

**Audit and Governance Committee**  
**Annual Review of Whistleblowing Policy**

Date: 20 January 2023

Agenda Item:

<b>Title of Report</b>	Annual Review of Whistleblowing Policy and activity
<b>Purpose of Report</b>	To review activity under the Council's Whistleblowing Policy to ensure that it is operating effectively
<b>Recommendations</b>	That Audit and Governance Committee: <ul style="list-style-type: none"><li>• notes the information provided in this report</li><li>• confirms that no changes are needed to the Council's Whistleblowing Policy</li><li>• supports the development priorities identified for 2023</li></ul>
<b>Officer Contact</b>	Rob Ayliffe, Monitoring Officer <a href="mailto:Rob.ayliffe@gloucestershire.gov.uk">Rob.ayliffe@gloucestershire.gov.uk</a> Tel: 01452 328506
<b>Key Risks</b>	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 from whom the Council contracts services. 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. A copy is provided at appendix 1.
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; Human Resources; the Assistant Director of Legal Services; or (in the case of schools) the Director of Education.
  - Level 3 - If concerns remain unaddressed, 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. Whistleblowing activity is reported to, reviewed and analysed on a monthly basis by Statutory Officers to ensure that cases are progressing and being managed appropriately, and to identify emerging patterns and concerns. This Committee has responsibility for reviewing the policy and its operation annually.
6. As the policy appears to be operating as intended, no amendments are recommended for the coming year.

## Whistleblowing Activity during 2022

7. There was a decrease in the number of whistleblowing concerns received during 2022, with 16 reports received setting out a total of 17 concerns (ie. in one case, a single report raised two separate concerns). This compared with 27 during 2021 and 22 during 2022. A report of those concerns is provided at Appendix 2, summarising the area of the Council to which the concern relates, the nature of the concern, and where known, the outcome of that concern.
8. Of those seventeen concerns:
  - six were found to be unfounded – there was sufficient evidence to disprove the concern
  - two were unsubstantiated – there was insufficient evidence to either prove or disprove the concern. In both these cases, the informant did not identify themselves, making it difficult to gather further evidence
  - two were substantiated – see details below.
  - three gave rise to minor concerns which were dealt with informally
  - four are not yet concluded: either an investigation is ongoing or the actions arising from the concern are yet to reach a conclusion.
9. Of the two cases that were substantiated
  - One concerned irregularities with an individual's time recording. Since this had already been dealt with appropriately by management, it required no further action to be taken;
  - The other concerned grant funding to a provider that was not used in accordance with its terms and conditions. As a result of the Whistleblowing investigation, those funds were returned to the Council.
10. As in both previous years, the vast majority of allegations were made anonymously - 14 out of 16 whistleblowers chose not to disclose their identity.

### **Development activity during 2022**

11. Last year's report set out a number of priorities for development during 2022, an update on which is provided below.
12. To establish a Whistleblowing Steering Group to provide collective oversight of Whistleblowing Activity.

This group was set up in January 2022 comprising the following officers:

- Monitoring Officer
- Director of Education
- Head of Internal Audit

- Head of Legal Services
- Head of Human Resources
- Corporate Governance Manager
- Communications Officer

The group has updated the Whistleblowing guidance on Staffnet and overseen development of training and communications across the organisation, as well as dealing with incoming whistleblowing concerns.

All members of the group undertook a half day's Whistleblowing Masterclass training with Protect in May 2022.

13. To establish a method for collating and monitoring whistleblowing at all levels of the organisation.

In October, a new system was introduced to allow all Whistleblowing concerns to be logged and overseen centrally. This does not prevent line managers from dealing with low-level concerns themselves, but it provides senior oversight to ensure that all cases are being managed appropriately and in line with the Council's policy. The system will also produce management information for the Whistleblowing Steering Group and Statutory Officers

14. To provide training for line managers.

An e-learning module was developed, based on best practice from Protect, and was made available to all managers via the Council's e-learning platform in October. This module makes sure that managers are aware of the Council's Whistleblowing Policy, and know what to do if a member of staff raises a concern with them.

15. To continue to raise awareness through a more systematic, planned approach to communications.

Articles and messages have gone out via TalkSmart and Managers Bulletins on a regular basis throughout the year. These have used key events such as World Whistleblowers Day and National Fraud Awareness Week to raise awareness, as well as sharing specific messages, for example, about the launch of the manager e-learning and the establishment of the steering group.

## **Development Priorities for 2023**

16. Having assessed and analysed the effectiveness of these arrangements against Whistleblowing Best Practice, the development priorities for 2023 are to:

- Continue to promote and disseminate training for managers
- Put in place a feedback process for Whistleblowers
- Review staff survey results to ensure that we continue to maintain a high level of awareness and confidence in Whistleblowing practices
- Improve the capture and reporting of information using the new whistleblowing management system.

17. Audit and Governance Committee are asked to approve and support these as the priorities to underpin Whistleblowing activity during 2023.

ENDS

## Gloucestershire County Council

### WHISTLEBLOWING POLICY

#### INTRODUCTION

All of us at one time or another have a concern 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, corruption or malpractice or maladministration (the term used when the council has done something wrong which affects a member of the public) that might affect others or the Council 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 Council. 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.

Elected Members and senior managers of Gloucestershire County Council are committed to running the organisation in the best way possible and to do so we need your help. We have updated this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. **Any reported concern will be taken seriously.** Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

This policy applies to all those who work for us and with us, including Gloucestershire Fire and Rescue Service, whether full-time or part-time, employed through an agency or as a volunteer. If you work in a school, each school will have its own whistleblowing policy and this can often be found within the 'Code of Conduct and Confidential Reporting Procedure (Whistle-Blowing) for School Employees in Maintained Schools'. However if you do not have access to this policy and cannot raise it with the school governors, you can contact the Head of Education (details on page 3).

The Whistleblowing Policy is primarily for concerns where you witness something which **affects other people** – groups of colleagues, service users, members of the public or the organisation itself.

If, you wish to make a complaint about **your own employment or how you personally have been treated**, please use the grievance procedure or the Dignity and Respect at Work (Anti-Bullying) Policy - which you can get from Staffnet ([links](#))

in the Employee Handbook or your manager or the HR Adviser on Contact Us (01452 425888).

If you have a concern about financial misconduct or fraud, you can contact Internal Audit.

If you have a concern about a health and safety issue that has not been resolved using the steps explained in this policy, you can contact the Safety, Health and Environment (SHE) Team. E-mail: [she@gloucestershire.gov.uk](mailto:she@gloucestershire.gov.uk) telephone:01452 425350.

If something is troubling you which you think we should know about or look into, if you are not sure which is the right route, or if you want to speak to someone in confidence, please read on.

### **If in doubt - raise it!**

## **OUR ASSURANCES TO YOU**

### Your safety

Elected Members and senior managers of Gloucestershire County Council are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

### Your confidence

With these assurances, we hope you will raise your concern openly and at the first opportunity. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get confidential independent advice from **Protect** (formerly **Public Concern at Work** - see contact details under Independent Advice).

## HOW TO RAISE A CONCERN INTERNALLY

Please remember that you do not need to have firm evidence of wrong-doing before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

### Step one

If you have a concern, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing.

### Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

- Your own Head of Service or Director
- Piyush Fatania, Head of Audit or Carlyne Wignall, Principal Auditor
- Lee Taylor-Pockett, Human Resources Whistleblowing Lead
- Gillian Parkinson, Assistant Director of Legal Services
- For Schools: Kirsten Harrison, Director of Education

These people have been given special responsibility and training in dealing with whistleblowing concerns.

If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.

### Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Rob Ayliffe  
Monitoring Officer  
Gloucestershire County Council  
Shire Hall  
Gloucester GL1 2TZ  
Telephone 01452 328506  
Email: [rob.ayliffe@gloucestershire.gov.uk](mailto:rob.ayliffe@gloucestershire.gov.uk)

The Monitoring Officer will refer all concerns in relation to possible financial impropriety or irregularity to the Chief Internal Auditor (CIA) and/or the Director of Finance.

You may wish to use our 24 hour “whistleblowing” answerphone service on 01452 427052 which is managed by Internal Audit or the on-line form ([link](#)) which goes direct to the Monitoring Officer.



## INDEPENDENT ADVICE

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Protect on **020 3117 2520** or via their website at <https://protect-advice.org.uk/level-3-subscriber-login/> (Password: Level3Protect). Their legal advisers can talk you through your options and help you raise a concern about malpractice at work.

If you are a member of a trade union, you can also contact them for advice (see page 10).

## CONCERNS ABOUT SAFEGUARDING ADULTS AND CHILDREN

The County Council is responsible for investigating concerns about safeguarding adults or children or child protection matters. These should be raised under separate procedures, details below:

If you think someone else is being abused, you must tell someone:

*Call the Police*

- Telephone 101
- In an emergency telephone 999

*For adults, you can contact the Adult Help Desk*

- Telephone 01452 426868
- You can also email: [socialcare.enq@gloucestershire.gov.uk](mailto:socialcare.enq@gloucestershire.gov.uk)

*For children, you can contact the Children's Helpdesk*

- Telephone 01452 426565
- You can also email: [childrenshelpdesk@gloucestershire.gov.uk](mailto:childrenshelpdesk@gloucestershire.gov.uk)

If you are worried or concerned about anyone under 18 who you think is being abused or neglected or that a child and their family need help and support please call 01452 426565.

## HOW WE WILL HANDLE THE MATTER

We will acknowledge receipt of your concern within 10 working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. We will write to you summarising your concern and setting out how

we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. If you have raised a concern anonymously we will not be able to write to you.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the HR Advice Line via Contact Us on 01452 425888. Choose the HR option which is staffed by HR professionals. You may also wish to contact your trade union representative (if you are a trade union member).

There is also the Dignity at Work network which is a group of officers who are one of the first points of contact for any employee who believes they are experiencing unacceptable behaviour. You can email them on [dignity@gloucestershire.gov.uk](mailto:dignity@gloucestershire.gov.uk) or an up to date list of officers can be found on the Dignity at Work network page on Staffnet [here](#).

Alternatively you can contact any of the people named on page 3, Public Concern at Work for independent and confidential advice, or your trade union representative, (see page 10)

## EXTERNAL CONTACTS

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator than not at all. The following organisations are possible contact points.

**Protect** (formerly **Public Concern at Work**) (*or, if applicable, your trade union*) will be able to advise you on such an option if you wish.

Organisation	Role	Contact details
Action Fraud	Report fraud and cyber crime.	Please refer to Internal Audit first. Tel: 0300 123 2040 Website: <a href="http://www.actionfraud.police.uk/report_fraud">http://www.actionfraud.police.uk/report_fraud</a>

<p>Care Quality Commission</p>	<p>Contact them about matters relating to the provision of health and social care.</p>	<p>CQC National Customer Service Centre  Citygate  Gallowgate  Newcastle upon Tyne  NE1 4PA</p> <p>Tel: 03000 616161  Website: <a href="http://www.cqc.org.uk">www.cqc.org.uk</a></p> <p><a href="#">cqc - contact us - Report a Concern</a></p>
<p>Charity Commission</p>	<p>Contact them about: the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales.</p>	<p>Tel: 0300 066 9197</p> <p>Email: <a href="mailto:whistleblowing@charitycommission.gsi.gov.uk">whistleblowing@charitycommission.gsi.gov.uk</a></p> <p>Website: <a href="http://www.gov.uk/charity-commission">www.gov.uk/charity-commission</a></p>
<p>Department for Work and Pensions</p>	<p>Central government department responsible for benefits and pensions</p>	<p>National Benefit Fraud Hotline</p> <p>Telephone: 0800 854 440 (English) Telephone: 0800 678 3722 (Welsh) Textphone: 0800 328 0512  Monday to Friday, 8am to 6pm  <a href="#">Find out about call charges</a></p> <p>You can also <a href="#">report suspected benefit fraud online</a> or by post.</p> <p>National Benefit Fraud Hotline  Mail Handling Site A  Wolverhampton  WV98 2BP</p>

<p>Environment Agency</p>	<p>Contact them about: acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.</p>	<p>National Customer Contact Centre          PO Box 544          Rotherham          S60 1BY</p> <p>Tel: 03708 506 506          Website: <a href="http://www.gov.uk/environment-agency">www.gov.uk/environment-agency</a></p>
<p>Equality and Human Rights Commission</p>	<p>The Equality and Human Rights Commission (EHRC) monitors human rights, protecting equality across 9 grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.</p> <p>EHRC is an executive non-departmental public body, sponsored by the Department for Education.</p>	<p><a href="http://www.equalityhumanrights.com/">http://www.equalityhumanrights.com/</a></p> <p>Advice Line: 0808 800 0082</p>

<p>External Auditors (Grant Thornton)</p>	<p>Objections to the council's accounts.</p>	<p>A guide to your rights can be found at <a href="https://www.nao.org.uk/code-audit-practice/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf">https://www.nao.org.uk/code-audit-practice/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf</a></p> <p>Objections should be addressed to the auditor, Grant Thornton UK LLP, The Canterbury Business Centre, 18 Ashchurch Road, Tewkesbury, GL20 8BT.</p>
<p>Health and Safety Executive</p>	<p>Contact them about:</p> <ul style="list-style-type: none"> <li>•the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998</li> <li>•the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work</li> </ul>	<p>Tel: 0300 003 1647</p> <p>Online form: <a href="http://www.hse.gov.uk/contact/raising-your-concern.htm">www.hse.gov.uk/contact/raising-your-concern.htm</a></p> <p>Or contact GCC's Safety, Health and Environment (SHE) Team. E-mail: <a href="mailto:she@gloucestershire.gov.uk">she@gloucestershire.gov.uk</a> Telephone: 01452 425350.</p>
<p>HM Revenue and Customs</p>	<p>Contact them about:</p> <ul style="list-style-type: none"> <li>•the administration of UK taxes</li> <li>•the administration of national insurance and tax credits systems</li> <li>•customs and border-related functions</li> <li>•criminal investigations</li> </ul>	<p>HMRC Fraud Hotline Cardiff CF14 5ZN</p> <p>Tel: 0800 788 887 Website: <a href="http://www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion">www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion</a></p>

Information Commissioner's Office	Contact them about: compliance with the requirement of legislation relating to data protection and to freedom of information.	<p>The Information Commissioner's Office  Wycliffe House  Water Lane  Wilmslow  SK9 5AF</p> <p>Tel: 0303 123 1113  Email: <a href="mailto:casework@ico.org.uk">casework@ico.org.uk</a>  Website: <a href="http://www.ico.org.uk">www.ico.org.uk</a></p>
Gloucestershire MPs		<a href="#">Gloucestershire MPs</a>
Ofsted	Ofsted is the Office for Standards in Education, Children's Services and Skills. We inspect and regulate services that care for children and young people, and services providing education and skills for learners of all ages.	<p><b>Complaints about schools and childminders</b></p> <p>Contact form <a href="https://www.gov.uk/com...">https://www.gov.uk/com...</a></p> <p><b>Complaints about other providers Ofsted inspects</b></p> <p>Contact form <a href="https://contact.ofsted...">https://contact.ofsted...</a></p> <p><b>General enquiries</b></p> <p>Email <a href="mailto:enquiries@ofsted.gov.uk">enquiries@ofsted.gov.uk</a></p> <p>Contact form <a href="https://contact.ofsted...">https://contact.ofsted...</a></p> <p>General enquiries 0300 123 1231</p> <p>Our helpline is open from 8 am until 6 pm, Monday to Friday.</p> <p><b>Contact Ofsted about concerns</b></p> <p>Email <a href="mailto:CIE@ofsted.gov.uk">CIE@ofsted.gov.uk</a></p> <p>Contact Ofsted about concerns 0300 123 4666</p>
Police	Gloucestershire Constabulary Waterwells HQ	<ul style="list-style-type: none"> <li>• Telephone 101</li> <li>• In an emergency telephone 999</li> </ul>

Serious Fraud Office	Contact them about: serious or complex fraud, including bribery and corruption, in England, Wales or Northern Ireland and civil recovery of the proceeds of unlawful conduct.	Please refer to Internal Audit first.  The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS  Website: <a href="http://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption">www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption</a>
Trade Union	Formal staff representation.	Gloucestershire County Council recognised list of Trade Unions:  <a href="https://staffnet.gloucestershire.gov.uk/media/217487/trade-unions-and-professional-associations-may-2017.pdf">https://staffnet.gloucestershire.gov.uk/media/217487/trade-unions-and-professional-associations-may-2017.pdf</a>

**MONITORING / OVERSIGHT**

The Monitoring Officer has overall responsibility for this policy and will review it annually with the Audit and Governance Committee. They will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not breach confidentiality monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let one of their team know.

## Appendix 2: Summary of Whistleblowing Concerns 2022

Month Received	Directorate	Was concern raised anonymously	Nature of Concern	Summary outcome	Further information
January	Children & Families	Yes	Failure of Social Worker to maintain registration with Social Work England	Unfounded	
April	Gloucestershire Fire and Rescue Service	Yes	Alleged fraudulent claim for attendance at incident	Unfounded	
April	Economy, Environment and Infrastructure	No	Safety of Street Lighting in Cheltenham	Unfounded	
April	Adults	Yes	Failure of care provider to pass on grant payments to staff	Substantiated	Grant payments returned to GCC
			Employees of care provider driving without valid UK license	Unfounded	
May	Children & Families	Yes	Failure to take appropriate action to safeguard a child	Unsubstantiated	Insufficient detail was provided to allow further action. However, the relevant Head of Service believed it may relate to a case referred earlier in the week which was found to be dealt with appropriately
May	With-held to prevent possible disclosure of personal information	No	Irregularities in time recording	Not yet concluded	
June	Gloucestershire Fire and Rescue Service	Yes	Unprofessional conduct	n/a - not a whistleblowing matter	Dealt with informally by management



<b>Month Received</b>	<b>Directorate</b>	<b>Was concern raised anonymously</b>	<b>Nature of Concern</b>	<b>Summary outcome</b>	<b>Further information</b>
July	Schools	Yes	Allegations of inappropriate 'offrolling' of pupils by a primary school	Unfounded	School provided extensive evidence that proper processes were followed
July	Schools	Yes	Minor concerns about conduct and performance of HT	n/a - not a whistleblowing matter	Dealt with informally by Governing Body with support from GCC officers
August	Corporate Resources	Yes	Irregularities in time recording	Substantiated	Action had already been taken by management in consultation with HR
October	Gloucestershire Fire and Rescue Service	Yes	Bullying by line manager	Unfounded	Preliminary investigation found no case to answer
November	Other	Yes	Alleged inappropriate comments made at meeting with officers	n/a - not a whistleblowing matter	Dealt with informally - apology provided
November	Schools	Yes	Safeguarding concerns	Not yet concluded	
November	Economy, Environment and Infrastructure	Yes	Safeguarding concerns about a transport operator	Not yet concluded	
November	Children & Families	Yes	Bullying by line manager	Not yet concluded	

