

# Report

## **A. INTRODUCTION**

1. This review arises from events which formed part of a dismal decade for Wirral Borough Council ("Wirral") culminating in a remarkable joint statement from the Leader of the Council and the then Chief Executive (CE) which accepted a number of failings and recognised the need to improve Wirral's corporate governance, culture and workforce policies.

2. Part of the statement concerned the Highways and Engineering Services procurement exercise ("HESPE"). This work was put out to tender; there were bids from the private sector and an in house bid from the Wirral "DLO". It is convenient to state here some important dates concerning HESPE.

Dec 2007	Announcement in the Official EU Journal.
13 March 2008	Qualifying bidders chosen.
2 July 2008	Bidders invited to tender according to a Bill of Quantities.
4 Sept 2008 (later extended to 5 Sept 2008)	Tender return date.
16 Oct 2008	Contract formally awarded to COLAS.

3. The DLO bid was therefore unsuccessful. This meant that DLO staff would transfer to COLAS from April 2009.

4. In November 2008 some employees of the DLO made a disclosure on the advice of their Trade Union to Wirral's CE. I will refer to them collectively as "the Whistleblowers". They had all worked for Wirral for many years. [REDACTED]

[REDACTED] I have been asked to review the treatment of the Whistleblowers. It is not necessary to recite precise terms of reference.

5. I have interviewed the Whistleblowers and other witnesses and have read a large number of documents provided by Wirral. I thank Wirral staff for the co-operation which I have received. I will not deal with all the evidence because I want to make my report as short and as readable as I can. If required, I can expand on or explore further any individual issue.

6. I have of course used hindsight. That is in the very nature of a review. There is nothing wrong with this provided I do not use it to criticise people or actions unfairly.

#### **B. WHAT THE WHISTLEBLOWERS HAVE DONE FOR WIRRAL**

7. It took Wirral about four months to respond to the Whistleblowers. They were dissatisfied and went to the Audit Commission. The Commission took the

unusual step of issuing a public report identifying serious weakness in Wirral's arrangements for:-

- (a) Declaration of Interests.
- (b) Internal Audit
- (c) Reporting to Elected Members
- (d) Dealing with Whistleblowers
- (e) Evaluating Tenders

8. As a result Wirral has altered and improved its procedures in these important areas of work. It seems clear that the weaknesses would not have been exposed, nor would the improvements have come about, if the Whistleblowers had not had the courage to speak out. I am not aware that Wirral has acknowledged publicly or privately the contribution which the Whistleblowers thus made to our community.

## **L. CONCLUSION**

76. The Whistleblowers have not received sufficient credit for exposing poor practice within Wirral. The "informal" nature of the first investigation resulted

in them having to work under great stress for several months. While they were still Wirral employees, their names were disclosed to their new employer as being in some way untrustworthy. Their health and their jobs were adversely affected over an extended period.

Nicholas Warren 6<sup>th</sup> October 2015