

Standards Committee

2 November 2020

Whistleblowing Policy (Confidential Reporting Policy)

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

The Committee is responsible for oversight of the use and effectiveness of the Council's whistleblowing policy (formerly the Confidential Reporting Policy). The Committee last saw a report on this matter in July 2019 when it received a summary of matters dealt with by reference to the policy.

This report covers the activity generated by referrals made by reference to the policy since that last report and provides the Committee with an opportunity to understand the scope and nature of referrals that are made.

The report also covers the recent revision and renaming of the policy approved by Governance Committee in July 2020 in the context of the Council's 'good governance' activity.

Recommendations

- (1) To note the activity generated by referrals made pursuant to the Council's Whistleblowing Policy.
 - (2) To endorse the actions being taken following the recent revision.
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Proposal

1 Background and context

- 1.1 The County Council's whistleblowing policy is one of the ways it meets its obligation as an employer to make provision for an officer to report concerns about any aspect of Council business on a confidential basis. This is in accordance with the Public Interest Disclosure Act 1998. It enables members of staff to access a process that guarantees personal confidentiality and protection from adverse treatment (e.g. disciplinary action) as a result of any complaint made in good faith.
- 1.2 The policy extends to staff working for suppliers and contractors of the County Council. The policy is also applicable to schools and any referrals from or about school settings are dealt with under the same procedures.

- 1.3 The role of this Committee is to provide a forum for member awareness and assurance in relation to the Council's approach to whistleblowing and how the Council responds to issues raised by whistleblowing investigations

2 Activity since July 2019

- 2.1 During the period since the Committee last considered activity under the policy there has been a small number of complaints raised by reference to it. These have arisen in one school, one in relation to the use of corporate resources and one in the area of children's social care. The one school referral related to alleged financial poor practice. The social care complaint related to a number of concerns over management practices within a residential setting. The complaint relating to corporate resources covered a number of complaints about how the Council learned from a project focused on service and corporate preparation for a significant event and its consequences. All investigations were completed and relevant actions followed up.
- 2.2 The one referral raising financial concerns within a school was referred to internal audit for follow up as part of their standard inspections. The others were allocated to experienced senior officers for investigation. For the purpose of this report the Committee can be assured that the whistleblowing policy has been exercised and followed through effectively in terms of such complaints being taken seriously, addressed thoroughly and brought to some form of outcome. There are some actions remaining to be carried through in relation to the children's social care complaint.
- 2.3 There is no concern in relation to these complaints that the confidentiality of the complainant has been compromised but, in relation to one case, a concern was raised that a senior officer to whom the complaint was first presented was resistant to its investigation, the complainant then referring the matter to the Monitoring Officer. The unsatisfactory initial response was added to the scope of the subsequent investigation. The senior officer in question had left the Council before the investigation was concluded but an apology was made to the complainant for the non-compliance with the aims and principles of the whistleblowing policy.
- 2.4 In the area of children's residential social care the complaint related to a single establishment and covered aspects of management conduct and staff relations rather than operational practice or safeguarding affecting children or young people. The nature of the complaint is known to Ofsted through a separate referral. The investigation was constrained by limited evidence or corroboration but certain elements of management practice have been referred for operational review by the relevant service leads. It is not a concern that these extend to other establishments or areas of practice.
- 2.5 The table below summarises the matters that have been referred during this period July 2019-July 2020:

Table 1 - Summary of Cases

Case	source	service	Concern	action
1	Officer in service	school	Financial impropriety	Investigation referred to audit and report prepared.

			relating to contracts	
2	Officers in service	Children's Social Care	Aspects of service management and staff relations	Investigation completed and aspects for further action identified.
3	Officer in service	Corporate resources	Management practices and learning	Investigation completed and findings reported to complainant. Most complaints not found proven but reasonably raised. Apology for initial response to complaint

3 Consultation, engagement and advice

- 3.1 As part of the work to address and reset aspects of the culture of the Council and its governance and how all working arrangements are seen to serve the interests and priorities of the Council a review of the whistleblowing policy was undertaken. This was undertaken with the involvement with a range of service leads, with UNISON and an external consultancy with expertise in this area. The revised policy (renamed from the former 'Confidential Reporting Policy') was then reported to the July meeting of the Governance Committee and received approval. The changes focused on making the policy more readable and accessible and in giving more practical assistance to officers wishing to raise concerns.
- 3.2 Following its endorsement a simple plan for dissemination, awareness raising and promotion of the policy has been prepared. It will also require work to ensure the officers who are expected to respond to and deal with investigations and issues raised under the policy's procedures have the tools skills and knowledge to deal with them appropriately. That activity has yet to be rolled out but will be undertaken in liaison with the Council's learning and development team.

4 Finance

- 4.1 There are no revenue budget consequences. Investigations are largely undertaken by Council staff and internal audit officers. These will not have incurred additional costs.

5 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the Whistleblowing policy is not effective,	It is important that the Council's whistleblowing policy is effective if the Council is to be confident in the proper investigation of concerns about poor

Risk	Mitigating Action (in place or planned)
causing financial and reputational risks.	business practice and in protecting those who wish to express concerns about misconduct or impropriety. The financial and reputational risks to the Council from failing to provide a route for individuals to express concerns in confidence are recognised. It is equally important to provide the forum of this committee to ensure that members have assurance as to the effective operation of the policy and its active review.

6 Policy alignment and compliance

- 7.1 The whistleblowing policy forms one element of the Council's range of systems to reduce crime, to ensure compliance with the public sector equality duty and with the Human Rights Act. Accessibility for all persons with protected characteristics must however be assured in the context of the implementation of the policy and this aspect will be given particular consideration in light of the action set out at paragraph 3.2 above

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Appendix – None.

Background papers – None.