

## **Standards Committee**

**26 July 2019**

**Part I**

### **Confidential Reporting Policy (whistleblowing)**

#### **Report by Director of Law and Assurance**

##### **Summary**

The Committee is responsible for oversight of the use and effectiveness of the Council's whistleblowing policy – the Confidential Reporting Policy (CRP). The Committee last saw a report on this matter in March 2018 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 April 2018 and provides the Committee with an opportunity to understand the scope and nature of referrals that are made.

The report also proposes action to address concerns about the effectiveness of the policy and the procedures underpinning it.

##### **Recommendation**

- (1) To note the activity generated by referrals made pursuant to the Council's Confidential Reporting Policy.
- (2) To endorse the actions proposed in the report at paragraph 2.7 to enhance the effectiveness of the policy.

#### **1. Background**

- 1.1 The County Council's Confidential Reporting Policy (CRP) is part of its obligation as an employer to make provision for any officer to report general or particular concerns about practice and aspects of Council business on a confidential basis. The need for such a policy arises from 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 a school settings are dealt with under the same process.
- 1.3 The number of referrals under the CRP has always been small. 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 within whistleblowing investigations.

## 2. Activity since March 2018

- 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 schools and in the social care area of the Council's business. The two school referrals relate to alleged financial poor practice and to poor practice in relation to pupil test arrangements. Those in social care related to changes in expectations of staff in certain practice areas and the others refer to allegations of more substantive social care practice. No referrals have been made in other service areas of the Council. All but one of the referrals were treated as substantive complaints under the policy and have been concluded.
- 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 or external advisers 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.
- 2.3 There is, for the most part, no concern in relation to these complaints that the confidentiality of the complainant has been compromised, but in relation to one case a concern has been raised that the identity of the complainant became known in some way. That is the subject of a further enquiry. There is no concern that there has been any breach of the assurance of no adverse consequences from complaints made in good faith.
- 2.4 In the area of adults' social care a number of complaints were linked through common cause and the issues raised were more akin to a grievance suitable to a different approach and consideration will need to be given to the overlap of the whistleblowing policy, which relies on confidentiality, and grievance procedures which cannot.
- 2.5 The table below summarises the matters that have been referred during this period. All sources can be identified but have requested anonymity.

### March 2018 – June 2019

source	service	Concern	action
Officer in service	school	Financial impropriety relating to contracts	Investigation referred to audit and report prepared.
Officer in service	school	Inappropriate practice relating to pupil test arrangements	Senior officer investigation – leading to findings and action
Officers in service	Adults' Social Care	Aspects of management, task setting and methods of communication	Interviews held and advice given on options for further action.

Officers in service	Adults' Social Care	Management practices	Referred to grievance process.
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Further issues for consideration

- 2.6 By reference to the number of staff, including school staff, the number of referrals is quite low. It is some time since any promotional work was done on raising staff awareness of the policy. It may also be the case that the terminology 'confidential reporting policy' may not readily suggest the policy applies to the more commonly understood concept of whistleblowing. It is also not known whether the policy is trusted by staff as a means to raise concerns and whether other action is needed to provide assurance.
- 2.7 The following actions are therefore proposed
- To rename the policy the Whistleblowing policy
  - To promote the policy to staff, including school staff through appropriate methods of communication.
  - To use the staff groups to provide feedback on staff perceptions of the policy and its effectiveness as a route for raising concerns and in meeting the primary obligations of confidentiality and no adverse consequences

### 3. **Resource Implications and Value for Money**

- 3.1 None arise in relation to this report. Investigations are largely undertaken by established staff, including internal audit officers. These will not have incurred additional costs.

### 4. **Risk Management Implications**

- 4.1 It is important that the Council's whistleblowing policy is sound and effective if the Council is to be confident in protecting those who wish to express concerns about misconduct or impropriety of any kind. 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.

### 5. **Other Considerations – Equality – Crime Reduction – Human Rights**

- 5.1 The CRP 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 2.7 above.

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## **Background Papers**

None