

Name of Committee:	Audit Committee
Date of Meeting:	25/02/2019
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Whistleblowing Policy Performance Update
Purpose of Report:	To inform Audit Committee of actions undertaken to support the Whistleblowing Policy 2014 (the Policy) To provide Audit Committee with a summary of Whistleblowing incidents recorded.
Report Owner:	Monitoring Officer
Responsible Officer:	Managing Director
Elected Member and Officer Consultation:	There are no matters in this report which relate to an individual ward
Policy Framework:	This is a matter for executive decision
Executive Summary: <ul style="list-style-type: none"> This report sets out the number and type of whistleblowing incidents recorded by the Council during 2017/18 and the first 9 months of 2018/19. It highlights any notable patterns in the data recorded and highlights potential reasons for these. The report sets out promotional activity undertaken to raise staff awareness of the policy during the reporting period The report highlights key issues arising from staff survey responses regarding awareness of the policy and willingness to whistleblow. It recommends that promotional activity during Q1 2019/20 focusses on highlighting the legal safeguards available to whistle blowers so that staff have increased confidence in using the policy. 	

1. Recommendation

- 1.1 That Audit Committee notes the content of this report
- 1.2 That Audit Committee continues to receive an annual report in relation to the policy implementation and incidents

2. Reasons for Recommendations

- 2.1 To ensure effective monitoring of whistleblowing incidents is undertaken

3. Background

- 3.1** The Council adopted the Whistleblowing policy in March 2014
- 3.2** The purpose of the Policy is to ensure that employees of the Council are aware of their responsibility to the public and to protect individuals who may need to disclose information concerning any 'malpractice' within the Council, including any confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or a fellow employee.
- 3.3** The Policy and procedures apply to employees of the Vale of Glamorgan Council (excluding those employed within a school by a School Governing Body), temporary employees, trainees and independent contractors as well as those engaged through an external agency.
- 3.4** The Policy confirms the standards expected from employees and sets out a framework within which staff can make a "protected disclosure" without fear that they will be subjected to victimisation or dismissal as long as the disclosure is made in the public interest in accordance with the Public Interest Disclosure Act 1998 ('The Act').
- 3.5** The Act identifies the circumstances in which staff can make a "protected disclosure" as being in the reasonable belief of the member of staff making the disclosure intends to show one or more illegal practices, a failure to comply with a legal obligation, the health and safety of an individual (member of public or staff) being endangered, damage to the environment, a miscarriage of justice and/or the deliberate concealment of any of these.
- 3.6** The Operational Manager Customer Relations is responsible for the registration and maintaining of a central record of all Whistleblowing concerns and to monitor progress and outcome of each investigation.
- 3.7** Directors are responsible for the receipt and populating of the Whistleblowing central register and for the effective operation of the policy within their own Directorate. This includes ensuring that each employee is aware of the policy and how to use it, managers are effectively trained in the use of the policy and whistleblowing concerns are appropriately recorded and managed.
- 3.8** The Audit Committee acting through the Monitoring Officer has within its terms of reference overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Monitoring Officer is responsible for reporting information in relation to it to the Council's Audit Committee in a confidential format.
- 3.9** The central register of Whistleblowing concerns is maintained on the Councils Oracle Customer Relationship Management (CRM) database and access to records is strictly controlled by user access permissions. The information in this report has been produced using CRM reporting functionality.

4. Key Issues for Consideration

- 4.1** Since the last report annual promotional activity to raise staff awareness of the Policy focussed on a staff survey to ascertain awareness of the policy, their understanding of what constitutes a whistleblowing issue, how to report concerns and their willingness to do so (Appendix A)
- 4.2** Responses from the survey will inform targeted promotional and marketing activity between April and June 2019.
- 4.3** The staff survey was posted on Staffnet and paper copies distributed to colleagues who do not have access to or don't use a computer as a normal part of their job. A total of 386 staff survey responses were received (see Appendix B)
- 4.4** Of those that indicated their service area 36.62% work in Learning and Skills, 29.94% in Social Services, 23.25% in Managing Director and Resources and 10.19% in Environment & Housing directorate.
- 4.5** Encouragingly 91.1% of respondents stated that they were aware of the policy, however only 60.9% had read it.
- 4.6** Awareness of what issues were covered by the policy is high. Illegal practices most recognised with 95.1% choosing this option. The least recognised was Damage to the Environment with 63% choosing this.
- 4.7** Only 65.8% of respondents stated that they are aware of the protection available to Whistleblowers and there appears to be a close correlation between this and the fact that 66.7% stated that they would definitely whistleblow.
- 4.8** Importantly a significant number of colleagues who would not report whistleblowing concerns stated that they were worried about the impact on them, or that they did not feel confident that there was sufficient protection in place for Whistleblowers.
- 4.9** There is a significant lack of understanding about who colleagues should report whistleblowing concerns to. 87% would report to their line manager, however only 26.8% knew that they could report to internal audit and 11.1% through contact OneVale.
- 4.10** Focus of promotional activity will be on reassuring colleagues regarding the protections in place for Whistleblowers, communicating options available for reporting concerns and targeting Environment & Housing with increased promotional activity to increase awareness.
- 4.11** Since the launch of the Policy in March 2014 to 31 January 2019 a total 15 concerns have been raised (see Appendix C). 4 in 2015/16, 3 in 2016/17 and 2 in 2017/18 and 6 in 2018/19 to date.
- 4.12** There have been 5 concerns raised relating to the Social Services directorate, 3 to Managing Director & Resources, 5 to Environment and Housing and 2 to Learning and Skills.
- 4.13** 4 of the concerns raised for Environment & Housing have been raised during the current financial year and 3 by the same whistleblower.

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- 4.14** Of the 5 Social Services concerns raised 3 were Not Upheld, 1 upheld and 1 is currently under investigation. In Managing Director & Resources 1 has been partially Upheld, 2 Not Upheld. 1 concern raised for Learning and Skills was not upheld and 1 is currently under investigation. For Environment and Housing directorates 2 were Not Upheld and 2 are currently under investigation.
- 4.15** 8 concerns relate to Illegal practices (Fraud), 3 to Health and Safety, 3 to failure to comply with legal obligations and 1 was not disclosed.

5. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 5.1** The Policy provides opportunity for staff to highlight concerns regarding the way the council works, ensuring resources are used sustainably and in a way that best benefits residents.

6. Resources and Legal Considerations

Financial

- 6.1** The Policy helps ensure that Council funds and resources are used appropriately..

Employment

- 6.2** There is a resource impact in relation to the investigation and resolution of concerns under the policy. The impact is borne by directorates and Internal Audit.

Legal (Including Equalities)

- 6.3** The Policy helps to ensure that crime committed by Council employees in undertaking their duties can be detected and addressed.

7. Background Papers

OTNone



Whistleblowing

Please answer the following questions on whistleblowing. All responses are anonymous.

Have you heard of the whistleblowing policy?

Yes

No

Have you read the policy?

Yes

No

What areas are covered in the policy? Please select all that apply.

Illegal practices (e.g. a criminal offence)

Damaging to the environment

Failure to comply with a legal obligation

Miscarriage of justice

Health and safety breach

Safeguarding issue

Endangering the public

Breach of code of conduct

Endangering staff

Are you aware of the protection available for Whistleblowers?

Yes

No

Would you whistleblow?

Yes

No

I don't know

If you have answered 'no' or 'I don't know', please explain why.

Who would you report your concerns to? Please select all that apply.

Line manager

Director

Audit

Contact OneVale

Head of service or department

HR

If you have not read the policy, do you feel that you require more information on whistleblowing in another format?

Yes

No

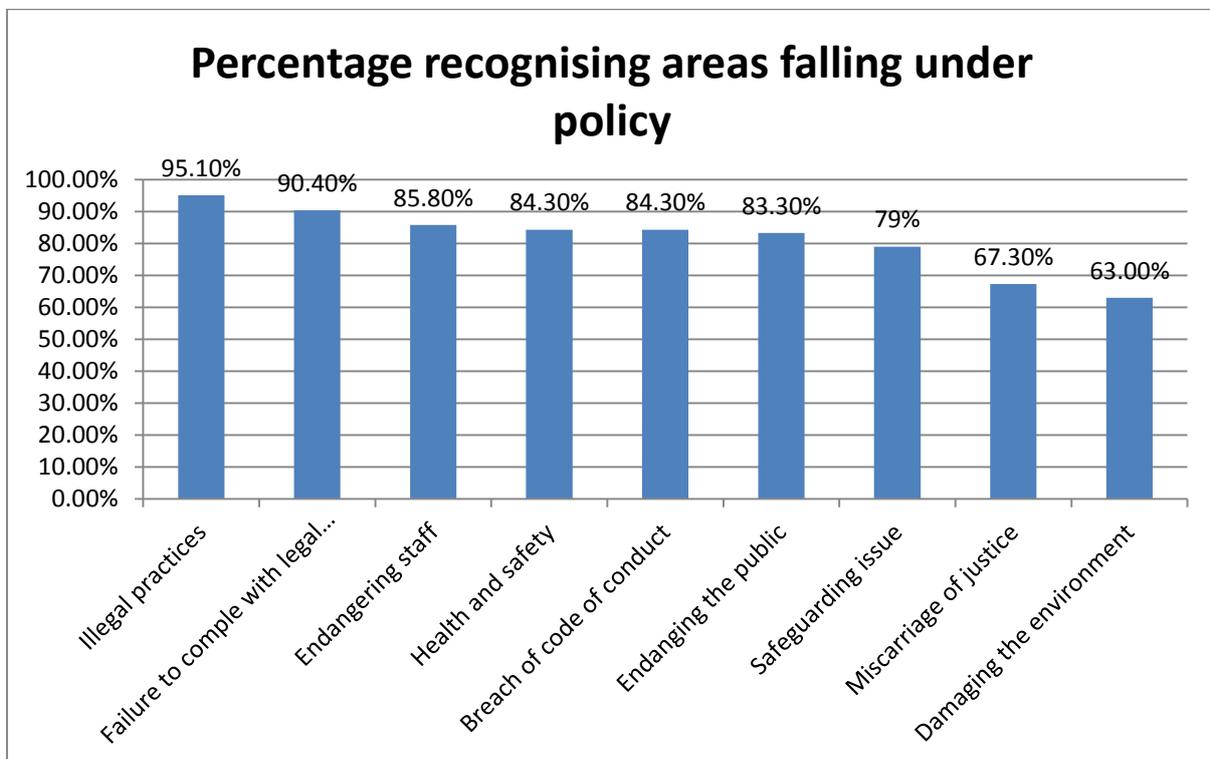
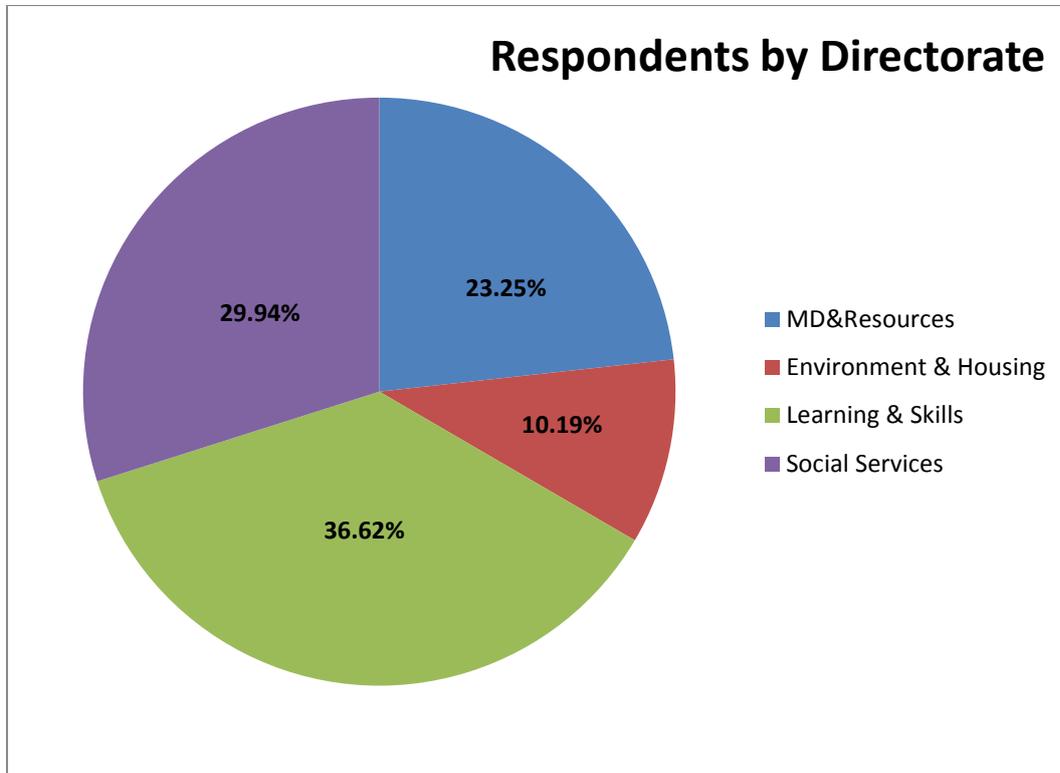
Please suggest what would help you to better understand whistleblowing?

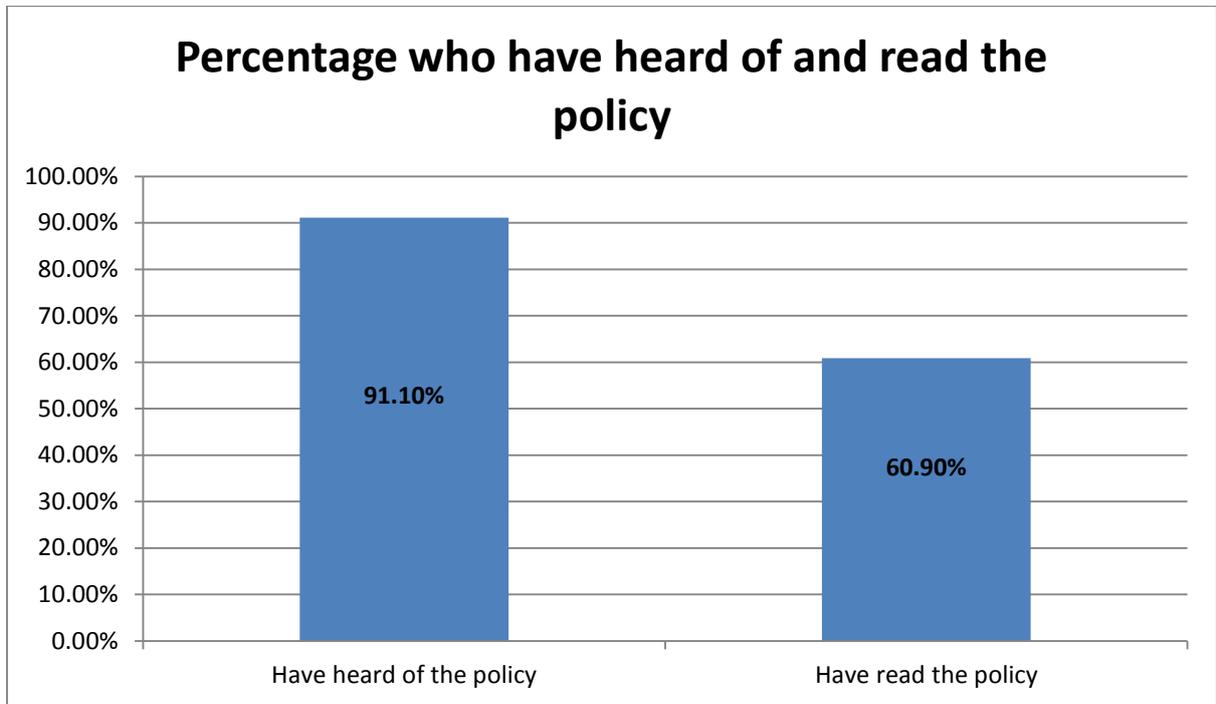
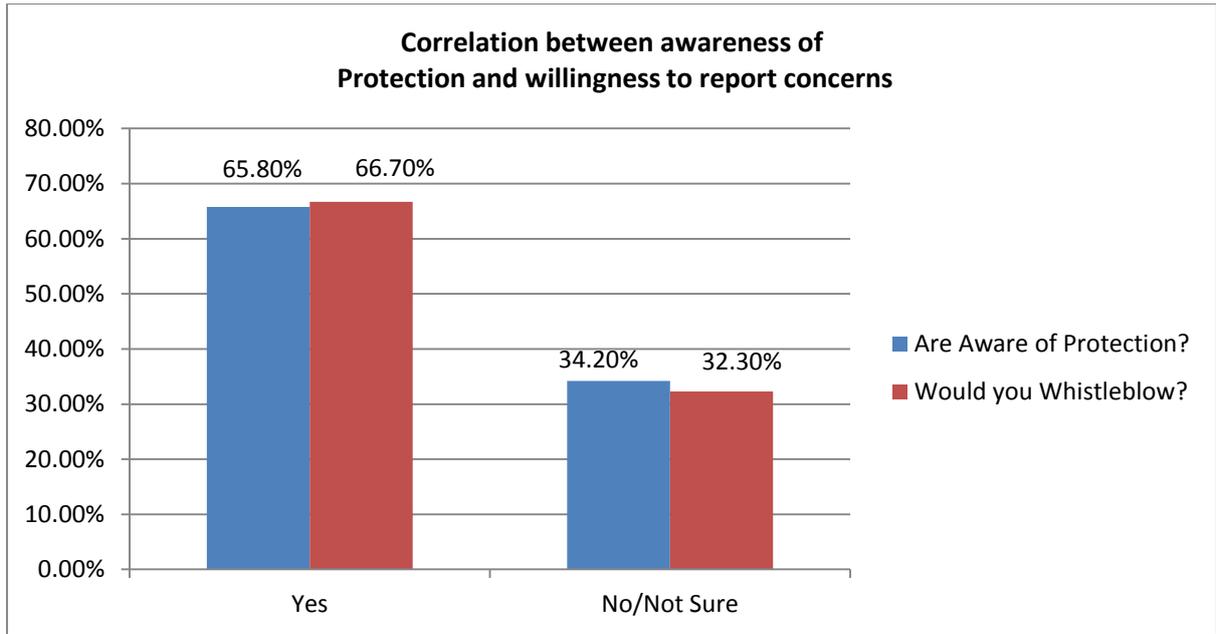
Which service area do you work in?

Thank you for taking the time to complete this survey

Appendix B Staff Survey Responses Quarter 3 2018/19

Total Number of Respondents: 386



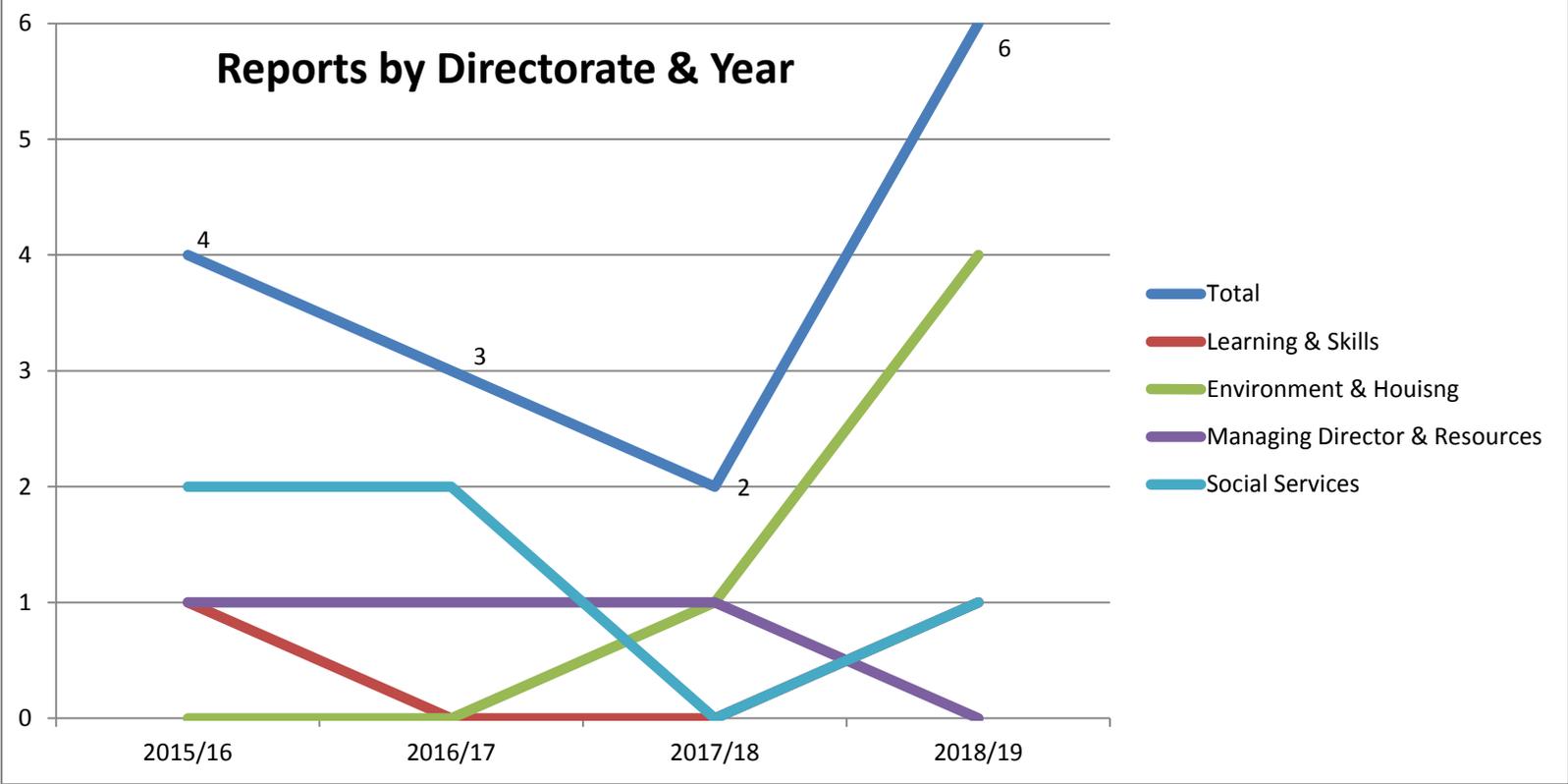


Whistle Blowing Report Summary 2018/19 to date

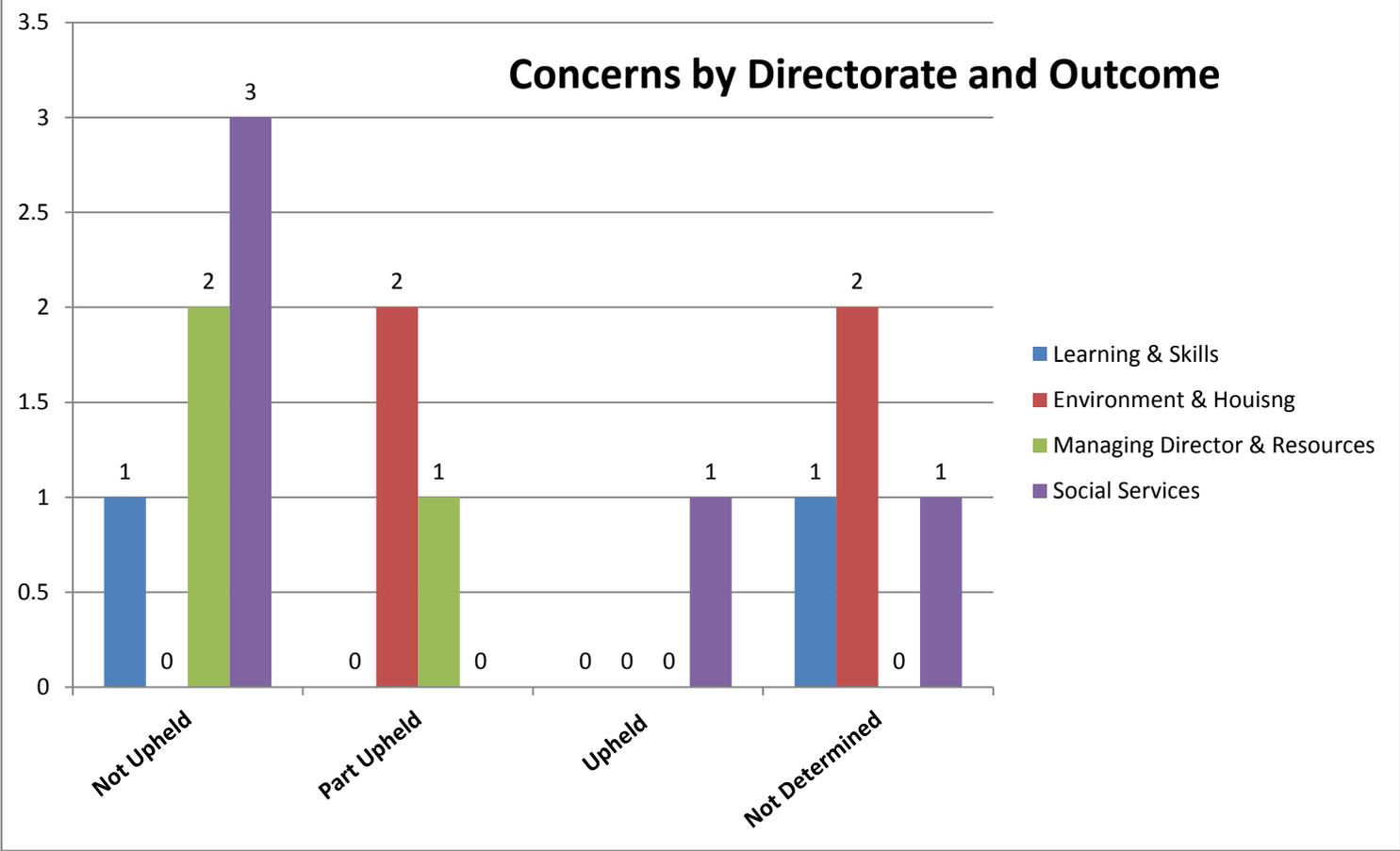
Appendix C

Reporting Period	Total	Learning & Skills	Environment & Housing	Managing Director & Resources	Social Services
2015/16	4	1	0	1	2
2016/17	3	0	0	1	2
2017/18	2	0	1	1	0
2018/19 (to date)	6	1	4	0	1

Reports by Directorate & Year



Concerns by Directorate and Outcome



CONCERNS BY CATEGORY

	Illegal Practices	Failure of Legal Obligations	Health & Safety	Damage to Environment	Miscarriage of Justice
2015/16	1	1	1	0	0
2016/17	2	0	1	0	0
2017/18	0	1	1	0	0
2018/19 to date	5	1	0	0	0