General Pharmaceutical Council**

25 Canada Square, London, E14 5LQ  
[www.pharmacyregulation.org](http://www.pharmacyregulation.org)

**The Health and Care Professions Council**

Park House, 184 Kennington Park Road, London, SE11 4BU  
[www.hcpc-uk.co.uk](http://www.hcpc-uk.co.uk)

**Nursing and Midwifery Council**

23 Portland Place, London, W1B 1PZ  
[www.nmc.org.uk](http://www.nmc.org.uk)

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

Published September 2022

# PROTECTING PEOPLE AND PLACES



## Health and Safety Executive **Annual Report and Accounts 2021/22**

HC 424



# **Health and Safety Executive Annual Report and Accounts 2021/22**

**For the period 1 April 2021 to 31 March 2022**

Presented to Parliament pursuant to paragraph 10 (2) and (4) of Schedule 2 to the Health and Safety at Work etc Act 1974.

Health and Safety Executive is a Crown Non-Departmental Public Body and is sponsored by DWP.

Ordered by the House of Commons to be printed on 26 October 2022

HC 424

- carried out follow-up activity on 2,314 of 2,661 concerns raised by potential whistleblowers (ie employees, ex-employees, self-employed people, union/work safety representatives) that presented a significant risk.

Similarly, when information is requested from us, for example under the Freedom of Information (Fol) Act, we aim to respond promptly. We responded to 84% of 4,087 Fol requests received against a target of 90%.

### **Investigate to swiftly tackle and reduce risks, securing accountability for victims and their families**

Investigation work, whether measured by its impact on health and safety or by the speed, ease and effectiveness of our processes, continues to be one of our priorities. We continue to investigate incidents and health and safety concerns in line with our published selection criteria and seek timely completion of both fatal and non-fatal investigations. When consistent with HSE's enforcement policy, we prosecute those who commit serious breaches of the law.

#### **Fatal investigations**

Timely completion of fatal incident investigations continues to be one of our highest priorities. In 2021/22 we met our target on completing 80% of fatal investigations within 12 months of primacy of the incident with completion of 82% of investigations into fatal incidents within this specified timeframe.

#### **Non-fatal investigations**

We met our target on completing 90% of non-fatal investigations within 12 months of primacy of the incident.<sup>11</sup> In 2021/22 we completed 93% investigations within 12 months of primacy of the incident with a decrease of around 15% (5,293 v 6,183 cases from last year) in those incidents meeting the selection criteria for investigation.<sup>12</sup>

The number of criminal proceedings instituted against dutyholders and the number of convictions,<sup>13</sup> holding to account those who failed to meet their obligations, are shown in Table 2.

---

11 By law, you must report certain workplace injuries, near-misses and cases of work-related disease to HSE. This duty comes under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, known as RIDDOR. More information on RIDDOR reporting can be found on our website [www.hse.gov.uk/riddor/reportable-incidents.htm](http://www.hse.gov.uk/riddor/reportable-incidents.htm)

12 [www.hse.gov.uk/enforce/incidselcrits.pdf](http://www.hse.gov.uk/enforce/incidselcrits.pdf)

13 Those convicted will not necessarily be the same people in the year as those where proceedings have been instituted



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ISBN 978-1-5286-3444-1

E02757617 10/22

Printed on paper containing 40% recycled fibre content minimum

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**PROTECTING PEOPLE  
AND PLACES**



**E02757617**

**ISBN 978-1-5286-3444-1**

Healthcare  
Improvement  
Scotland

# Leading quality health and care for Scotland: Annual Report and Accounts

For year ended 31 March 2022





The DCRS [annual report for 2021-22](#) has been published, outlining the work undertaken, what has been achieved over the past year and what the team will work on in the year ahead. Some of the key outcomes from the service during the year include:

- Over 2,600 calls to our enquiry line, with 97% of doctors rating this service as helpful.
- Of the MCCDs found to be 'not in order', 69% had a clinical error as the 'cause of death was too vague', compared to 75% last year.
- Decrease in the number of MCCDs classed as 'not in order' across all NHS boards.
- Completed all Advance Registration requests within 2 hours, minimising any additional stress to those that lost a loved one.

### Responding to concerns

We have a duty to respond to concerns raised by NHS Scotland staff under the Public Interest Disclosure Act or referred to us by another organisation about the safety and quality of patient care. All concerns are assessed within the context of the current safety and quality of care of the service they relate to. During the year, we received five concerns from NHS staff (2020-21: eight) and 16 concerns referred from other organisations (2020-21: two). We believe the significant increase in referrals from other organisations may be linked to external engagement with national organisations to raise awareness of the Responding to Concerns Programme and explain the remit of this work.

We have also worked with other partner agencies over this period to further define the roles and responsibilities of our respective organisations in responding to concerns. This has included working with the Independent National Whistleblowing Officer (INWO) to develop referral / information sharing arrangements between our organisations and with the INWO and Care Commission to consider scenarios where joint working may be required in assessing concerns. This work is ongoing and continues to be reviewed as new cases arise. We are also developing core information that will be reflected across all our respective websites to provide further consistent guidance/support to individuals who may wish to raise concerns.

### Adverse events

We have been working with NHS boards to develop a national Adverse Events Notification System. The launch of the notification system commenced shortly before the COVID-19 pandemic. We published a [report](#) covering the timeframe from beginning the notification system in January 2020 to October 2021.

We also worked with NES to undertake a qualitative study exploring what matters to patients and their families through the adverse events process. The findings of this work suggested that there are many advantages to actively involving patients and their families in adverse event reviews. An open, collaborative, person-centred approach that listens to, and involves, patients and their families is perceived to lead to improved outcomes for all.

A new national learning platform was launched in March 2022 and will be tested with the Adverse Events network initially. Learning events and webinars will be undertaken along with the introduction of a revised national learning summary template. This platform will replace the existing community of practice hosted on the Knowledge Network.

## **Healthcare Improvement Scotland**

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[Home](#) > [Whistleblowing: Prescribed Person Report 2021 to 2022](#)

[HM Revenue  
& Customs](#)

Corporate report

# Whistleblowing: prescribed person report for the tax year 2021 to 2022

Published 29 September 2022



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This publication is available at <https://www.gov.uk/government/publications/whistleblowing-prescribed-person-report-2021-to-2022/whistleblowing-prescribed-person-report-for-the-tax-year-2021-to-2022>

The Commissioners for HM Revenue and Customs (HMRC) meet the definition of a 'prescribed person' under the [Public Interest Disclosure Act 1998](https://www.legislation.gov.uk/ukpga/1998/23/contents) (<https://www.legislation.gov.uk/ukpga/1998/23/contents>).

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](https://www.legislation.gov.uk/ukdsi/2017/9780111154359)

<https://www.legislation.gov.uk/ukdsi/2017/9780111154359> 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 2021 to 31 March 2022, HMRC received 15,118 whistleblowing disclosures.

This is the statutory template for reporting:

Category	Number of disclosures
Qualifying disclosures (total)	15,118
Number of qualifying disclosures requiring further action	5,809
Number of qualifying disclosures requiring no further action	9,309

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.

[↑ Back to top](#)

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# **Annual Report and statement of accounts 2021/22**

# **Independent Office for Police Conduct**

## **Annual report and statement of accounts 2021/22**

Annual Report presented to Parliament pursuant to Section 11(5) of the Police Reform Act 2002

Accounts presented to Parliament pursuant to Paragraph 17 of Schedule 2 of the Police Reform Act 2002

Ordered by the House of Commons to be printed 20 April 2023





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ISBN 978-1-5286-3450-2

E02758677          04/23

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another police officer or staff member is doing, or is likely to do, something wrong or criminal. You can [read more about qualifying disclosures here](#).

Item	Information for 2021/22
Number of qualifying disclosures	7
Number of qualifying disclosures where we took further action	7
Summary of action taken	<p>For four disclosures, we asked for consent to forward the relevant information provided to the police forces.</p> <p>Two disclosures were passed to our Intelligence Unit. The unit assessed the information and liaised with other teams about whether any action should be taken.</p> <p>None of the disclosures resulted in us conducting an independent investigation.</p> <p>One disclosure remains under consideration.</p>
Summary of the impact these disclosures had on our ability to perform our functions or meet our objectives	No impact

This document is also available in Welsh.

Mae'r ddogfen hon ar gael yn y Gymraeg hefyd.

ISBN 978-1-5286-3450-2

E02758677

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Rydym yn croesawu galwadau ffôn yn y Gymraeg



# Information Commissioner's Annual Report and Financial Statements 2021-22

July 2022  
HC 392



# Information Commissioner's Annual Report and Financial Statements 2021/22

For the period 1 April 2021 to 31 March 2022

Report Presented to Parliament pursuant to Section 139(1) of the Data Protection Act 2018 and Section 49(1) of the Freedom of Information Act 2000 and Accounts Presented to Parliament pursuant to paragraph 11(4) of Schedule 12 to the Data Protection Act 2018.

Ordered by the House of Commons to be printed on 12 July 2022

HC 392



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ISBN 978-1-5286-3562-2

E02766864 07/22

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Our annual report is split into three sections.

The first section is our **Performance report**, which reviews our work across 2021/22. It sets out our key achievements, with case studies providing in-depth examination of some of our most impactful work.

This section concludes with statistics covering the full range of our operational performance, summary reports on our financial performance, sustainability and whistleblowing disclosures made to us, and a statement on the ICO's status as a going concern.

The second section is our **Accountability report**, which includes declarations about corporate governance, remuneration and staffing, and parliamentary accountability and audit reporting. In this section we also provide further details about our internal structures.

The report concludes with our **Financial statements**, comprising our financial performance.

<b>Utility summary</b>	2018/19	2019/20	2020/21	2021/22
Cost £	58,276	99,561	86,912*	64,944*
Tonnes CO <sub>2</sub>	196	292	73	69

\*Not a direct sum of tables above due to rounding.

## Utilities per full time equivalent staffing

	2018/19	2019/20	2020/21	2021/22
<b>Gas</b>				
Kwh	322.73	126.15	329.10	232.69
Cost £	10.36	5.51	11.54	7.81
Tonnes CO <sub>2</sub>	0.06	0.02	0.06	0.04
<b>Electricity</b>				
Kwh	527	732.81	556.31	312.74
Cost £	85.80	126.71	105.43	65.67
Tonnes CO <sub>2</sub>	0.26	0.37	0.04	0.04

<b>Utility summary</b>	2018/19	2019/20	2020/21	2021/22
Cost £	96.17*	132.22	116.97	73.48
Tonnes CO <sub>2</sub>	0.32	0.39	0.10	0.08

\*Not a direct sum of tables above due to rounding.

## Whistleblowing disclosures

The ICO is a 'prescribed person' under the Public Interest Disclosure Act 1998. This means that whistleblowers are protected 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.



There were 268 whistleblowing disclosures made to us about external bodies during the period 1 April 2021 to 31 March 2022. We recorded all information provided and used it to develop our overall intelligence picture, in line with our Information rights strategic plan 2017-2021.

We took further action on 44 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, 220 of the 268 disclosures resulted in no further action taken at that time. Four disclosures from this reporting period are currently being assessed and considered for potential action.

During the period 1 April 2021 to 31 March 2022, further action on the 44 disclosures resulted in 49 referrals to various departments overall; five disclosures resulted in referrals to two departments.

The outcomes of these referrals:

- 37 disclosures were taken into consideration for the investigations.
- Two disclosures were referred to Advice Services and the Personal Data Breach Team, including providing advice to the whistleblower and where it would be more appropriate for the matter to be raised as a complaint.
- Five disclosures were considered for non-payment of the data protection fee.
- Three disclosures were referred to other departments for various actions.
- Two disclosures were considered for the Direct Marketing Monthly Threat Assessment.

After receipt of a concern, we decide how to respond in line with our Regulatory Action Policy. In all cases, we 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.

## Going concern

The Government's announcement regarding proposed data protection legislative reform will not affect the ICO's ongoing ability to provide its services. Therefore,

these accounts are prepared on a going concern basis as a non-trading entity continuing to provide statutory public sector services.

Grant-in-aid has already been confirmed through a settlement letter from the Department for Culture, Media and Sport (DCMS) for 2022/23 and the DPA 2018 continues to allow the ICO to fund data protection related work through fees paid by data controllers.

There is no reason to believe that future sponsorship and parliamentary approval will not be forthcoming. A 3-year spending review was completed within 2021/22, incorporating financial years 2022/23 through to 2024/25. Whilst the ICO has not received formal delegation of the grant-in-aid for 2023/24 and 2024/25, these financial years are provided for within DCMS's estimates.

The ICO has budgeted income of £81.3m for the year 2022/23. In 2022/23 the ICO expects that there will be new risks to the UK economy from higher inflation as well as an increase in National Insurance contributions for businesses. The budget set has considered the risks within fee income and has set a budget based on prudent assumptions. The ICO regularly monitors and reviews the budget. The assumptions underpinning it will be tested regularly throughout the year and we will adjust plans accordingly. It is therefore appropriate to adopt a going concern basis for the preparation of these financial statements.



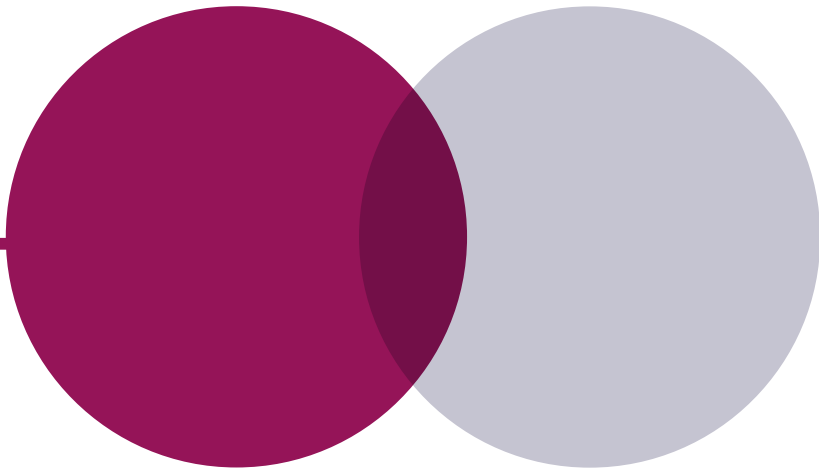
**John Edwards**  
12 July 2022

E02766864

978-1-5286-3562-2



National Audit Office



# National Audit Office Whistleblowing Annual Report

1 April 2021 to 31 March 2022


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**REPORT**

by the  
National Audit Office

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**SEPTEMBER 2022**



**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 2021, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £874 million.

# National Audit Office Whistleblowing Annual Report

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

The C&AG, who leads the National Audit Office (NAO), scrutinises public spending for Parliament and is independent of government and the civil service. The NAO supports Parliament in holding government to account and helps improve public services through high-quality audits. Our other work comprises value-for-money studies, investigations, setting the Code of Practice for local public audit, and support to Parliament and international activities. We regularly share insights on important cross-cutting issues. You can read more about the C&AG and the NAO on our website and in our five-year strategy.

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

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”. 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.

Whistleblowing disclosures should be directed to the most appropriate prescribed person. If the C&AG does not appear to be the most appropriate person then whistleblowers can refer to the list published by the Department for Business, Energy & Industrial Strategy (BEIS): [list of prescribed persons](#). This list is based on the [Public Interest Disclosure \(Prescribed Persons\) Order 2014](#).

## **Correspondence at the NAO**

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 valuable source of information for our audit work. Correspondence helps us focus our questions to public bodies to probe concerns of interest to the public, for example through the identification of issues that merit further investigation. The C&AG and the NAO typically receive around 1,000 letters from the public and 100 letters from MPs each year raising concerns about 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. Within the roughly 1,000 items of correspondence we receive annually are concerns raised by workers about their employer. These whistleblowing disclosures are detailed in the table below.

## Whistleblowing disclosures received from 1 April 2021 to 31 March 2022

In the period 1 April 2021 to 31 March 2022 inclusive the C&AG received 38 whistleblowing disclosures.

Response to disclosures	Number of disclosures	Summary of the action taken
Work performed by the National Audit Office	21	In these cases, we investigated the concerns as part of our audit work or as a specific enquiry.
Referred to alternative body	9	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 and the Information Commissioner's Office.
Referred to local auditor	8	In these cases, we referred the disclosure to the appointed auditor for the relevant local authority. The local appointed auditor is a prescribed person where concerns relate to a local authority.

## Examples of the type of work we carried out

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 correspondence from a whistleblower concerned about how the pressure within a government department to speed up decisions was leading to mistakes which were impacting citizens. Our previous audit had found evidence supporting this assertion, but our correspondent alleged that it had worsened because the department had set unofficial productivity targets for staff so it could clear the backlog that arose during the COVID-19 pandemic. We undertook further work on the extent of the backlogs and highlighted them to Parliament to aid in its scrutiny of the department. We also used this information to help inform our future work programme including a study on the department's improvement plans.

This is an example of how information provided by whistleblowers can help to identify areas that may require greater scrutiny and help us to target our work.



- **Example 2:** A whistleblower raised concerns about a government department's grants recognition and payment activity, specifically regarding the way it managed the timing of recognition and payments to manipulate expenditure around year-end. We had recently audited the department's accounts and in response to these concerns we revisited the work performed in this area and conclusions reached. While we did identify misstatements at the time of the audit and reported them to those charged with governance, they were not indicative of manipulation of accounts. We have nevertheless used this intelligence in our following year's audit, where for grants awarded towards the year-end we scrutinised the available evidence for any indications of collusion between management and grant recipients, or any intention for early recognition of expenditure and payments in advance of need. We have assessed the evidence against expenditure recognition criteria and Managing Public Money guidance with respect to payments of grants. Our work did not identify instances of manipulation.

This is an example of how we used historic information gathered in our audit to respond to a whistleblower's concerns, and applied these concerns to the work performed as part of the following year's audit process.

- **Example 3:** We received correspondence from a whistleblower raising concerns about a public body's approach to safeguarding. We undertook enquiries aligned with our role and statutory remit as the external auditor. We met with the senior management team, reviewed relevant documents and made specific enquiries in relation to governance and operations. The public body explained it had introduced various improvements to its policies and procedures, staff training and reporting systems. We confirmed that we would follow up these developments or any related issues as we judge appropriate when conducting our annual audit. We also shared the outcome of our enquiries with the sponsor department. The sponsor department confirmed that its Internal Audit function was working with the body to ensure the relevant lessons are learned and that improvements are made.

This demonstrates how whistleblowers can highlight important issues in how a public body operates and, within our remit as the government's external auditor, we can influence public bodies to draw out the learning from a specific case and to implement wider improvements.

- **Example 4:** A whistleblower raised concerns about the way a local council was operating a market within its region. We considered the details they had brought to our attention before informing the whistleblower that the issues they had raised did not fall within our auditing responsibilities and remit. They had already contacted the relevant council's internal audit team. We explained that where the concerns relate to an individual local authority body, the external auditor for that council is the appropriate body to carry out an investigation to determine if the council is managing its business and utilising its resources appropriately. We provided them with the external auditor's information for that council and supplied them with the name and contact details of the person leading the team. Additionally, we advised them to contact the police about their concerns regarding criminal activity and fraud.

This is an example of how we consider each individual concern we receive but ensure we refer the disclosure to other bodies who are best placed to investigate the issues raised.

### **Learning from disclosures**

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

We use the experience of people to inform our audits and take the issues raised with us into account as we conduct and plan our programme of work. The disclosures made to us provide insight into areas we may want to investigate and aid the C&AG's ability to perform his functions.

You will have read in our examples how the insight gained from whistleblowers enables us to target our audit work and make focused 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.

## **NSPCC Whistleblowing Helpline Annual Report 2021/2022**

### **Section A:**

#### **1: Summary of Public Interest Disclosure Act 1998 (PIDA)**

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

The NSPCC has been a prescribed whistleblowing body for child welfare and protection since 2001 ([Department for Business Innovation and Skills, 2016](#)). This means any worker who has child protection or welfare concerns can make a disclosure to us and we can seek to protect them against unfair treatment at work.

#### **2: The NSPCC Reporting Duty**

The NSPCC Whistleblowing Helpline is required to report on the disclosures received. Whistleblowing is the term used when someone provides information concerning perceived wrongdoing relating to how a child welfare concern was handled by their own organisation. This is known as a whistleblowing disclosure.

The NSPCC are required to report the following each year:

- The number of disclosures received.
- The number of these disclosures where further action was taken.
- A summary in relation to all disclosures.

#### **3: NSPCC Reason for Reporting**

The Whistleblowing Advice Line was commissioned by the Home Office. It is a direct response to the recommendation for 'a new whistleblowing national portal for child abuse related reports' set out in the Government's Tracking child sexual exploitation report ([HM Government, 2015](#)).

The Whistleblowing Advice Line isn't intended to replace any current practices or responsibilities of organisations working with children. We encourage professionals to raise concerns about a child to their own employer in the first instance.

### **Section B:**

#### **Part 1: NSPCC functions, objectives and powers**

The NSPCC are the leading children's charity in the UK, specialising in child protection and dedicated to protecting children today to prevent abuse tomorrow. The NSPCC are the only UK children's charity with statutory powers, which means they can take action to safeguard children at risk of abuse.

#### **Part 2: Importance of Whistleblowing**

The NSPCC Whistleblowing Advice Line should be contacted if:

- The organisation the professional works for doesn't have clear safeguarding procedures to follow
- The professional thinks the concern won't be dealt with properly or may be covered-up
- The professional has raised a concern, but it hasn't been acted upon
- The professional is worried about being treated unfairly

A professional can contact the Whistleblowing Advice Line about an incident that happened in the past, is happening now or is believed may happen in the future.

The Advice Line can be contacted by calling 0800 028 8025 or by email to [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## **Section C:**

### **Part 1: Dates of the Reporting Period**

The reporting period for this report is 01 April 2021 to 31 March 2022 inclusive.

### **Part 2: Statement on Confidentiality**

If a professional contacts the NSPCC Whistleblowing Helpline, they will be connected to a trained practitioner. They will discuss the concerns and:

- Talk through the whistleblowing process
- Take details of the concern raised
- Explain the protection available if needed
- Get relevant agencies and authorities to take action on the concern raised

The caller does not have to tell us who they are – they can remain anonymous. If a name is given and contact details, the professional can ask the NSPCC not to share these with other agencies.

### **Part 3: Summary of the contacts to and action taken by NSPCC Whistleblowing Helpline in response to disclosures**

In 2021/22 the whistleblowing helpline responded to 190 contacts, 83% of levels in the previous year. 146 of the total contacts handled were classed as child welfare contacts and went on to receive a response from a helpline practitioner. 44 contacts were handled by the Helpline Adviser team and classified as enquiries.

<b>Outcome of Contact</b>	<b>Total</b>
Advice	<b>108</b>
Referral	<b>35</b>
Referral Update	<b>3</b>
Enquiry	<b>44</b>
<b>Total Enquiry and Child Welfare Contacts</b>	<b>190</b>

Of the 108 contacts handled directly by the Helpline service 35%, (38) resulted in a referral being made to an external agency (or an update to an existing referral) these ranged from national agencies such as OFSTED, local authority Children's Services teams, LADO or the police. The biggest proportion of contacts (57%) 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 2021/22.

Main Concern	Advice	Referral/ Referral Update	Total	%
Bullying NOT ONLINE	2		2	1%
Child Mental/Emotional Health		1	1	1%
Crime/Legal/Services	21	5	26	18%
Domestic Abuse	1		1	1%
Emotional Abuse	1	1	2	1%
Neglect	8	3	11	8%
Other	17		17	12%
Parent/Adult Health/Behaviour	2		2	1%
Physical Abuse	13	8	21	14%
School/Education problems	38	18	56	38%
Sexual Abuse & Exploitation (Contact)	5	2	7	5%
<b>Total</b>	<b>108</b>	<b>38</b>	<b>146</b>	<b>100%</b>

The highest proportion of overall contacts related to School / Education problems at 38% of the total, followed by Crime/Legal/Services problems at 18%. Physical Abuse was third most prevalent accounting for 14% of contacts. Where a referral (or referral update) was made, School / Education problems was the highest recorded concern with 47%, followed by Physical Abuse with 21%. This contrasts with 20/21 where Physical abuse was the highest concern.

### 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 Agency Referrals	%
East Midlands	8	11%
East of England	3	4%
London	12	16%
North East	1	1%
North West	6	8%
South East	10	14%
South West	4	5%
West Midlands	8	11%
Yorkshire & the Humber	2	3%
Nationwide	20	27%
<b>Total</b>	<b>74</b>	<b>100%</b>

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 Agency Referrals Sent	%
Adult Services	3	4%
Children's Services	38	51%
Education	19	26%
Other	1	1%
Police	13	18%
<b>Total</b>	<b>74</b>	<b>100%</b>

The greatest proportion of referrals were sent to Children's Services at 51%.

## Themes

Where information about the relationship of the referrer to the child is provided, relationship role by contact type is provided below. Information was available for 63 of the 146 contacts. With many contacts, the role status and relationship to child data is blank, however this is mainly for contacts ending in advice only.

Relationship of Referrer to Child	Advice	Referral/Referral Update	Total CW Contacts	%
Adult - Other	5	11	16	25%
Father	0	1	1	2%
Member of the Public		2	2	3%
Mother	1	2	3	5%
Neighbour	1	2	3	5%
Not Known / Not Given		1	1	2%
Professional - Other		1	1	2%
Professional - Teacher/Education Professional	12	13	25	40%
Professional – Health professional	1	0	1	2%
Professional – Other Professional	1	1	2	3%
Professional -Social/Care Worker	1	1	2	3%
Professional – Youth Worker	2	2	4	6%
Teacher / School Staff / Youth Worker / Childcare	1	1	2	3%
<b>Total</b>	<b>25</b>	<b>38</b>	<b>63</b>	<b>100%</b>

The most frequent relationship role is Professional – Teacher/Educational Professional at 40%. Where a referral was made, Professional – Teacher / Education professionals was also the most frequent relationship role.

Below is a breakdown of the ages of young people (where correct data provided) in referrals:

Age of Child	Total Children in Referrals	%
0	1	4%
1	1	4%
2	1	4%
3	1	4%
5	1	4%
7	1	4%
8	1	4%
9	2	7%
11	8	29%
12	6	21%
15	2	7%
17	3	11%
<b>Total</b>	<b>45</b>	<b>100%</b>

Where we know the age of the child, 68% of children in referrals are high school and sixth form age, 18% primary school age and 14% under 4 years old.

'Sub-concerns' are selected by the Helpline professional as part of the recording process and each contact can have several 'sub-concerns' selected under one main concern. The top five 'Sub - concerns' for child welfare contacts made to the Whistleblowing helpline are found below (excluding "No relevant sub concerns"):

Sub concern	Advice	Referral / Referral Update	Total CW Contacts	%
Dissatisfied with Services	7	0	7	3%
Problems with teacher/school staff	20	11	31	13%
Safeguarding concerns	23	17	40	17%
Unhappy with school procedures/response	28	12	40	17%
Whistleblowing	16	3	19	8%

#### Part 4: Summary of findings

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

- Concerns raised about an alleged lack of adherence to safeguarding policy in a school
- Concerns raised regarding concerns for behaviours and safeguarding measures taken by a director at a children's care home
- Staff concerned about inconsistent advice in relation to recording and reporting child protection concerns within a school setting
- Concerns alleged that staff at a nursery are failing to follow appropriate safeguarding policies and procedures
- Concerns raised in relation to potential organisational safeguarding concerns within a youth club setting

- Staff at a school raising concerns of a culture for not addressing child protection concerns that had been reported
- Concerns raised about behaviours and practices of staff at an SEN school
- Information shared about concerns for the safeguarding behaviour of staff at a school and any potential impact on the emotional well-being and safety on the children
- Concerns raised in relation to the safeguarding practices of a nursery

## **Section D:**

### **Impact on Disclosures on Ability to Perform Duties**

This is a summary of the contacts to the NSPCC Whistleblowing Helpline and those contacts where concerns have been raised about how child protection concerns have been handled in other agencies. As a result, this is information shared with other organisations and does not impact on the NSPCC's ability to perform its duty as a direct result of the disclosures made to the Helpline.





## Counter Fraud Authority

### Prescribed person 2021-22

Our annual report on workers (whistleblowing) disclosures received

#### 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 -

1. The number of workers' disclosures received during the reporting period that the relevant prescribed person reasonably believes are –
  - Qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996
  - Which fall within the matters in respect of which that person is so prescribed
2. The number of those disclosures in relation to which the relevant prescribed person decided during the reporting period to take further action
3. A summary of –
  - The action that the relevant prescribed person has taken during the reporting period in respect of the workers' disclosures
  - How workers' disclosures have impacted on the relevant prescribed person's ability to perform its functions and meet its objectives during the reporting period
4. An explanation of the functions and objectives of the relevant prescribed person

From 1 April 2021 to 31 March 2022, the NHSCFA received 334 reports where the source had stated they were making a disclosure under the Public Interest Disclosure Act 1998.

- 130 of these reports are open and so have not been actioned yet.
- 151 reports were closed with No Further Action and progressed no further.

Of the remaining 53 reports, 20 were tasked to Local Counter Fraud Specialists and 33 were disseminated to another body.

Of the 20 tasked to a Local Counter Fraud Specialist, nine have become cases. Eight of these cases are open and one has been closed with no offences identified. Of the remaining 11 tasked to the LCFS that have not become cases yet, six have been closed without becoming cases. One report has been closed as it is now subject to a police investigation, and the remaining four reports are still open.

Of the 130 reports that were open and waiting to be actioned as of 26 April 2022:

- 35 of these relate to patient frauds and as such are unlikely to have PIDA related issues.
- 32 of these reports were received within ten weeks of the end of the financial year and, therefore, are still going through processing within the Intelligence Unit.

Of the 151 reports that were closed with No Further Action and progressed no further:

- 82 of these relate to patient issues (such as prescription fraud including altered prescriptions), NHSCFA receives these in addition to the police and NHSE, therefore, they are not pursued by NHSCFA.
- 11 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.
- 9 reports were not NHSCFA business and therefore could not be actioned any further.
- The remaining 49 relate to No Further Action categories of Intelligence Only, Information Inadequate, 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. Information inadequate means there is not enough information to establish what offense may have been committed, and it has not been possible to contact the source again. No Fraud Established is used when there is no fraud to investigate, usually due to a misunderstanding by NHS staff or the general public as to what constitutes a fraud or not.

The processing of such disclosures forms part of the NHSCFA's "business as usual" activities, and consequently, the impact on the NHSCFA's ability to perform its functions and meet its objectives during the reporting period was negligible.

### **Explanation of the Functions and Objectives**

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 2020-2023 are to:

1. Lead and influence the NHS to find, prevent, and reduce fraud, recovering losses and putting money back into patient care.
2. Work with partners to reduce fraud loss in the NHS.
3. Support and empower our people to be the best in their roles and feel valued.
4. Effectively use our resources, identify and pursue opportunities for growth and innovation, and reduce our operating costs.

- [Home \(/\)](#)
- [Our work \(https://www.england.nhs.uk/ourwork/\)](https://www.england.nhs.uk/ourwork/)
- [Freedom to speak up \(https://www.england.nhs.uk/ourwork/freedom-to-speak-up/\)](https://www.england.nhs.uk/ourwork/freedom-to-speak-up/)
- Freedom to speak up - annual report on whistleblowing disclosures made to us by NHS workers

# Freedom to speak up – annual report on whistleblowing disclosures made to us by NHS workers

As a ‘[prescribed person](https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2)’ (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>), we are required to publish information annually on the number of whistleblowing cases we received that are considered to be ‘qualifying disclosures’ and how they were taken forward. The purpose of this is to help assure individuals who blow the whistle that action is taken in respect of their disclosures. For the reporting period from 1 April 2021 to 31 March 2022, NHS England, Monitor and the Trust Development Authority (TDA) were, legally, separate entities and under separate legal duties as prescribed persons to publish the reports with the prescribed content. On 1 July 2022, Monitor and TDA were abolished and their functions transferred to NHS England. NHS England is publishing this report which covers the duties of itself, Monitor and TDA in relation to the reporting period.

Listening to NHS workers who speak up is central to improving staff experience and patient care. We used information from NHS workers to inform our oversight of, and support for, NHS providers, in conjunction with other relevant information (in line with our oversight framework). This included sharing information with other relevant organisations and agencies, particularly the Care Quality Commission (CQC), to inform their regulation of healthcare providers.

## Whistleblowing from primary care workers

NHS England leads the NHS and sets its strategic direction, as well as funding priorities for improvement. It also commissions healthcare services, including primary and specialised care. You can find more information about [NHS England’s functions and objectives on our website here \(https://www.england.nhs.uk/ourwork/\)](https://www.england.nhs.uk/ourwork/).

NHS workers can contact NHS England as a prescribed person with concerns about the delivery of primary medical, dental, ophthalmic and pharmaceutical services in England. The main issues that primary care workers spoke up to us about were: patient safety (regarding working conditions and clinical practice); and individual employment matters (which are outside our remit).

### **Qualifying disclosures received during 2021/22 and action taken**

Between 1 April 2021 and 31 March 2022, 110 whistleblowing disclosures were made to us relating to primary care organisations.

We take all the cases we receive very seriously and took action in 65 (59%) of them. In the vast majority of cases, that action included referring the case to another body. We took no action in 39 (35%) of cases, largely because the issue being raised was already known about and being addressed by our regional teams, we did not have sufficient detail to take action or it was not proportionate for us to take any action. Six cases are still under review.

### **Whistleblowing from secondary care workers**

NHS workers were able to contact Monitor and TDA (operating under the title of NHS Improvement since 2016) with concerns about the quality, financial and operational performance of NHS trusts and NHS foundation trusts (these organisations provide what we call 'secondary care'). You can find more information about the [functions and objectives of Monitor and TDA, which have now transferred to NHS England on our website here](https://www.england.nhs.uk/ourwork/) (<https://www.england.nhs.uk/ourwork/>).

The main issues that workers spoke up to us about in these organisations in 2021/22 were: patient safety (regarding clinical practice); conduct of executive directors of NHS trusts and foundation trusts; concerns about governance at NHS trusts; and individual employment matters (which are outside our remit).

### **Qualifying disclosures received during 2021/22 and action taken**

Between 1 April 2021 and 31 March 2022, 96 whistleblowing disclosures were made to us relating to secondary care organisations.

We take all the cases we receive very seriously and took action in 67 (70%) of them. In more than half of these cases that action included referrals to other bodies. In 31 cases we made enquiries to the relevant organisation to gather more information. Often that information provided us with enough assurance that no further action was needed. On occasion, a formal investigation was

commissioned and regulatory action taken. We took no action in 25 (26%) of cases, largely because the issue being raised was already known about and being addressed by our regional teams, we did not have sufficient detail to take action or we considered that local resolution was the most appropriate way forward. Four cases are still under review.

## **Helping organisations to improve**

Underlining the importance of Freedom to Speak Up (FTSU) during another pressured year for the NHS, we provided 39 NHS trusts and foundation trusts with support to improve their FTSU arrangements. This included reviewing board papers; supporting executive FTSU leads; analysing data; making recommendations for improvement, and running board development workshops.



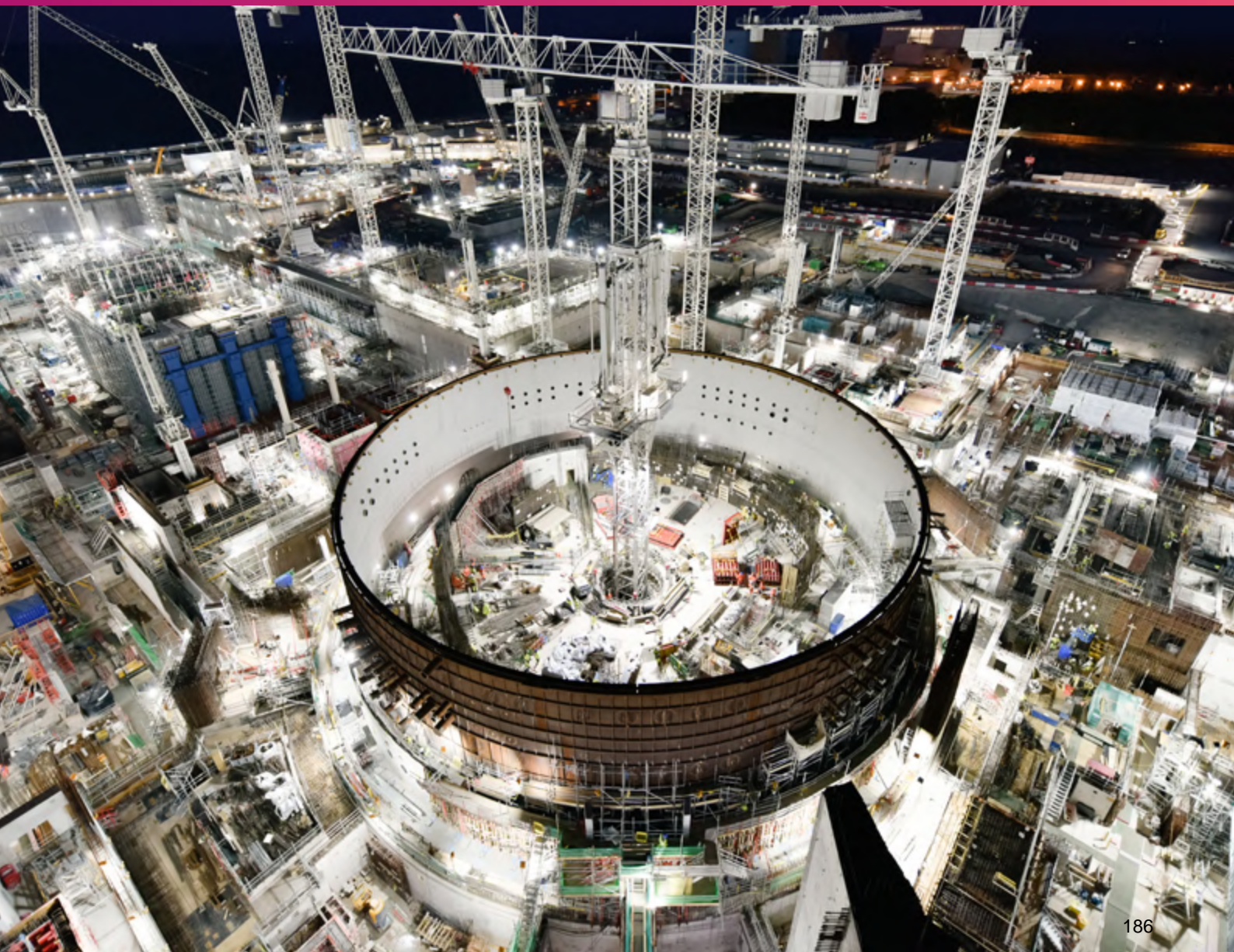




Office for  
Nuclear Regulation

# Annual Report and Accounts 2021/22

HC 588





Office for  
Nuclear Regulation

# Annual Report and Accounts 2021/22

Presented to Parliament pursuant to  
Paragraphs 21, 24 and 25(3) of Schedule 7  
to the Energy Act 2013.

Ordered by the House of Commons to be  
printed on 3 November 2022

**HC 588**

## **OGL**

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ISBN 978-1-5286-3379-6

E02752311 11/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

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## Whistleblowing

### Internal

No internal cases were raised.

### External

During 2021/22, we handled 13 protected disclosures across all our regulatory divisions, in accordance with our whistleblowing procedure. Of the 13 reports, three were carried forward from 2020/21 and closed in-year and one that was carried forward from 2019/20 was also closed in-year. Nine new protected disclosures were received. Of these, one was closed in-year and eight were carried forward into 2022/23 as our enquiries continue. Enquiries into seven of the eight cases carried forward are well advanced, and we expect them to close during Quarter 1 of 2022/23. The remaining case is awaiting preliminary enquiries.

Whistleblowers continue to provide valuable regulatory intelligence in specific areas of work within our regulatory remit, in some cases confirmatory. Where we found evidence that the matters reported might affect safety, we took appropriate action to ensure this was addressed. Of the five cases closed in-year, three led to actions and recommendations that will be embedded into our routine regulation and also enabled ongoing engagements with licensees around good practice. Two of the reports required no regulatory action. Whether or not reports led to formal action, all were used as an important source of regulatory intelligence.

## Senior Leadership Team (SLT)

During 2021/22, the SLT was responsible for the delivery of our strategy and corporate plan. It was the strategic executive decision-making body, supporting the Board to carry out the legislative, policy, operational and administrative functions and requirements.

The SLT acted as the Strategic Change Programme Board, reflecting shared accountability to support delivery of our infrastructure and resilience change agenda.

The SLT met virtually in August 2021 and February 2022, focusing on team building, developing effective strategic and inclusive leadership, promoting culture change, and ensuring effective succession planning. This was supported with individual executive coaching.

The Regulatory Leadership Team (RLT) provides regulatory directorate operational and business leadership and performance management, to ensure the CNI's statutory role and related delegated regulatory authorities retain visibility and independence.

The Support Directorate Leadership Team (SDLT) provides all support directorates with operational and business leadership and performance management. It ensures collective responsibility for organisational stewardship and cross-cutting strategic matters to enable support directorates to deliver high-quality outcomes in support of our mission.



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## **Annual whistleblowing report 2021-22**

Ofcom's approach to managing external whistleblowing disclosures and a summary of disclosures in 2021-22

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**Publication date:** 29 September 2022

# Contents

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## Section

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# 1. Overview

## Background

Ofcom is the regulator and competition authority for the UK communications industries. We regulate fixed-line and mobile telecoms, TV, radio, video-on-demand services, postal services, UK-established video-sharing platforms and the airwaves used by wireless devices.

We are independent of Government and the companies we regulate, and our duties are set out in statute, making us accountable to Parliament.<sup>1</sup>

Our principal duty is 'to further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition'.<sup>2</sup>

## About this report

This is Ofcom's first standalone report on whistleblowing disclosures made to Ofcom as the relevant 'Prescribed Person'. Ofcom has been designated as the 'Prescribed Person' for whistleblowing disclosures on matters relating to:

- the provision of electronic communications networks and services and the use of the electromagnetic spectrum;
- broadcasting and the provision of television and radio services;
- media ownership and control; and
- competition in communications markets

This report covers the number of whistleblower disclosures we have received for the period from 1 April 2021 to 31 March 2022.

Ofcom has reported annually on the number of whistleblowing disclosures since the beginning of the 2014-15 financial year in the Ofcom Annual Report and Accounts<sup>3</sup>.

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<sup>1</sup> Ofcom operates under a number of Acts of Parliament including the Communications Act 2003, the Wireless Telegraphy Act 2006, the Broadcasting Acts 1990 and 1996, the Digital Economy Acts 2010 and 2017 and the Postal Services Act 2011.

<sup>2</sup> Section 3(1) Communications Act 2003.

<sup>3</sup> Ofcom has reported no whistleblower disclosures until this financial year, 2021-22.

## 2. Background

### Obligations under the Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 (“PIDA”)<sup>4</sup> provides legal protection to employees who disclose information in the public interest from being dismissed or penalised by their employer. Ofcom is a ‘Prescribed Person’ under PIDA, which means that individuals may benefit from the PIDA protections by making their whistleblowing disclosure (“WD”) to Ofcom on matters relating to (a) the provision of electronic communications networks and services and the use of the electromagnetic spectrum; (b) broadcasting and the provision of television and radio services; (c) media ownership and control; and (d) competition in communications markets. Individuals may also benefit from the PIDA protections by making their WD to Ofcom on other matters within Ofcom’s remit e.g., postal services and video-sharing platforms (VSPs). We discuss the wider disclosure provisions under PIDA in more detail on page 5. Ofcom has no role in deciding whether the PIDA protections apply (this would be a matter for an Employment Tribunal), and does not become involved in the employment aspects of WDs.

Ofcom has a number of obligations as a Prescribed Person<sup>5</sup>, including an annual reporting obligation, and the requirement to act in a manner that preserves the confidentiality and anonymity of the individual making the disclosure. Often, a whistleblower will want to protect their identity because they feel vulnerable raising the issue with their employer; or perhaps they have already raised the issue internally and they consider that it has not been handled appropriately.

### About information we receive

Information about whistleblowing is available on the Ofcom whistleblowing web page<sup>6</sup> and whistleblowers can make disclosures to Ofcom by an online web form<sup>7</sup>, by email at [whistleblower@ofcom.org.uk](mailto:whistleblower@ofcom.org.uk) or by writing to the following address:

Consumer Contact Team (Whistleblowing)  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

We are currently reviewing our processes, and plan to allow whistleblowers to report problems through a new online form on the Ofcom website. We plan to introduce this new process towards the end of 2022.

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<sup>4</sup> [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>5</sup> Prescribed Person - Department for Business, Energy & Industrial Strategy – [Schedule 1 of Public Interest Disclosure \(Prescribed Persons\) Order 2014/2418](#)

<sup>6</sup> [Ofcom-whistleblowing procedure for making a disclosure](#)

<sup>7</sup> [Ofcom-whistleblowing procedure for making a disclosure](#)

Whistleblowing disclosures help us to regulate the broadcasting and communication sectors. The information we receive can provide valuable information about the relevant organisations and industry sectors that we regulate. This could influence future policy decisions and could lead to an enforcement investigation.

We have various options as how to respond to information provided by whistleblowers. Upon receiving a disclosure from a whistleblower, we will make an initial assessment of whether the disclosure raises concerns about a company's compliance with its regulatory or competition obligations such that Ofcom should investigate further, in line with our Enforcement Guidelines<sup>8</sup>.

There are a range of possible steps/outcomes. We may:

- **seek to gather further information** before reaching a decision on whether to investigate. This may involve contacting the organisation or individual that is the subject of the allegations. We would not disclose the whistleblower's identity or contact details without their consent.<sup>9</sup>
- **decide to open an investigation**. We would follow the normal procedures set out in our Enforcement Guidelines, which include publishing an opening notification on our website. We may decide to open an investigation where we consider the information provided raises credible concerns about a company's compliance with its regulatory or competition obligations.
- **address the allegations without opening a formal investigation**. This may involve writing to the organisation or individual to remind them of any relevant regulatory requirements. In other cases, we can use the information provided by a whistleblower to support other projects and monitoring activities.
- **pass whistleblower information to a more appropriate regulator**, for example if the behaviour relates to a sector Ofcom doesn't regulate.
- **decide not to investigate further**. Ofcom is not legally required to investigate every disclosure received. When deciding whether to investigate, we consider how well we are using the resources at our disposal to protect the public interest.

We do not offer advice to whistleblowers about what protection is offered to them. Whilst we cannot offer legal advice, there are other sources of support, such as:

- [Protect](#), the whistleblowing charity
- [ACAS](#)
- [Citizens Advice](#)
- Whistleblower's own trade union, if a member

The whistleblowing provisions under PIDA protect any 'worker' who makes a 'protected disclosure' of information, from being dismissed or penalised by their employer because of the disclosure. This is enforceable through an Employment Tribunal. Ofcom cannot determine whether a disclosure qualifies for protection or intervene in employment relations. Whistleblowers are advised to seek advice from one of the bodies mentioned above if they have any specific concerns. Whistleblowers may also seek legal advice from a suitably qualified person, such as a solicitor.

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<sup>8</sup> [Ofcom Enforcement Guidelines](#).

<sup>9</sup> We cannot guarantee anonymity, as an employer may independently identify a whistleblower.

We will treat any information given to us sensitively and responsibly. We will restrict knowledge of a whistleblower's identity to a very small number of people, and we would not divulge that information unless we were legally obliged to do so, for example by a judge in a court of law. But even if we do our utmost to protect a whistleblower's identity, we cannot guarantee anonymity, as an employer may identify them independently.



## 3. Whistleblowing disclosures

### Summary of the 13 disclosures we received in 2021-22:

- 10 whistleblower disclosures
- One disclosure was passed to another Prescribed Person
- Two wider disclosures

Of the 11 whistleblower disclosures:

- one is still being investigated;
- 10 were closed during 2021-22; and
- no enforcement investigations were carried out as a result of a disclosure in 2021-22.

Both of the wider disclosures were closed in 2021-22.

### Types of whistleblowing disclosures

#### Whistleblower disclosures to Prescribed Persons

In order for a disclosure to a Prescribed Person to be protected, the worker making the disclosure must reasonably believe that both:

- The wrongdoing falls within the remit of the Prescribed Person in question; and
- The information disclosed and any allegation contained in it are substantially true.<sup>10</sup>

#### Wider disclosures

The list of matters for which Ofcom is a Prescribed Person does not cover all of Ofcom's regulatory functions. For example, postal services and VSPs are not covered by the scope of the Prescribed Person designation for Ofcom. Ofcom may still accept whistleblowing complaints in respect of such matters under PIDA's wider disclosure provisions.

In order for a wider disclosure to be protected, the worker making the disclosure will also need to show (amongst other things), that they have previously disclosed substantially the same information to their employer or to a Prescribed Person, or they reasonably believed that they would have otherwise suffered a detriment or that material evidence would have been destroyed.<sup>11</sup>

Whilst the assessment criteria Ofcom must undertake to accept a wider disclosure is different, the protection offered by Ofcom in terms of confidentiality and anonymity is the same as a whistleblower disclosure made to Ofcom in its role as a Prescribed Person. Also, the protections

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<sup>10</sup> <https://www.legislation.gov.uk/ukpga/1998/23/section/1>

<sup>11</sup> <https://www.legislation.gov.uk/ukpga/1998/23/section/1>

under PIDA for the whistleblower are the same for a wider disclosure as for a disclosure to a Prescribed Person.<sup>12</sup>

## Number of whistleblower disclosures

Ofcom received 13 whistleblower cases in 2021-22:

- 10 whistleblower disclosures fell within Ofcom’s scope as a Prescribed Person;
- two wider disclosures fell outside Ofcom’s immediate scope as a Prescribed Person; and
- one whistleblower disclosure was passed to another Prescribed Person.

## Protected disclosures

### Protected disclosures – action taken

In 2021-22, we received and closed nine whistleblower disclosures. After an initial assessment, each of these cases was closed without requiring engagement with the whistleblower’s employer. One whistleblower disclosure was still being assessed as of 30 April 2022.

Whistleblower disclosure case	Action taken	Whistleblowing disclosures by action taken
Open cases	Ongoing enquiries	1
	Ongoing Enforcement Investigation	0
Closed cases	No Contact with Employer – No Action Required	9
	Direct Contact with Employer – No Further Action after Initial Assessment	0
	Direct Contact with Employer – Further Action Taken after Initial Assessment but no enforcement action	0
	Enforcement Investigation – No regulatory breach found	0
	Enforcement Investigation – Regulatory breach found	0
<b>TOTAL</b>		<b>10</b>

<sup>12</sup> To be treated as a ‘protected disclosure’ under PIDA, whistleblowing disclosures (whether they are made to a Prescribed Person and under PIDA’s wider disclosures provisions), will need to qualify for protection. Qualifying disclosures are defined in section 43B of PIDA (<https://www.legislation.gov.uk/ukpga/1998/23/section/1>).

### Protected disclosures by industry sector

Of the ten protected whistleblower disclosures we received in 2021-22, nine originated from the telecoms sector and one from the broadcasting sector.

	Whistleblowing disclosures by sector
Broadcasting	1
Spectrum	0
Telecoms	9
<b>TOTAL</b>	<b>10</b>

### Number of wider disclosures

We received two wider whistleblowing disclosures in 2021-22, one relating to the postal sector and one relating to VSPs.

#### Wider disclosures – action taken

In 2021-22, we received and closed two wider disclosures. After an initial assessment one case was closed without requiring engagement with the whistleblower’s employer and the other case was closed after engaging with the whistleblower’s employer.

Wider disclosure case	Action taken	Wider disclosures by action taken
Open cases	Ongoing enquiries	0
	Ongoing Enforcement Investigation	0
Closed cases	No Contact with Employer – No Action Required	1
	Direct Contact with Employer – No Further Action after Initial Assessment	1
	Direct Contact with Employer – Further Action Taken after Initial Assessment, but no enforcement action	0

Wider disclosure case	Action taken	Wider disclosures by action taken
	Enforcement Investigation – No regulatory breach found	0
	Enforcement Investigation – Regulatory breach found	0
<b>TOTAL</b>		<b>2</b>

### Wider disclosures by industry sector

One wider disclosure was from the postal sector and the other was from the VSP sector.

	Wider disclosures by sector
Postal services	1
Video-sharing platforms	1
<b>TOTAL</b>	<b>2</b>

### Number of whistleblower disclosures passed to another Prescribed Person

We received one whistleblower disclosure in 2021-22 that we identified as being within the financial services industry. We passed this disclosure to the Financial Services Authority.

## 4. Conclusion

Whistleblowing disclosures can be an important source of information that supports our primary duty “to further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition”.

This report shows that in the 2021-22 financial year, we carried out a number of assessments on whistleblower and wider disclosures. We did not open an enforcement investigation or take specific action against an employer. However, we will use the information provided to make more informed policy decisions, and, where appropriate, take enforcement action in the future.

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



**Annual Report and Accounts 2021–22**

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

## **Annual Report and Accounts 2021–22**

**(For the year ended 31 March 2022)**

Presented to the House of Commons pursuant to Section 6(4)  
of the Government Resources and Accounts Act 2000

Ordered by the House of Commons to be printed 14 July 2022



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ISBN 978-1-5286-3439-7

E02757208 07/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office



# Appendix B: Whistle-blowing disclosures report (social care) – from 1 April 2021 to 31 March 2022

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 that 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 children’s social care services and the welfare of children provided with accommodation by schools and colleges. All relevant services are listed in Figure 1.

**Figure 1: The number of workers’ disclosures received in the reporting period, which we reasonably believe are both qualifying disclosures and fall within HMCI’s prescribed matters<sup>33</sup>**

The children’s social care services that the disclosure related to	Number of disclosures received <sup>34</sup>
Adoption support agencies	0
Cafcass	0
Children’s homes	254
Independent fostering agencies	16
Local authority children’s services <sup>35</sup> (this includes disclosures about trusts that deliver services on behalf of local authorities)	101
Residential family centres	6
Residential holiday schemes for disabled children	0
Welfare of children provided with accommodation by boarding schools and further education colleges	1
Welfare of children provided with accommodation by residential special schools	0
Voluntary adoption agencies	0

33. To be covered by the whistle-blowing law, 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 has occurred, is occurring or is likely to occur: a criminal offence; a breach of 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 these categories.

34. 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 as a whole.

35. Local authority functions as outlined in the Schedule to The Public Interest Disclosure (Prescribed Persons) Order 2014; <https://www.legislation.gov.uk/uksi/2014/2418/made>.

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

Action taken in the reporting period	Number of disclosures received <sup>36</sup>
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 as it has overarching responsibility for safeguarding and promoting the welfare of all children and young people in its area.	33
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.	166
Carried out a monitoring visit (this action applies only to services that Ofsted regulates) if we considered that 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 whistleblowing disclosure informed this work.	60
The information received informed compliance and enforcement action. <sup>37</sup>	7
Reviewed the timing of the next inspection/visit and brought it forward if appropriate.	54
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.	144
Passed the information to another organisation as it was not for Ofsted to take action.	4
Our review of the information received is ongoing. <sup>38</sup>	11
Other action taken not included in other categories above.	27

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

Category	Number of disclosures received <sup>39</sup>
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.	67
Concerns that children are not receiving the right quality of care but that do not suggest a risk to their safety.	143
Concerns that a social care service is not meeting regulatory requirements.	67
Concerns about the quality of leadership and management. <sup>40</sup>	31
Concerns relating to workforce, including recruitment, training, qualifications, experience. <sup>41</sup>	7
Our review of the information received is ongoing. <sup>42</sup>	11

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, emails, and through our helpline. Sometimes the information is provided anonymously.

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

37. 'Social care: Ofsted's enforcement policy', Ofsted, October 2014; <https://www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014>.

38. Due to the information being received at the end of the reporting year, the information was under consideration.

39. 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.

40. This category relates to disclosures received about local authority children's services.

41. This category relates to disclosures received about local authority children's services.

42. Due to the information being received at the end of the reporting year, the information was under consideration.

# Report

## Annual Whistleblowing Report 2021-2022

<b>Publication date:</b>	2 September 2022	<b>Contact:</b>	Emma Lynch, Senior Enforcement Investigator
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This is our fifth annual Whistleblowing Report<sup>1</sup>, about disclosures made to us, as the relevant Prescribed Person, by workers in the gas and electricity market. Further detail on the types of disclosures that can be made to us are outlined in [the Public Interest Disclosure \(Prescribed Persons\) Order 2014](#). This report summarises the number of qualifying disclosures received and how they were taken forward in the relevant reporting period from 1 April 2021 to 31 March 2022.

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

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

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## 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 legislation. 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.
  - Network and Information Systems Regulations of 2018 (NIS Regulations).
- 1.4. Further information on the types of matters the Authority deals with are outlined in this [document](#). This document also includes information on other prescribed bodies and the matters that fall within their remit. We would encourage potential whistleblowers to familiarise themselves with the content of this document before considering making a disclosure to us (or another prescribed body) to ensure the disclosure is being directed to the most appropriate prescribed body.

#### **About information we receive**

- 1.5. 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](#).
- 1.6. 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.
- 1.7. 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/or to report criminal behaviour to a relevant law enforcement authority. Through this we are able to promote value for money and safeguard the integrity of the schemes.
- 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 37 qualifying disclosures<sup>2</sup> were made to Ofgem by workers in the gas and electricity energy sector in the period 1 April 2021 to 31 March 2022. This figure is a drop of around 15% on the previous reporting period.
- 2.2. Our general observations over the last reporting period are broadly similar to those in previous periods. If the observations are thereafter acted on it will also improve our ability to assess what action (if any) to take on the information provided.
- 2.3. We continued to receive disclosures that contained insufficient information to act and where 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

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<sup>2</sup> 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

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 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 (in some circumstances) expose whistleblowers to risk including civil and/or criminal liability . 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 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 may 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<sup>3</sup>.

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<sup>3</sup> Further details can be found in our [whistleblowing guidance](#)

2.7. There are legal constraints that prevent us providing updates to whistleblowers on the status of our enquiries. Therefore ongoing dialogue with whistleblowers is unlikely to be appropriate once the initial disclosure has been finalised.

## Outcomes

2.8. This table shows what actions were taken and the outcomes for the 37 qualifying disclosures<sup>4</sup> made during the period 1 April 2021 to 31 March 2022.

Action taken	Outcome	Total
Led to direct contact with employer	Led to enforcement / compliance action	2
Led to direct contact with employer	Ongoing contact with employer	6
Led to direct contact with employer	No further action – no breach <sup>5</sup>	4
Did not lead to contacting employer	Held as intelligence <sup>6</sup>	21
Did not lead to contacting employer	No further action – no breach	1
Considered as part of ongoing investigation /compliance action	Ongoing investigation / compliance activities	1
Background enquiries still ongoing	Ongoing enquiries	2

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<sup>4</sup> All disclosures in the table were external ie they were made by workers in the energy sector to Ofgem. There were no internal disclosures made to Ofgem by its staff in the reporting period

<sup>5</sup> This is where the matter was raised with the subject of the disclosure and it was found that there was no breach of any obligation enforceable by the Authority

<sup>6</sup> This is where there is insufficient evidence of breach, consumer harm or detriment in the disclosure that would warrant further action

### 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 highlighting issues that warranted enforcement and/or compliance action, providing useful information for existing enquiries and providing useful intelligence on emerging issues. The information provided in some disclosures highlighted problems within our functional areas and we were able to act accordingly. For example using the disclosure to focus research, establish trends and use our statutory powers to obtain further information from licensees.
- 3.3. Ofgem values the information provided by whistleblowers and the content of this report provides greater transparency regarding how we act on the information we receive. All qualifying disclosures are taken seriously and will be investigated. The nature of the enquiries we make are tailored to the facts of each specific disclosure.

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Corporate report

# Ofqual annual report and accounts 2021 to 2022

Updated 22 August 2022

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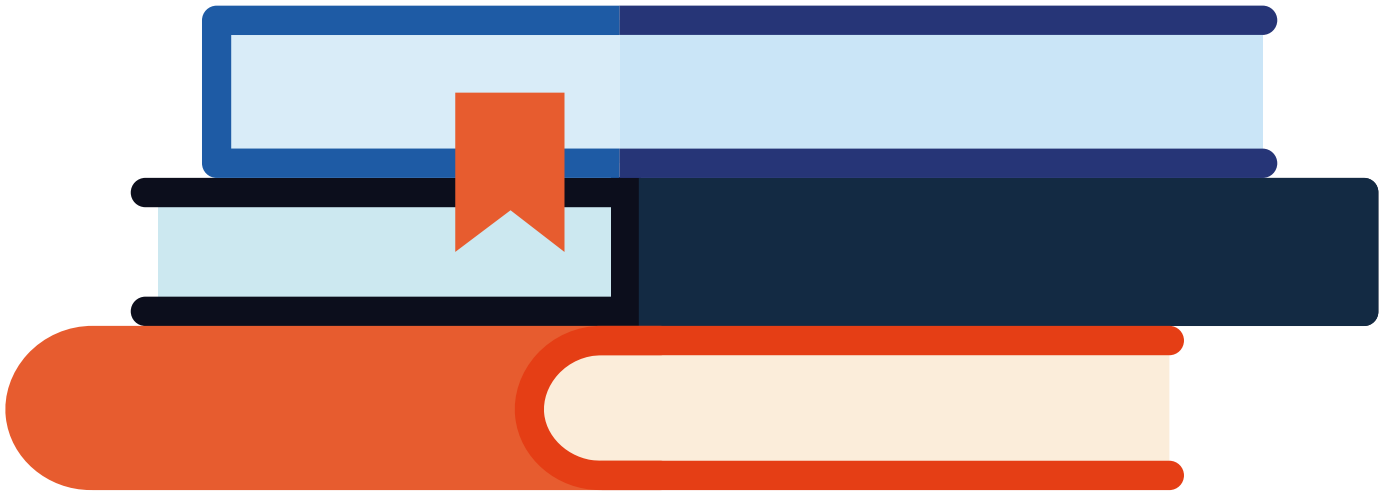


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## Public enquiries

The continued disruption to the education of students caused by the pandemic in 2021 had an impact on our public-facing services. During the year, we received approximately 4,500 phone calls and 3,600 emails. Responses were managed through the employment of additional temporary resource. First-line call handling is now contracted to an expert provider to give greater scalable capacity to meet demand without impacting on our core work.

Ofqual continued to respond to written enquiries within 3 days and answered over 97% of the calls we received. The additional capacity for our public enquiries service has meant that we have been able to continue to meet the public's need with a focus on ensuring information is available to signpost individuals correctly to the right place with their query.

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

Ofqual received 76 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 31 were related to centres or training providers. Six of these disclosures were referred to the relevant



awarding organisation for further action. The remaining 45 disclosures were related to awarding organisations. We liaised with the relevant awarding organisations to ensure the concerns were investigated. Of the 76 disclosures: 14 resulted in further action being taken, 46 found no evidence to substantiate the claims, and 16 are still ongoing.

Ofqual has an objective to maintain standards and confidence in regulated qualifications. The disclosures received have provided us with information and intelligence to ensure that standards in regulated qualifications are maintained and allowed us to discharge our statutory obligations.

Ofqual did not receive notice of any whistleblowing disclosures during the past year which related to Ofqual.

## **Complaints**

### **Complaints about Ofqual**

Ofqual received 51 complaints in the reporting period. We upheld 5 complaints during the reporting period. Apologies were issued and steps were taken to avoid a repeat of the issue.

In the exceptional circumstances of the pandemic within this reporting period, 19 related to external policy, 11 related to results and post-result outcomes achieved by candidates, and 7 cases related to service issues at Ofqual. The remainder were examination related.

### **Complaints to the Parliamentary Ombudsman**

Ofqual received enquiries from the Parliamentary Ombudsman about 4 complaints relating to Ofqual. Of these, none were taken forward for investigation.

### **Complaints about awarding organisations**

Ofqual aims to acknowledge complaints within 3 working days and to provide a final response within 40 working days in 80% of cases.

During the reporting period, we acknowledged 100% of complaints within 3 working days and provided a final response within 40 days in 89% of cases. The average number of days to close a complaint was 9 days.

Overall, we handled 420 new complaints, of which 343 were about awarding organisations. Where there are indications of non-compliance, we classify our outcome as either upheld or partly upheld. We upheld or partly upheld 10 complaints about awarding organisations during the year. These awarding organisations were referred to our relevant standards teams for further consideration of potential non-compliance.

Where a complainant is unhappy with the outcome of their complaint, they can request an internal review. We carried out internal reviews in 16 cases, which related to the way we investigated the original complaint. Of these one was upheld.



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## OGL

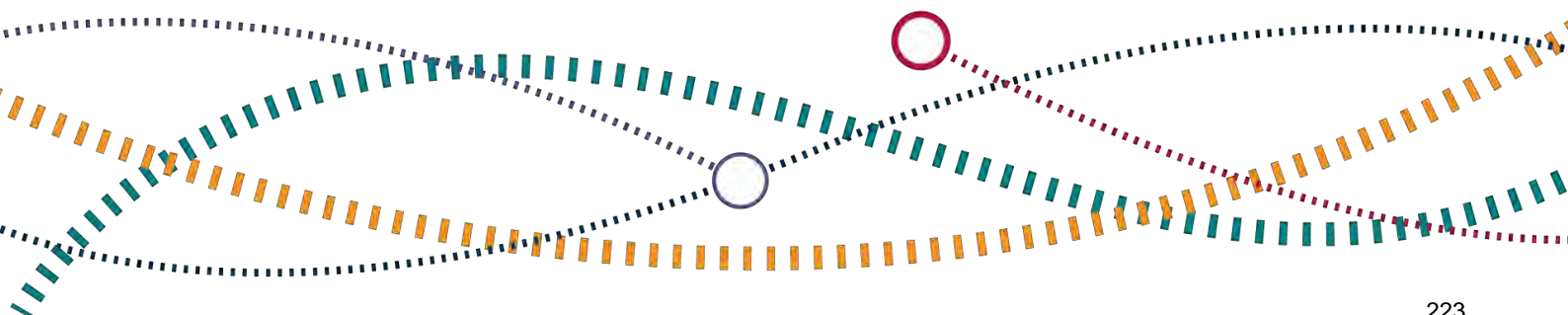
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# Whistleblowing Annual Report 2021-2022

01 September 2022



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## Background

ORR's whistleblowing policy is designed to provide an avenue for people working 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:

[Whistleblowing | Office of Rail and Road \(orr.gov.uk\)](#)

[Holding National Highways to account | Office of Rail and Road \(orr.gov.uk\)](#)

Workers should contact the ORR Board Secretary with their concerns, making clear that they consider themselves to be a whistleblower. They can be contacted on 0207 282 2175 or [boardsecretariat@orr.gov.uk](mailto:boardsecretariat@orr.gov.uk).

## Whistleblowing Complaints

In 2021-22 we received a total of 39 complaints we identified as whistleblowing from among the concerns and complaints raised with ORR over the year. 36 were raised by railway employees or volunteers and 3 were in relation to our work as highways monitor. This is a decrease of 7% when compared to 42 complaints received in 2020-21. An outline of the cases received are as follows:

1. Allegation of manufacturer issues
2. Safety concerns for the condition of assets on Crossrail
3. Signal protection usage concerns
4. Competency of train conductors
5. Staff working conditions
6. Asset condition and staff culture
7. Alleged failure to investigate fraud at Highways England
8. Signaller competency and risk of serious incident
9. Irregularities in procedures
10. Security and systemic issues at station
11. Concerns over signaller training
12. Infrastructure concerns
13. Allegation of incorrect reporting of line incidents
14. Near miss on mainline track
15. Fatigue and staff absences
16. Allegation of malpractice by management
17. Staff grievance
18. Level crossing safety concern
19. Concerns over condition of bridge
20. Inadequate safety procedures
21. Allegation of using signatures without consent
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28. Concerns over Assurance and Compliance practices
29. Health and Wellbeing issues
30. Staff shortage and the impact it has on safety
31. Vacancies at station and the impact it has on staff
32. Allegation of potential data breach
33. Malpractice relating to safety documentation
34. Shunting incident
35. Concerns over colleague's behaviour and actions
36. Unsafe working practices
37. Irregular working practices
38. Untrained personnel carrying out electrical inspections
39. Mental health of staff was put at risk by their employer

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/>. Sometimes they approach ORR's safety inspectors or engineers directly.

## **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. In situations where there appears to be an immediate danger interventions can be very swift.

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 issue.

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.





# Annual Report & Accounts 2021-22

Published 24.08.2022

# 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 three (3) whistleblowing reports in 2021-22 compared to the two (2) received in the previous year. This reflects the context of reduced activity in parts of the Scottish charity sector during the COVID-19 pandemic.

All of the three concerns received were assessed as requiring OSCR to open inquiries using our powers under section 28 of the 2005 Act and using our other statutory powers as appropriate. Two of the three inquiries are still ongoing, while one was closed in light of further evidence received.

In 2021-22 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.

*Maureen Mallon*

**Maureen Mallon**

Chief Executive and Accountable Officer  
01.08.2022



## **OFFICE OF THE SCOTTISH CHARITY REGULATOR**

### **DIRECTION BY THE SCOTTISH MINISTERS**

#### **in accordance with section 19(4) of the Public Finance and Accountability (Scotland) Act 2000**

1. The statement of accounts for the financial year ended 31 March 2016 and subsequent years shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FReM) which is in force for the year for which the statement of accounts are prepared.
2. The accounts shall be prepared so as to give a true and fair view of the income and expenditure, recognised gains and losses, and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
3. This direction shall be reproduced as an appendix to the statement of accounts.

Signed by the authority of the Scottish Ministers

Dated 6 June 2021



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This document was first published on 24.08.2022



[Home](#) > **Whistle-blowing**

## Raising a concern with the Commissioner

This policy sets out our approach when the Older People's Commissioner for Wales ("the Commissioner") is contacted by a worker from another organisation who is worried about wrongdoing where they work and wants to raise a concern and report it, or 'blow the whistle'.

## Raising a concern

All of us, at one time or another have concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger, inappropriate/unprofessional behaviour or harm that might affect others or the organisation itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

It is good practice for employers to have their own internal whistle-blowing procedures, which should explain how you can raise any concerns. If your employer does have such procedures you should follow them, unless there is a compelling reason not to do so.

The **Public Interest Disclosure Act 1998 (PIDA)** recommends that workers raise concerns with their employer in the first instance and we endorse this; however, there is no legal requirement to do so. It is recognised that there can be legitimate reasons why a worker would want to raise their concerns outside of their workplace.

## What is 'whistleblowing'?

'Whistleblowing' refers to a disclosure of information by a worker who has a reasonable belief that it tends to show one or more of the following:

A criminal offence has been committed or is likely to be committed; and/or

A person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject; and/or

A miscarriage of justice has occurred, is occurring or is likely to occur; and/or

The health or safety of any individual has been, is being or is likely to be endangered; and/or

The environment has been, is being or is likely to be damaged; and/or

Information tending to show any matter above has been, is being or is likely to be deliberately concealed.

For example, such concerns may include inappropriate behaviour towards or ill treatment of a patient/resident/client/customer by a member of staff; a breach of any statutory code of practice; unfair discrimination in the provision of services; or unprofessional conduct or conduct below recognised and established standards of practice.

## Protection for whistleblowers

PIDA offers protection to workers who blow the whistle, provided that they do so in one of the ways set out in PIDA (known as making a protected disclosure). PIDA applies to most employees and includes those employed on a temporary basis or through an agency.

Workers have the right not to be subjected to a detriment by their employer as a result of blowing the whistle. A worker who is subjected to a detriment on the grounds that they made a protected disclosure can take their employer to an Employment Tribunal to seek redress.

## Making disclosures to the Commissioner

The Commissioner is a 'prescribed person' under PIDA for matters relating to the rights and wellbeing of older people in Wales.

This means that a worker may gain protection as a whistleblower under PIDA where the disclosure is made to the Commissioner, provided that the worker making the disclosure reasonably believes that it falls within the remit of the Commissioner and that the information disclosed and any allegations contained in it are substantially true.

The Commissioner's overriding concern is to protect the public interest. The Commissioner is not required to consider whether a disclosure qualifies for protection under PIDA and will not be able to provide advice on this. It would ultimately be for an employment Tribunal to determine whether an individual has the protection under PIDA. The Commissioner's role is to consider the matters disclosed to it.

PIDA does not require the Commissioner to investigate every disclosure received. The Commissioner can only investigate disclosures which fall within the scope of the Commissioner's statutory functions and within the parameters of the Commissioner's statutory powers.

Read more about the role of a ['prescribed person' here](#).

## The Commissioner's approach for dealing with concerns

### Stage 1

We encourage all individuals to contact [Protect](#) in the first instance for independent and confidential advice. Protect may be able to help you to identify the correct prescribed person under PIDA. The Commissioner cannot provide advice on the scope of whistleblowing protection under PIDA.

### Stage 2



If a worker approaches us wishing to raise a concern, we will first check whether we can accept it. This will involve:

(i) Determining whether the subject matter of the concern is something which falls within the statutory functions of the Commissioner; and

(ii) Asking procedure-related questions to establish at which stage the disclosure is at and whether any other public bodies are investigating the matter.

The worker will be notified whether we can accept the disclosure. If we are not able to accept the disclosure, we recommend that the individual contacts Protect for further advice.

### Stage 3



**Comisiynydd Pobl Hŷn Cymru**  
Older People's Commissioner for Wales

After the interview we will write to the worker explaining what we plan to do with the disclosure. We can only investigate the substance of a disclosure on the basis of the Commissioner's statutory powers.

Any steps we take must be pursuant to the discharge of the Commissioner's statutory functions.

The Commissioner will consider referring the concern to another agency, regulator or (in the case of criminal allegations) to the police if it considers it appropriate or necessary to do so.

## What action can the Commissioner take in relation to concerns?

The Commissioner's statutory functions and powers are set out in the Commissioner for Older People (Wales) Act 2006 and The Commissioner for Older People in Wales Regulations 2007.

<http://www.olderpeoplewales.com/en/about/commissioners-role/legal-powers.aspx> The Commissioner can only act within the scope of these functions and powers.

In certain circumstances, the Commissioner may have discretion to publish a report with its findings and make recommendations. The Commissioner does not have the power to take enforcement action against employers.

If you suspect that an older person is at risk of harm, we recommend that you contact your Local Authority and ask to make a safeguarding referral with immediate effect. Contact details for Local Authority adult protection teams are available at: <https://olderpeople.wales/contacts/>

## Confidentiality

Any information received by the Commissioner will be treated sensitively and the Commissioner will investigate matters raised under this policy in a responsible manner.

Workers may contact us to raise their concerns anonymously if they wish. However, it is harder to investigate concerns if we cannot ask follow-up questions.

We therefore do not encourage concerns to be raised anonymously with the Commissioner, although we will accept anonymous disclosures.

## Commissioner's contact details for raising a concern

Address: Cambrian Buildings, Mount Stuart Square, Cardiff, CF10 5FL

Phone: 03442 640 670 or 02920 445030

E-mail: [ask@olderpeople.wales](mailto:ask@olderpeople.wales)

## Other contact details

### **Protect**

The independent charity Protect can confidentially talk you through your options and help you raise a concern about malpractice at work.

Phone: 020 3117 2520

E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

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

### **Union or Professional Body**

You can also contact your union or professional body (where applicable) for advice.

### **Other prescribed persons under PIDA**

An updated list of prescribed persons is maintained at:

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

## Feedback and Monitoring

The Commissioner is dedicated to achieving the highest standards possible. We recognise that this requires us to review how we have dealt with concerns, to enable us to identify trends and areas for improvement so that we can continue to improve our service. We may therefore maintain records of correspondence, telephone calls, interview notes and evidence collected for this purpose.

We welcome feedback from individuals who have raised complaints with us, either in writing or by e-mail.

Anybody who is dissatisfied with the way in which their concern was dealt with under this policy may refer to our Complaints Policy, which is available on our website.

## Raising concerns dos and don'ts

If you are concerned about wrongdoing where you work:

### **Do:**

Make an immediate written record of your concerns noting all relevant details such as dates, names and times.

Check whether your employer has policies and procedures in place for whistleblowing (most employers do) and follow them. Pass on your suspicions to someone with the appropriate authority and experience.

Deal with the matter promptly if you feel that your concerns are justified.

### **Don't:**

Do nothing.

Be afraid of raising your concerns. Your employer must not victimise you if you raise your concerns. Your employer must treat any matter you raise

sensitively and confidentially.

Approach or accuse any individuals directly or try to investigate the matter yourself.

Pass on your suspicions to anyone who does not have the proper authority.

## Public Interest Disclosure Act Annual Reports

### **Annual report: 1 April 2022 to 31 March 2023**

The Older People's Commissioner for Wales did not receive any disclosures for the reporting period of 1 April 2021 to 31 March 2022 which we regard as falling within the terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

### **Annual report: 1 April 2021 to 31 March 2022**

The Older People's Commissioner for Wales did not receive any disclosures for the reporting period of 1 April 2021 to 31 March 2022 which we regard as falling within the terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

### **Annual report: 1 April 2020 to 31 March 2021**

The Older People's Commissioner for Wales did not receive any disclosures for the reporting period of 1 April 2020 to 31 March 2021 which we regard as falling within the terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

### **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.

### **Annual report: 1 April 2018 to 31 March 2019**

The Older People's Commissioner for Wales did not receive any disclosures for the reporting period of 1 April 2018 to 31 March 2019 which we regard as falling within the terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

### **Annual report: 1 April 2017 to 31 March 2018**

The Older People's Commissioner for Wales did not receive any disclosures for the reporting period of 1 April 2017 to 31 March 2018 which we regard as falling within the terms of the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

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Annual report  
and accounts  
2021/22

The Payment Systems Regulator Limited

Annual report and accounts 2021-22  
(for the year ended 31 March 2022)

Presented to Parliament pursuant to  
paragraph 8 (3) of Schedule 4 of the Financial  
Services (Banking Reform) Act 2013

Ordered by the House of Commons  
to be printed on 19 July 2022

HC 425

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This publication is available at  
[www.psr.org.uk/annualreport21-22](http://www.psr.org.uk/annualreport21-22)

ISBN 978-1-5286-3287-4  
E 02738982 07/22

Printed on paper containing 40%  
recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf  
of the Controller of Her Majesty's Stationery Office



## Working with other authorities continued

Both the PSR and the FCA are competent authorities in relation to Regulation 105 of the Payment Services Regulations 2017, covering access to bank accounts. We continued to work closely with the FCA to monitor compliance, including through regular meetings to discuss notifications we received of withdrawal or refusal of bank account access.

We're the main authority for monitoring and enforcing compliance of the Interchange Fee Regulation (IFR), sharing this competency with the FCA in relation to Articles 8(2), (5) and (6), 9, 10(1) and (5), 11 and 12 of the IFR. As we continue to monitor compliance with these provisions, we work with the FCA to ensure we cooperate effectively. We also cooperate with the European Commission Directorate-General for Competition and with EU national competent authorities in relation to our IFR monitoring work. This cooperation has continued since the UK left the EU.

We have a statutory Memorandum of Understanding (MoU) with other UK financial services regulators (the FCA, the PRA and the Bank of England), which describes:

- the role of each authority in relation to matters of common regulatory interest
- how we intend to cooperate

The memorandum is reviewed by 31 December each year. In October 2021, the Bank and PSR wrote to dual regulated firms asking for feedback on our cooperation with respect to payment systems regulation. The feedback we received helped us inform the findings of the 2021 MoU review and our approach for this year's review. For example, in future we plan to provide more information to stakeholders on the findings of each annual review.

As a member of the Financial Services Regulatory Initiatives Forum, we contribute to the Regulatory Initiatives Grid – a joint initiative designed to help firms prepare for upcoming regulatory work. The Grid was updated in November 2021.

During the last year, we've also continued to engage regularly with the Competition and Markets Authority (CMA) and other sector regulators in the UK Competition Network to share specialist knowledge and insights to help us all identify and pursue competition cases. We are members of, and take an active role in, the UK Regulators Network (UKRN), which allows relevant bodies to pool their experience, identify best practices and work together where appropriate. In particular, we engaged with the CMA and other UKRN members to develop our thinking in response to the government's consultations on the Better Regulation Framework Review, a new pro-competition regime for digital markets consultation, and the Competition and Consumer Policy Review.

We also engaged with the European Banking Authority, the European Commission and other international supervisory authorities as needed.

## Whistleblowing

The PSR is a Prescribed Person as defined in The Public Interest Disclosure (Prescribed Persons) Order 2014. It is prescribed to accept and act upon concerns about payment systems and the services provided by them ('disclosures of information').

We have processes in place to handle any whistleblowing enquiries or declarations we receive. This enables us to fulfil our duties as a Prescribed Person, and our statutory duties to promote effective competition, innovation and the interests of people and organisations that use payment systems. 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. The PSR is the decision-maker on cases relating to its statutory remit.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require us to produce an annual report on the disclosures that we've received. Regulation 5 of the 2017 Regulations stipulates that the report must contain:

(a) *the number of workers' disclosures received that were reasonably believed to be:*

(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 the PSR is prescribed;*

(b) *the number of those disclosures in relation to which the PSR decided to take further action;*

(c) *a summary of:*

(i) *the action that the PSR has taken in respect of the workers' disclosures; and*

(ii) *how workers' disclosures have impacted on the ability of the PSR to perform its functions and meet its objectives;*

(d) *an explanation of the functions and objectives of the PSR.*

In the current reporting period (1 April 2021 to 31 March 2022), we have the following to report:

(a)(i) and (ii) We received three disclosures that we believed were qualifying disclosures falling within our remit as a Prescribed Person.

(b) None.

(c) (i) We had already taken action in respect of some of the issues referred to in the workers' disclosures. After detailed consideration, we decided to take no further action.

(c) (ii) The workers' disclosures have not affected our ability to perform our functions and achieve our objectives during the reporting period.

An explanation of our functions and objectives (Regulation 5 (d)) can be found on page 11.

Further information about the PSR and whistleblowing can be found at [www.psr.org.uk/psr-approach-to-whistleblowing/](http://www.psr.org.uk/psr-approach-to-whistleblowing/)

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E 02738982

ISBN 978-1-5286-3287-4

# Ombwdsmon Ombudsman

OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU  
PUBLIC SERVICES OMBUDSMAN FOR WALES

## Annual Report and Accounts

2021 / 2022



We can provide a summary of this document in accessible formats, including Braille, large print and Easy Read. To request, please contact us:

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CF35 5LJ

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## Annual Report and Accounts 2021/22

of the Public Services Ombudsman for Wales  
for the year ended 31 March 2022

Laid before the Welsh Parliament  
under paragraphs 15, 17 and 18 of Schedule 1  
of the Public Services Ombudsman (Wales) Act 2019.

## Whistleblowing disclosure report

Since 1 April 2017, we are 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:

1. they are acting in the public interest, which means that protection is not normally given for personal grievances.
2. 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 2021/22, we received 27 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. Almost a half of those disclosures (12) related to allegations that the members concerned had 'failed to promote equality and respect'. We investigated 11 of these complaints. So far, we have closed one of those investigations. We decided in that case that no further action was necessary.

We concluded investigations into 8 relevant complaints which were ongoing from 2020/21. Of these:

- we referred one case to a Standards Committee. The Committee decided that there was a breach of the Code of Conduct and censured the member.
- we referred one case to the Adjudication Panel for Wales. The Panel has not yet decided on that complaint.
- in three cases, we discontinued the investigation.
- In three cases, we decided that we did not need to take any action further action in respect of the matters investigated.

One of the investigations opened in 2020/21 is still ongoing.

**Public Services Ombudsman for Wales**

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# ANNUAL ACCOUNTS 2021-22



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**Lywodraeth Cymru**  
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### 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 in this financial year.

We also have a Regulatory Whistleblowing Procedure. We did not receive any regulatory whistleblowing disclosures in this financial year.

### 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, adopted 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 developed well-being objectives, which were published in April 2018, and can be seen on our [website](#). We produce an annual progress report which can also be viewed 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, which can be viewed on our [website](#). We have an action plan, and our focus has been on embedding the Scheme throughout the organisation. Our progress report can also be viewed on our [website](#).

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[Regulator of  
Social Housing](#)

Transparency data

# Whistleblowing report 2021-22

Published 26 September 2022

## Applies to England

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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 regulator's statutory objectives are as follows:

## Economic regulation objective:

- To ensure that registered providers of social housing are financially viable and properly managed, and perform their functions efficiently and economically
- To support the provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing)
- To ensure that value for money is obtained from public investment in social housing
- To ensure that an unreasonable burden is not imposed (directly or indirectly) on public funds; and
- To guard against the misuse of public funds.

## Consumer regulation objective:

- To support the provision of social housing that is well-managed and of appropriate quality
- To ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection
- To ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account, and
- To encourage registered providers of social housing to contribute to the environmental, social and economic wellbeing of the areas in which the housing is situated.

We publish information about who we are and what we do on our [website \(https://www.gov.uk/rsh\)](https://www.gov.uk/rsh). We also publish more detailed information about [how we regulate the sector \(https://www.gov.uk/government/publications/regulating-the-standards\)](https://www.gov.uk/government/publications/regulating-the-standards).

## 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 criminal offence has been committed, is being committed, or is likely to be committed - a person has failed, is failing, or is likely to fail to comply with a legal obligation - a miscarriage of justice has occurred, is occurring, or is likely to occur - the health and safety of an individual has been, is being, or is likely to be endangered - 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 2021 and 31 March 2022, the regulator received 30 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 in 2021-22 and subject to initial review 30

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Number of disclosures referred for more detailed consideration in 2021-22 28

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Number of disclosures investigated 28

---

Number of disclosures resulting in or contributing to regulatory action 5

---

## Summary of the action taken

All 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, 28 cases were referred through our internal processes for more detailed consideration. There were no cases brought forward from 2020-21.

Of the 28 cases subject to a detailed consideration, we went on to investigate all 28 cases, as they demonstrated a potential breach of the regulatory standards or an issue which required regulatory intervention.

In each of the 28 cases investigated that were disclosed in 2021-22, 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 23 of the cases which we closed in 2021-22 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.

Of the remaining 5 cases which we investigated, these resulted in, or contributed to regulatory action being taken against a registered provider in the form of the publication of a [Regulatory Notice or Regulatory Judgement](https://www.gov.uk/government/publications/regulatory-judgements-and-regulatory-notice) (<https://www.gov.uk/government/publications/regulatory-judgements-and-regulatory-notice>). Where we conclude that a registered provider is non-compliant with our [regulatory standards](https://www.gov.uk/government/publications/whistleblowing-report-2020-21/government/admin/detailed-guides/1102965) (<https://www.gov.uk/government/publications/whistleblowing-report-2020-21/government/admin/detailed-guides/1102965>), we will engage with them intensively as they take action to resolve the issues. In these 5 cases, we worked with the registered 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

Some of the disclosures have resulted in useful intelligence being gathered, which has helped.

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# Whistleblowing and raising a concern policy

**Published:** 21 October 2021

**Freedom of information class:** About Registers of Scotland

(<https://www.ros.gov.uk/about/freedom-of-information#about>)

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## Whistleblowing and raising a concern policy

### The Public Interest Disclosure Act 1998

(<http://www.legislation.gov.uk/ukpga/1998/23/contents>) 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](https://www.ros.gov.uk/about/publications/policy-and-guidelines/2022/whistleblowing-procedure) (<https://www.ros.gov.uk/about/publications/policy-and-guidelines/2022/whistleblowing-procedure>)
- [Whistleblowing FAQ](https://www.ros.gov.uk/about/publications/policy-and-guidelines/2022/whistleblowing-faq) (<https://www.ros.gov.uk/about/publications/policy-and-guidelines/2022/whistleblowing-faq>)



## Whistleblowing requests 2021-22

During the reporting period for 2021-22, Registers of Scotland received zero whistleblowing disclosures.

## Whistleblowing requests 2020-21

During the reporting period for 2020-21, Registers of Scotland received zero whistleblowing disclosures.

## Whistleblowing requests 2019-20

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

## Whistleblowing requests 2018-19

During the reporting period for 2018-19, Registers of Scotland received zero whistleblowing disclosures.

## Whistleblowing requests 2017-18

During the reporting period for 2017-18, Registers of Scotland received zero whistleblowing disclosures.

## About us (<https://www.ros.gov.uk/about>)

What we do (<https://www.ros.gov.uk/about/what-we-do>)

Governance (<https://www.ros.gov.uk/about/governance>)

News (<https://www.ros.gov.uk/about/news>)

Events (<https://www.ros.gov.uk/about/events>)

Publications (<https://www.ros.gov.uk/about/publications>)

Open data (<https://www.ros.gov.uk/about/open-data>)

Freedom of information (<https://www.ros.gov.uk/about/freedom-of-information>)

Work with us (<https://www.ros.gov.uk/about/work-with-us>)

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## About this site

(<https://www.ros.gov.uk/about-this-site>)

Accessibility (<https://www.ros.gov.uk/accessibility>)

Cookies (<https://www.ros.gov.uk/cookies>)

Privacy (<https://www.ros.gov.uk/privacy>)

Copyright (<https://www.ros.gov.uk/crown-copyright-and-copyright-licences>)

Feedback (<https://www.ros.gov.uk/support/contact-us/feedback>)

Site map (<https://www.ros.gov.uk/site-map>)

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(<https://twitter.com/registersofscot>)




(<https://uk.linkedin.com/company/registersof-scotland>)



(<https://www.instagram.com/registersofscot>)



(<https://www.youtube.com/user/RegistersofScotland>)

 Knowledge Base (<https://kb.ros.gov.uk>)

 Contact us (<https://www.ros.gov.uk/support/contact-us>)

 Mailing list sign up (<https://www.ros.gov.uk/ros-mailing-list/ mailing-list-sign-up>)

 InsideRoS blog (<https://insideros.blog/>)

 Podcast (<https://anchor.fm/registersofscotland>)

# Revenue Scotland

## Annual Report on Whistleblowing Disclosures

2021-22

## Introduction

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 Office, 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 RSTPA.

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 November 2021, Revenue Scotland published its 2021-24 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 that:

“We are a trusted and valued partner in the delivery of revenue services, informed by our data, digital by design, with a high performing and engaged workforce”.

## 2021-24 Strategic Objectives

The Revenue Scotland 2021-24 Corporate Plan sets out 4 strategic outcomes for the period:

1. **Excelling in Delivery** - We offer user-focused services that are digital by design, and provide value for money, convenience and ease of use for internal and external users.
2. **Investing in our People** - We are high performing, outward looking and diverse, provide a great place to work as an employer of choice. Our staff are motivated and engaged, and we invest in their development and health, safety and wellbeing.
3. **Reaching Out** - We are accessible, collaborative and transparent, keen to learn from others and to share our experiences and expertise.
4. **Looking Ahead** - We plan and deliver change and new responsibilities flexibly, on time and within budget. We have a digital mindset, maximising the use of our data and harnessing new technology to improve our working practices and services.

The Corporate Plan includes themed strategic objectives designed to deliver each of the four strategic outcomes.

## 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 2021- to 31 March 2022, 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.

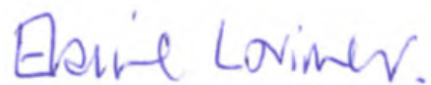
## **Actions**

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 the autumn.



Elaine Lorimer  
Chief Executive

## Contact Details

### Revenue Scotland

PO BOX 24068, Victoria Quay  
Edinburgh, EH6 9BR

**General Enquiries** - [info@revenue.scot](mailto: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

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

Public Concern at Work

<https://protect-advice.org.uk>

Whistleblowing Advice Helpline - 020 3117 2520

Revenue Scotland's Whistleblowing Policy – **currently under review**

[Revenue Scotland - Whistleblowing Policy.pdf](#)





## SCCRC Whistleblowing Annual Report 2021-22

### 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 2021-22 the Commission received no qualifying disclosures under the Public Interest (Disclosure) Order 2014



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

Whistleblowing: Annual Report 1 April 2021 – 31 March 2022

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## 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 2021 to 31 March 2022.

## 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.

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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 7 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; 2

Were not sufficiently detailed to be considered a disclosure; 3

Were not within SEPA's prescribed person remit; 2

Therefore there were 19 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: 19. 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 1 where a warning letter was issued, with further options being considered.

In respect of disclosures made towards the end of the reporting period some elements of investigations are still subject to ongoing monitoring and follow up work.

## The Impact on our work

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

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.

For information on accessing this document in an alternative format or language please either contact SEPA by telephone on 03000 99 66 99 or by email to [equalities@sepa.org.uk](mailto: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](http://www.sepa.org.uk)

03000 99 66 99

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

About us > What we do > Our performance

# Annual Report and Accounts 2021-22

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## Published

07 October 2022

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## Updated

07 October 2022

- 1 Welcome message
- 2 Who we are & what we do
- 3 Overview - Our work performance & achievements
- 4 **Performance Analysis**
- 5 Accountability report and financial statements

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

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**Scottish Housing**  
Regulator



<b>Report to:</b>	QSMTM Q4
<b>Report by:</b>	Margaret Keyse – Head of Enforcement (HOE)
<b>Meeting Date:</b>	25 May 2022
<b>Subject/ Title:</b> (and VC no)	The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 VC168685
<b>Attached Papers</b> (title and VC no)	Appendix A - report to be published on the Scottish Information Commissioner's website

## Purpose of report

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1. The purpose of this report is to provide an annual report as required by The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 and the Governance Reporting Arrangements.

## Recommendation and actions

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2. I recommend that
  - (i) the Senior Management Team (SMT) notes the committee report
  - (ii) the report set out in Appendix A is approved for publication on the Scottish Information Commissioner's (Commissioner) website
  - (iii) the committee report is published in accordance with paragraph 20

## Executive Summary

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### Statutory requirements

3. Under section 43F of the Employment Rights Act 1996, whistleblowers may qualify for employment protections if they disclose information to a "prescribed person". The list of prescribed persons is set out in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 and the Scottish Information Commissioner (the Commissioner) is a "prescribed person" for the purpose of The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 (the Regulations).
4. The Regulations specify requirements for prescribed persons to report annually on disclosures of information that they receive from workers.

### Report 2021 - 22

5. The report must contain the following, 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:
  - the number of disclosures of information made by workers to the Commissioner in the twelve month period which the Commissioner reasonably believes are qualifying disclosures falling within the matters for which the Commissioner has been prescribed

- out of the total number of qualifying disclosures made, the number of those disclosures where the Commissioner decided to take further action in that period (whether or not that action was actually undertaken within that period).
  - an explanation of the Commissioner's functions, objectives and statutory powers.
  - a summary of the action taken by the Commissioner in respect of qualifying disclosures of information during the reporting period.
  - a summary of how the disclosures have impacted on the Commissioner's ability to perform its functions and meet its objectives during the reporting period.
  - an explanation of the Commissioner's functions and objectives.
6. The relevant reporting period is 1 April 2021- 31 March 2022 and there is no requirement to report on any disclosures which the relevant prescribed person reasonably believes do not fall within the matters for which it is prescribed.
7. The report must be published within 6 months of the end of the reporting period;
- (i) by placing the report on its website, or
  - (ii) in such other manner as the relevant prescribed person considers appropriate for bringing the report to the attention of the public.
8. I am responsible for the Whistleblowing Policy: Prescribed Person – Scottish Information Commissioner and related procedures.

### **Report for period 1 April 2021 - 31 March 2022**

9. There were no disclosures from workers received during the reporting period that were qualifying disclosures falling within the matters in respect of which the Commissioner is so prescribed.
10. The report set out in Appendix A should be published on the Commissioner's website.
11. The report must be published on the Commissioner's website by 30 September 2022.
12. In addition to publishing the report on the website, the penultimate and final paragraphs of the report can also be included in our Annual Report and Accounts 2021-22, if required.

### **Risk impact**

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13. The required statutory report must be made and published in accordance with the statutory requirements and this report mitigates against the risk of the Commissioner not complying with his statutory duties.

### **Equalities impact**

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14. There is no direct privacy impact.

### **Privacy impact**

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15. There is no direct privacy impact.

## **Resources impact**

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16. There is no additional impact.

## **Operational/ strategic plan impact**

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17. There is no additional impact.

## **Records management impact (including any key documents actions)**

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18. There is no additional impact.

## **Consultation and Communication**

---

19. Deputy Heads of Enforcement were consulted in the preparation of this committee report.  
Annex A will be published on the Commissioner's website.

## **Publication**

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20. I recommend that this committee report is published in full.

**APPENDIX A - report to be published on the Scottish Information Commissioner's website****The Prescribed Persons (Reports 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:

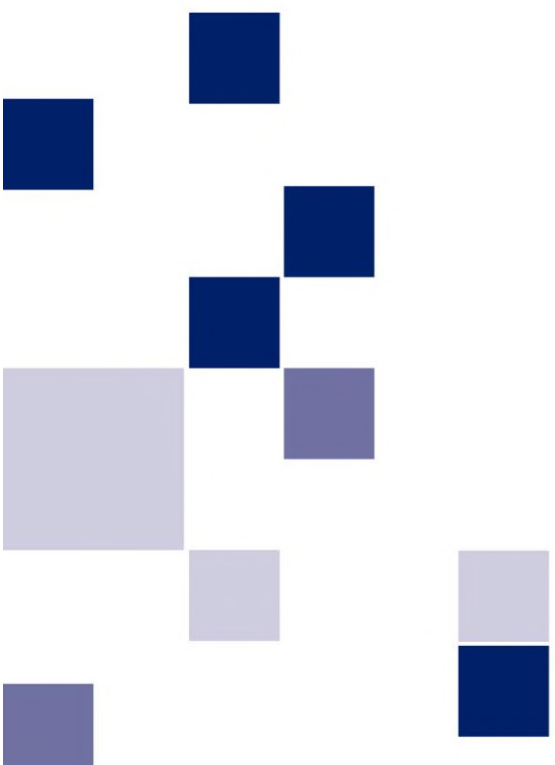
- The Freedom of Information (Scotland) Act 2002 - is an Act of the Scottish Parliament which gives everyone the right to ask for any information held by a Scottish public authority
- The Environmental Information (Scotland) Regulations 2004 - comes from a European Directive on access to environmental 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 section 43F of the Employment Rights Act 1996, 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 2021 – 31 March 2022 there were no relevant disclosures from workers falling within the Regulations.

# Whistleblowing Annual Report 2021/22



## Prescribed Person (Whistleblowing) Report

1. The information reported below is an excerpt from the SSSC's draft Annual Report and Accounts for 2021/22, which are currently being prepared and due for approval at our Council meeting in November 2022. It will then be laid before the Scottish Parliament.
2. The SSSC has a dual role in responding to whistleblowing as an employer and as a prescribed person in the sector.
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 annually the details of referrals that qualify as whistleblowing and the actions we took.
4. In 2021/22 we received seven whistleblowing referrals. In six 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.
5. In one referral we did not open a case as we assessed it as having no real prospect of finding current impairment.
6. For the six cases we opened:
  - three cases are ongoing
  - three cases have concluded
  - One case resulted in no action taken as we found the worker's fitness to practise was not currently impaired.
  - One case resulted in a worker receiving a warning.
  - One case resulted in a worker being removed from the Register.
7. We also have two open whistleblowing referrals which we opened before 2021/22. One is still under investigation, while the other is at the decision stage. We have concluded all cases referred prior to 2020/21.
8. We encourage staff to raise serious concerns about wrongdoing or alleged impropriety. Our Whistleblowing Policy informs staff on when and



how to raise these concerns. The policy is consistent with, and makes explicit reference to, the Public Interest Disclosure Act 1998.

9. There were no internal whistleblowing referrals in 2021/22.





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Email: [enquiries@sssc.uk.com](mailto:enquiries@sssc.uk.com)  
Web: [www.sssc.uk.com](http://www.sssc.uk.com)

If you would like this document in another format,  
please contact the SSSC on 0345 60 30 891

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# SSRO

Single Source  
Regulations Office



## SSRO Annual Report and Accounts 2021/22

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

# **The Single Source Regulations Office**

## **Annual Report and Accounts 2021/22**

For the period 1 April 2021 to 31 March 2022

Presented to Parliament pursuant to Paragraph 13 (5) of Schedule 4 of the Defence Reform Act 2014.

Ordered by the House of Commons to be printed on 14 July 2022.



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Telephone: 0203 771 4767

ISBN 978-1-5286-3434-2  
E-Number E02756646

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office

## Action on whistleblowing disclosures

The Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 (“the Act”) to create a framework for whistleblowing across the private, public and voluntary sectors. The Act protects individuals from victimisation when they make a protected disclosure about malpractice or wrongdoing at work. The SSRO is a ‘prescribed person’ for the purposes of the Act, to whom disclosures may be made by its employees and workers in industry, the MOD or third parties about potential malpractice or wrongdoing:

- a. by the SSRO; or
- b. during single source defence procurement.

The SSRO believes it is important to the achievement of its statutory aims to create an environment in which its staff and others can:

- raise concerns about malpractice or wrongdoing without fear of repercussions; and
- have confidence that any concerns raised will be listened to and acted on as appropriate.

To facilitate this, we have published information on our website about how disclosures can be made and the approach we will take to ensure whistleblowers are protected and their concerns addressed. During 2021/22, we engaged positively with individuals raising issues through our public interest disclosures mailbox.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 requires the SSRO to publish each year a report on disclosures of information it has received which fall within the description of matters in respect of which it is so prescribed. The relevant information for the period 1 April 2021 to 31 March 2022 (the reporting period) is provided below.

<p>a. Number of workers’ disclosures received during the reporting period that the SSRO believes are:</p> <ol style="list-style-type: none"> <li>i. qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996; and</li> <li>ii. which fall within the matters in respect of which the SSRO is so prescribed.</li> </ol>	<p style="text-align: right;">1</p> <p style="text-align: right;">0</p>
<p>b. The number of those disclosures in relation to which the SSRO decided during the reporting period to take further action.</p>	<p style="text-align: right;">1</p>
<p>c. <ol style="list-style-type: none"> <li>i. Action that the SSRO has taken during the reporting period in respect of the workers’ disclosures.</li> <li>ii. How workers’ disclosures have impacted on the SSRO’s ability to perform its functions and meet its objectives during the reporting period.</li> </ol></p>	<p><ol style="list-style-type: none"> <li>i. With the worker’s permission, the matter was referred to the Ministry of Defence for further investigation.</li> <li>ii. There has been no impact during the reporting period.</li> </ol></p>
<p>d. The functions and objectives of the SSRO.</p>	<p>These are described on page 9 of this report.</p>

The process by which whistleblowers may raise concerns with the SSRO, and the steps the SSRO will take to ensure whistleblowers are protected and that concerns are addressed are set out in the [SSRO’s Whistleblowing Policy](#). The SSRO’s whistleblowing arrangements are operating effectively and in line with the SSRO’s policy.

ISBN 978-1-5286-3434-2  
E-Number E02756646

# Annual Report on Whistleblowing Disclosures 2021-22

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*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 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.

The SFO's 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](#).

***During the period from 1 April 2021 to 31 March 2022, the SFO Intelligence Division managed 156 whistleblowing disclosures that qualified for inclusion in this report, as defined by section 230(3) of the Employment Rights Act 1996, and/or "making a disclosure in the public interest".***

- The SFO took action (sent a personalised response, requested further information and/or conducted further enquiries with partner agencies) in 142 disclosures from 156.
- In 14 disclosures, it was not possible to take further action. Either because no contact details were provided (in 8 disclosures) or were non-contactable sources (6 cases).
- Overall, the SFO took action in over 91% of whistleblowing disclosures received.

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

# Annual Report and Accounts 2021 – 2022

## **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 2022 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

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[socialcare.wales](http://socialcare.wales)

Twitter: [@SocialCareWales](https://twitter.com/SocialCareWales)

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- We embedded our **information governance framework and DPA compliance** with our cross organisational Information Governance Group which oversees our compliance with ISO27001 certification, UKGDPR and data protection legislation accountability and alignment with Cyber (Security) Essentials. A programme of role-based training on managing data protection and information security risks was undertaken throughout the year and will continue next year and a number of information governance and records management processes were established to foster an organisational culture of data protection by design and default.
- Looking ahead to next year, we have identified policies to be refreshed or developed in relation to data protection compliance and will take forward the minor recommendations following an Internal Audit as part of our assurance exercises. Our Audit and Risk Committee will receive quarterly updates on how and when the recommendations are met.

## Customer Service

We aim to provide our customers with the best experience possible, but we are aware we can always learn from feedback. During 2021-22 we received 1 formal complaints under our complaints policy. The complaint related to an open Fitness to Practise case, the Complaints Officer investigated and found no evidence of any wrongdoing. This complaint raised the question whether it was appropriate to investigate complaints relating to an ongoing Fitness to Practise case.

We also use complaints and customer feedback and queries to continuously monitor and highlight opportunities for us as an organisation to test our decision-making involvement, our administration procedures and communication methods to improve the services we provide.

## 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 2021-22 no staff raised a concern under our Whistleblowing Policy as was the case in 2020-21.

### 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 3 received during the year these were in relation to the two same registered workers and one non-registered worker. The complainants had also made complaints to CIW and Safeguarding. The investigation in this case was dealt with by CIW and Safeguarding and no findings were made.

### Sue Evans

Chief Executive and Accounting Officer

Date: 27 July 2022



Gofal Cymdeithasol **Cymru**  
Social Care **Wales**



Ariennir gan  
**Lywodraeth Cymru**  
Funded by  
**Welsh Government**





# Whistleblowing disclosures

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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 2021 to 2022

We received 7,476 disclosures during the reporting period of 1 April 2021 to 31 March 2022 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 332 of the 7,476 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 96 of the instances where we took further action, we issued a warning notice, unpaid contribution notice, fixed penalty notice, escalating penalty notice or compliance notice. Other actions we took as a result of disclosures included referrals to professional bodies and working with employers to set up payment plans with their pension providers for repayment of outstanding contributions. Go to [enforcement activity](/en/document-library/enforcement-activity) (</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](#) ([/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 did not undertake enforcement action due to a disclosure not meeting the qualifying criteria, the information gathered was used to inform our strategic intelligence picture.

## 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](#) ([/en/about-us/what-tpr-does-and-who-we-are](#))

## Future reporting

TPR is undergoing an extensive review of its whistleblowing reporting policy. The new policy will more clearly define a 'whistleblower' from a TPR perspective. This will enable TPR to more effectively respond to those making reports who need handling with specific protections.

The new definition will remove those in the bracket of a 'complaint'. As a result, we expect to see a significant drop in the number of whistleblowers received in the next reporting year. The overall figures for reports received will likely remain high.

Figures for the previous reporting year remain valid, as the policy was not introduced for this period.

Is this page useful? [Yes](#) / [No](#)

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July 2022

Water Services Regulation Authority (Ofwat)

# Annual report and accounts 2021-22

For the period 1 April 2021 to  
31 March 2022

HC 196

**Ofwat**

Water Services Regulation Authority (Ofwat)

# Annual report and accounts 2021–22

For the period 1 April 2021 to 31 March 2022

Report presented to Parliament pursuant to section 192B of the Water Industry Act 1991  
(as amended by section 38 of the Water Act 2003)

Accounts presented to the House of Commons pursuant to section 6(4) of the  
Government Resources and Accounts Act 2000

Accounts presented to the House of Lords by Command of Her Majesty

Ordered by the House of Commons to be printed on 7 July 2022  
HC 196



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ISBN 978-1-5286-3292-8

E02739764 07/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by the HH Associates Ltd  
on behalf of the Controller of Her Majesty's Stationery Office

## Data quality

We use a wide range of financial and other data and information both to facilitate oversight of the performance of our functions and to inform our regulatory decisions. The Board considers that this information is generally of good quality and we continue to seek new ways to present management information in a clear way.

This year, we have continued to develop our internal-facing tools to enable us to monitor progress against the customer outcomes in our strategy.

We will continue to build on our data quality and our efforts to focus on the insights we are able to glean from the data and information we have, and the impacts of our activity to ensure we and the sector are best placed to achieve the customer and environmental outcomes we seek efficiently and effectively.

## 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 2014<sup>11</sup>, 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 may 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

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<sup>11</sup> The Public Interest Disclosure (Prescribed Persons) Order 2014



- damage to the environment and/or
- a deliberate attempt to conceal any of the above.

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. If so, we will decide what, if any, further action or investigation is needed. This can include us speaking to the relevant water company, internal and external subject matter experts and/or the worker referring the matter to us (if possible) to understand the issue further and to decide what, if any, steps we can take to resolve 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 2021-22 reporting year.

The table below shows the number of qualifying disclosures made to Ofwat in 2021-22 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.

In relation to the matters listed below, having considered the position carefully, including the nature of the disclosure, our ability to find out more information and with input from internal experts, we concluded in three cases that it was not appropriate for us to pursue the matters with the companies concerned. We are seeking further information from the whistleblower in one case, and on receipt of that we will consider if it is appropriate for us to contact the company concerned to pursue further. In addition, we continue to investigate a whistleblower complaint received in March 2020. We continue to urge individuals who would like to come forward with a complaint to provide as much relevant information as possible.

## Whistleblower contacts 2021-22

Metric	Details of what is being measured	Total Number
Whistleblower contacts	Number of qualifying disclosures of information made by water sector workers to Ofwat	9
	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).	5 <sup>12</sup>
	Number of qualifying disclosures where Ofwat contacted the company concerned to seek further information and assurances regarding the matter.	1
	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

## Complaints to the Parliamentary Ombudsman

We are aware of two reported complaints received by the Parliamentary Ombudsman in 2021-22, and the investigation in one case has concluded. Further information is provided at Appendix A2.

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<sup>12</sup> Three of the whistleblower contacts made during 2021-22 were made anonymously, limiting our ability to gather further information or details about the concern raised. At the end of 2021-22, four disclosures were still being considered by Ofwat to establish if there are sufficient grounds and evidence for Ofwat to take further action.

**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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E02739764  
ISBN 978-1-5286-3292-8

# WHISTLEBLOWING REPORT 2021-22

September 2022

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# The reporting statutory framework

## Summary of requirements under the Public Interest Disclosure Act 1998 (PIDA)

The Water Industry Commission for Scotland (WICS) is a prescribed body under the Public Interest Disclosure Act for whistleblowing matters relating to the water and sewerage industry in Scotland.

The whistleblowing legislation under which we are a prescribed body is designed to give protection to workers from detriment from their employers because of making a protected disclosure.

### Whistleblowing reporting duty

As a public body, WICS is legally required to report on the whistleblowing disclosures we receive. Under the PIDA we must report the following information each year:

- The number of disclosures received
- The number of disclosures where further action was taken
- A summary of the action we took in relation to those disclosures
- A summary of how disclosures have impacted our ability to perform our functions and meet our objectives
- An explanation of our functions and objectives

As a prescribed body, WICS has a duty to report annually on the number of qualifying disclosures made and a summary of the action taken in respect of those. The reporting duty aims to increase transparency in the way that whistleblowing disclosures are dealt with. It is also in place to reassure whistle-blowers that their disclosures are taken seriously and handled professionally.

## Functions, objectives and powers

### WICS's functions, objectives, and powers

WICS is the economic regulator of Scottish Water, a publicly owned business that serves millions of people and businesses across Scotland. We work for customers, communities, and the environment. The Scottish water and sewerage sector is a £1.2bn industry that improves infrastructure, creates jobs and supports livelihoods across Scotland. WICS is a small team of

experts, working at the forefront of economic regulation. It's our job to ensure that Scottish Water has the funding it needs to deliver high-quality services for today's customers and future generations.

We do this by ensuring that Scottish Water has the funding it needs to:

- continue to deliver a flourishing and improving aquatic environment, and drinking water of which to be proud
- ensure that its assets – such as pipes and sewers – are better able to withstand future unexpected events
- make the transition it needs to achieve the ambitious target of net zero emissions by 2040.

The work that we do is wide-ranging – from benchmarking Scottish Water's costs and challenging Scottish Water to improve its performance, to ensuring that customers' views are at the heart of its decision making.

## The importance of whistleblowing

We take malpractice very seriously. We are committed to conducting our business with honesty and integrity and we expect others to maintain high standards too.

It doesn't matter if an individual who raises a concern is mistaken about the concern. It is not necessary to prove the allegation being made but the individual must reasonably believe in the content and that the disclosure is made in the public interest and that the information they have tends to show some malpractice.

As such, if an individual has a concern about a danger or illegality that has a public interest aspect to it about the supply of water and the provision of sewerage services in Scotland, they may [contact us](#).

We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. When we receive a whistleblowing disclosure, we assess it to determine the severity of the matter and then take whatever action might be necessary.

In addition to our requirements under PIDA, WICS has an internal whistleblowing policy which is in place to encourage and enable employees to raise concerns on a confidential basis.

# Whistleblowing disclosures

## Reporting timeframes

This report covers the period from 1 April 2021 to 31 March 2022. We also record our findings in our annual report which is published in the autumn of each year and can be found [on our website](#).

## Confidentiality

All concerns raised are treated in confidence and every effort is made not to reveal the identity of an individual who raises a concern if that is their wish.

Although a concern may be made anonymously, we encourage individuals to put their name to their allegation whenever possible. If this is not done, it will be much more difficult for WICS to protect the individual's position or to give feedback on the outcome of investigations.

Concerns that are expressed completely anonymously are much less powerful and are more difficult to investigate. We will consider each at its discretion, considering factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.



## Summary of disclosures

During the period there has been one case of whistleblowing relating to Scottish Water. The details are included in the table below:

Date	Issues raised	WICS action	Outcome
18/05/21	Failings within the Ayr South treatment works team. Including allegations of: <ul style="list-style-type: none"><li>• Bullying and harassment</li><li>• Favouritism</li><li>• Dishonesty</li><li>• Fraud</li><li>• Deception</li></ul>	Forwarded to Scottish Water requesting investigation.	Scottish Water initiated a fact-finding exercise into the allegations.  WICS followed up to understand outcome and actions required.  Scottish Water provided an update on 10 August 2021 which concluded no evidence found. However, discrepancies required monitoring.  Update shared with senior team within WICS, and case closed on 12 August 2021.

## Impact of disclosures on ability to perform duties

### Learning from disclosures

To date, WICS is reporting a very low level of disclosures. Despite this, we are continuing to encourage open and honest communication from all of those who work for and alongside us.



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**WICS** Economic  
regulation for  
Scotland's water





Llywodraeth Cymru  
Welsh Government

REPORT

# Welsh Revenue Authority: Annual Report and Accounts 2021 to 2022

Our performance, financial, and governance activities at the Welsh Revenue Authority (WRA).

**First published:** 27 July 2022

**Last updated:** 6 February 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/welsh-revenue-authority-annual-report-and-accounts-2021-2022-html> for the latest version.

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## Freedom of information

We received 8 Freedom of Information requests in the year, all 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. There is a nominated officer for receiving any disclosures.

Our organisation is also a prescribed person for matters relating to devolved Welsh taxes. This means that a worker in any organisation with a whistleblowing concern relating to devolved Welsh taxes may make a protected disclosure to us. Information is available to external whistleblowers on our website on how to contact us, and how we will respond to any disclosures.

No disclosures were made under either remit 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 proportionate. We continued to deliver activity against our Welsh Language Strategy agreed in 2020. Our activity focuses on culture, learning and development and creating opportunities for our people and customers to use the Welsh language.

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