

Audit and Governance Committee
Annual Review of Whistleblowing Policy

Date: 21 January 2022

Agenda Item: 19

Title of Report	Annual Review of Whistleblowing Policy and activity
Purpose of Report	To review activity under the Council's Whistleblowing Policy
Recommendations	That Audit and Governance Committee notes the information provided in this report and supports the development priorities for 2022
Officer Contact	Rob Ayliffe Monitoring Officer Tel: 01452 328506
Key Risks	Failure in corporate governance which could lead to service, financial or reputational damage to the council

Introduction

1. The Council's Whistleblowing Policy was introduced in its current form in 2017. It applies to all of the Council's workforce, including those who are employed by external agencies with whom the Council contracts. It sets out the arrangements by which employees can raise concerns about something which **affects other people** including issues of health and safety, fraud, corruption, malpractice or maladministration. It is incorporated into the Employee Code of Conduct and the Council's Constitution.
2. The policy follows best practice, and is informed by advice and guidance from Protect – an independent Whistleblowing charity with whom GCC maintains a subscription through which staff can access advice, support and training.
3. The whistleblowing policy allows concerns to be raised at 3 levels:
 - Level 1- In the first instance, employees are encouraged to raise concerns with their line manager or team leader
 - Level 2 - If they feel unable to do this, they can raise the matter with any of the following: their Head of Service, Assistant Director, Director or Executive Director; the Chief Internal Auditor; the Head of Human Resources; the Assistant Director of Legal Services; (in the case of schools) the Director of Education.
 - Level 3 - If concerns remain, or are so serious that the individual does not want to discuss them with any of the above, they can be raised directly with the Monitoring Officer.
4. Whistleblowing concerns can be raised face-to-face, by email or anonymously via a form on the Council's website.
5. The Monitoring Officer also has overall responsibility for the Whistleblowing policy and its implementation. This Committee has responsibility for reviewing it annually.

Whistleblowing Activity during 2021

6. Whistleblowing activity increased slightly during 2021. In all, 27 whistleblowing allegations were received at level 3 compared to 22 during 2021.

7. Of these cases, 11 were investigated but found to be without substance. Reasons for this include
 - There was no evidence to support the allegation;
 - The allegations did not amount to wrongdoing or a breach of policy or the Employee Code of Conduct. In some cases, the Whistleblowing disclosure was made in good faith, but the whistleblower did not have full view of the facts.
8. In one case, the disclosure was not sufficiently clear to enable it to be investigated. Since the disclosure was made anonymously via the web-form, it was not possible to go back to the whistleblower to request further information.
9. In one case, an investigation was commenced, but the individual about whom the disclosure was made left their post before it could be concluded, and the nature of the allegation meant that further action was unnecessary.
10. In four cases, the allegation related to bullying behaviour by a manager. These issues were investigated, and although there was some evidence of poor management style, it fell short of requiring formal action so was dealt with by providing advice and training to the manager concerned.
11. In one case, the allegations related to a matter that had already been dealt with and resolved through a disciplinary process.
12. In one case, the allegations resulted in a full investigation and formal disciplinary action being taken for bullying and inappropriate behaviour.
13. In two cases, the disclosure resulted in an investigation that found no wrongdoing on the part of managers, but did identify weaknesses in governance arrangements. Remedial actions have been agreed and are reflected in and monitored through the Annual Governance Statement.
14. 6 matters are not yet concluded and are subject to ongoing investigation, one of which has been commissioned externally.
15. As was the case last year, the majority of allegations were made anonymously. 19 out of 27 whistleblowers did not disclose their identity, choosing to make a disclosure through the council's web-form. While it is best practice to provide for anonymous disclosures, these are often very difficult to follow up, particularly when the information provided is vague or incomplete. There are also a small number of cases where it is possible that individuals who have exhausted the Council's grievance procedure for

employees have made an anonymous disclosure to try to reopen the matter as a Whistleblowing concern.

16. Whistleblowing activity is reported, analysed and reviewed on a monthly basis by Statutory Officers to ensure that cases are progressing and being managed appropriately, and to identify emerging patterns and concerns.

Communications, confidence building and awareness raising amongst staff

17. Articles on Whistleblowing have been included in TalkSmart at various points throughout the year, including during Anti-Fraud week. However, with fewer staff working from Shire Hall and other offices, some of the other means we have used, such as poster-based campaigns, are less effective. Instead, we intend to develop a communications plan that includes themed messages about Whistleblowing at least every 2 months.
18. As well as regular communications, Whistleblowing is also included in staff induction sessions, which have been taking place virtually throughout 2021.
19. Despite the increased challenges of getting messages out to all staff, staff survey results are still positive, with 85% of staff responding to say that they feel confident raising a concern and that it will be dealt with. (Protect suggest a benchmark of 71% for this indicator).

Survey of Line Managers

20. During the year, Internal Audit were commissioned to undertake an internal review of the Whistleblowing arrangements. This review focussed on line managers' awareness of the Whistleblowing policy and arrangements. At time of writing, the final report is nearing completion, but the initial findings have already been shared.
21. A total of 143 managers completed the survey out of 465 to whom it was sent.
22. The vast majority (136) were aware of the Council's Whistleblowing Policy and knew where to find it.
23. When asked what they would do in response to a Whistleblowing disclosure:
 - 15 gave full and thorough answers
 - A further 55 gave brief or partial answers that were nevertheless correct
 - 39 said they would refer to the Whistleblowing policy

- 27 said they would escalate the matter to their line manager
- 4 provided incorrect answers.

24. 81 (57%) were confident or very confident in handling whistleblowing allegations.

25. This indicates that, while the majority of managers know how to respond to a disclosure, we need to do more to train and equip managers and to build their confidence in dealing with whistleblowing concerns, perhaps reflecting the relative infrequency with which they occur.

26. Alongside the survey results, the Audit review has made a number of recommendations that will be actioned during 2022.

Development Priorities for 2022

27. Having assessed and analysed the effectiveness of these arrangements against Whistleblowing Best Practice, the development priorities for 2022 are:

- To form a Whistleblowing Steering Group to provide better collective oversight of Whistleblowing Activity. Although a number of senior officers are involved in supporting Whistleblowing Activity, establishing a formal steering group will help to maintain a focus on whistleblowing activity, identify training needs, ensure more consistent practice and co-ordinate communications.
- To establish a method for collating and monitoring whistleblowing at all levels. At the moment, no central record is kept of concerns disclosed to line managers at level 1. We will establish a method for collecting that data to provide more complete corporate oversight of Whistleblowing Activity.
- To provide training for line managers. We will be using the survey results to roll out basic training for all line managers, to ensure they understand and are able to apply the Whistleblowing policy.
- To continue to raise awareness and confidence in Whistleblowing through a more systematic, planned approach to communications.

28. Audit and Governance Committee are asked to approve and support these as the priorities to underpin Whistleblowing activity during 2022.

ENDS