

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>	<b>Date:</b>	<b>28 MARCH 2018</b>
<b>Heading:</b>	<b>WHISTLEBLOWING POLICY UPDATE</b>		
<b>Portfolio Holder:</b>	<b>N/A</b>		
<b>Ward/s:</b>	<b>N/A</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

### **Purpose of Report**

To provide the Committee with an annual update as required by paragraph 8.1 of the Council's Whistleblowing Policy.

### **Recommendation(s)**

- 1. To approve the amended Whistleblowing Policy as attached to the report;**
- 2. To note how the policy has operated in the preceding 12 months.**

### **Reasons for Recommendation(s)**

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the Committee's Terms of Reference as set out in Part 3, Paragraph 1.8 of the Constitution.

To ensure the policy remains up to date and fit for purpose.

### **Alternative Options Considered**

*(with reasons why not adopted)*

None as this is a requirement of the Constitution.

## **Detailed Information**

The Standards and Personnel Appeals Committee last reviewed the policy at its meeting on 27 March 2017 and approved minor changes to the document.

Paragraph 8.1 of the current Whistleblowing Policy states that:

*“The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (in a form which does not endanger your confidentiality) and will report these to the Standards Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”*

Following the recommendations of CMAP it is suggested that this paragraph is amended to require reporting to the Audit Committee on an annual basis as well. This will ensure the Committee charged with overseeing Fraud and Corruption is kept up to date and is able to monitor the use of the policy.

## **Application of Policy during the Preceding 12 Months**

During the past 12 months there have been 3 reported incidents of whistleblowing drawn to the Monitoring Officer's attention.

### **Complaint 2017-01**

This was an anonymous complaint alleging bullying by a number of officers towards other members of staff. Having carried out initial investigations, the Monitoring Officer concluded the anonymous complaint as presented did not merit further investigation for the following reasons:

- The complaint lacked detail including failing to identify the alleged bullies and the alleged victims with sufficient clarity
- This lack of detail would have made investigating difficult
- There was no evidence of specific incidents
- Due to the lack of detail, corroboration or testing of information would prove to be difficult
- A number of the allegations were historic and some already appeared to have been investigated
- On the face of the complaint it appeared that the issues should have been raised under either the grievance or harassment policy.

However, three recommendations were made the relevant Director and third tier Manager:

### **Recommendation 1**

Recommended that the Manager monitors the performance of a newly appointed team leader during his probationary period and ensures the support and training given to him is appropriate. It may be appropriate, if managers are concerned, to extend the probationary period and it was recommended that the Manager discussed this with HR.

### **Recommendation 2**

There does not seem to be a co-ordinated approach to providing management or team leader training within the relevant section. It was therefore recommended that this is discussed with HR and appropriate training rolled out across the section. Consideration of any gaps in such skills may also form part of the PDR process. The use of the new behavioural competencies and reference to the Council's values should be part of recruitment, training and supervision processes.

### **Recommendation 3**

This complaint does not appear to be the first such anonymous complaint relating to this section and so it was considered worthwhile reminding the team of the Whistleblowing Policy and the other policies which might be more suitable. A briefing note was prepared by the Monitoring Officer and this was rolled out to the relevant section by the CEO and relevant Director. This communication

was designed to reassure employees that whistleblowing complaints are investigated and not swept under the carpet.

### Complaint 2017-02

This complaint was made by a member of the public. It relates to alleged time recording issues and the possibility that staff (2) concerned might be carrying out personal business activities during work time and/or without permission for secondary employment. The matter is being investigated by CMAP and remains ongoing. A report is expected shortly.

### Complaint 2017-03

This complaint was made by a member of the public about a Council employee. The complaint related to matters occurring outside the work environment and were domestic in nature. However, as the alleged incident involved the police and a potential safeguarding issue, enquiries were made via our Community Safety Hub of the police. The Monitoring Officer was satisfied there were no further enquiries to be made and that there were no safeguarding concerns to be raised or taken further. The complaint was closed with no further action.

### Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy since 2010 to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY INVESTIGATION
2010	4	1	2	1
2011	0	N/A	N/A	N/A
2012	3	0	2	1 (action taken)
2013	1	0	0	1 (action taken)
2014	4	1	1	3 (2 with action taken)
2015	2	1	1	0
2016	2	0	1	1
2017	3 (1 ongoing)	1	1	0
2018 (to date)	0	N/A	N/A	N/A

The following table sets out the types of complaints made in order to identify trends and enable the Committee, if appropriate, to make recommendations.

TYPE OF COMPLAINT	NUMBER OF COMPLAINTS
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Time recording failures – which challenge that flexi time, TOIL and annual leave has been taken when not accrued	7
Failure to follow systems/processes	3
Issues relating to line management	1
Working whilst off sick	1
Inappropriate comments	1
Data Protection Breach	1
Misuse of Council resources	1
Bullying	1
Safeguarding issues	1
Operating a business/secondary employment without permission	1

### **Review of Policy**

A review of the policy has been undertaken. It is recommended that the policy is amended to:

1. Take account of new job roles/titles
2. Amend 7.1 to identify current prescribed contacts
3. Amend 8.1 to include annual reporting to the Audit Committee

Committee is asked to approve the revised policy which is attached as Appendix 1. The revised policy was reported to the Audit Committee on 19 March 2018 for approval.

### **Implications**

#### **Corporate Plan:**

The Council is committed to treating its employees fairly and respectfully. The Council aims to be an employer of choice and an organisation people want to work for.

#### **Legal:**

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith.

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None

General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
Failure to maintain integrity and confidence in the policy and its applications.	Annual reporting to the Audit Committee and Standards and Personnel Appeals Committee Annual update on the application of the policy Update reporting in accordance with the policy to the whistleblower Identification of trends in disclosure to inform management

**Human Resources:**

Regular review, maintenance and consistent application of the Whistleblowing Policy infer good employment practices. As such it is important to maintain the integrity of the policy

**Equalities:**

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any whistleblowing investigation.

**Other Implications:**

*(if applicable)*

None

**Background Papers**

*(if applicable)*

None

**Report Author and Contact Officer**

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