



STANDARDS COMMITTEE – 28TH SEPTEMBER 2017

SUBJECT: ANNUAL WHISTLEBLOWING REPORT

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & S151 OFFICER

1. PURPOSE OF REPORT

1.1 This report provides an anonymised summary of whistleblowing investigations undertaken during the period 1st April 2016 to 31st March 2017.

2. SUMMARY

2.1 At the meeting held on 15th February 2016, the Committee agreed that annual reports would be presented to the Standards Committee containing information in relation to the numbers of whistleblowing reports issued.

2.2 This report provides the details of three whistleblowing investigations undertaken during the period 1st April 2016 to 31st March 2017.

3. LINKS TO STRATEGY

3.1 The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2016:

- A more equal Wales

3.2 The Authority has an obligation to maintain and monitor the standards of conduct throughout the Council's workforce and to maintain appropriate arrangements for good governance. This policy is contained within the Council's Constitution.

4. THE REPORT

4.1 The Whistleblowing Policy provides a method for employees to raise concerns about the running of the Council without fear of victimisation. All employees have access to this policy.

4.2 The Policy forms part of the Officer's Code of Conduct and is found within the Council's Constitution.

4.3 Members may recall that a Whistleblowing Commission was set up in February 2013 by the leading Whistleblowing Charity - Public Concern at Work (PCaW). Their remit was to review the effectiveness of whistleblowing in UK workplaces, and to make recommendations for change. The Commission was an independent body made up of industry and academic experts and chaired by the Right Honourable Sir Anthony Hooper (former appeal court judge).

- 4.4 In late November 2013, it published its findings, with the primary recommendation being for the Secretary of State to adopt a Code of Practice that could be taken into account in whistleblowing cases before courts and tribunals. The Commission had published a draft Code which sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements. The Code of Practice is designed to help regulators assess and inspect whistleblowing arrangements. The Code of Practice was designed to be adopted by organisations that are looking to achieve the highest standards in ensuring that workers are encouraged to speak up and when they do, that they are listened to.
- 4.5 Officers worked with the Charity Public Concern at Work, who were identified as being able to support best practice in this area. As a consequence the Council has been able to access guidance, resources and support from Public Concern at Work to develop a new Whistleblowing Policy reflective of current guidance and regulations.
- 4.6 Additionally the Council has access to an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This enables individuals to make contact in a confidential manner, should they wish to seek independent advice.
- 4.7 In line with the findings of the Commission, the Council's Policy was reviewed and an amended policy adopted by the Council in December 2015. The new policy was written in plain English, to encourage a wide understanding by employees. The policy was heavily based around the model policy provided by Public Concern at Work and was developed by the Council with the support of the Improving Governance Programme Board.
- 4.8 Following the adoption of the revised policy by the Council it was uploaded to HR Support Portal and a communication plan undertaken to increase awareness across the wider organisation. Communication with regard to this policy continues across the Council.
- 4.9 Members of the Committee received a training session on the new policy on 2nd March 2015.
- 4.10 This report contains an anonymous summary of three formal whistleblowing investigations undertaken during the course of the last financial year, for information.
- 4.10.1 Two of the investigations were undertaken by a Solicitor and one by a Head of Service. HR Officers supported each investigation.
- 4.11 One of the investigations was as a result of an anonymous complaint. The identity of the Whistleblower was not revealed in one of the other investigations.
- 4.12 Each investigation was thorough and involved interviewing appropriate officers across the Authority and reviewing a wide range of documentation. In all cases the extent of the investigation was proportionate and the allegations were all considered on the basis of the civil burden of proof i.e. 'on the balance of probabilities'.
- 4.13 Recommendations from whistleblowing investigations are monitored for implementation by the Council's Monitoring Officer.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Having considered the five ways of working, they will not be affected by the contents of this report.

6. EQUALITIES IMPLICATIONS

- 6.1 There are none arising from the report, it is for information only.

7. FINANCIAL IMPLICATIONS

7.1 There are none arising from the report, it is for information only.

8. PERSONNEL IMPLICATIONS

8.1 There are none arising from the report, it is for information only.

9. CONSULTATIONS

9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

10.1 Members are asked to note the contents of this report.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To receive an update on the operation of the Council's Whistleblowing Policy.

12. STATUTORY POWER

12.1 Local Government Act 2000.
Public Interest Disclosure Act 1998.
Employment Act 2008.

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Councillor Colin Gordon, Cabinet Member for Corporate Services

Background:
Report to Policy and Resources Scrutiny Committee 11th November 2014
Report to Council 18th November 2014

Appendices:
Appendix 1 Anonymised Summary of Whistleblowing Investigations