

THE VALE OF GLAMORGAN COUNCIL

CABINET: 2<sup>ND</sup> FEBRUARY, 2023

REFERENCE FROM GOVERNANCE AND AUDIT COMMITTEE: 12<sup>TH</sup> DECEMBER, 2022

“554 WHISTLEBLOWING: STAFF SURVEY RESULTS AND ANNUAL REPORT (MO/HLDS) –

The Council reviewed its Whistleblowing Policy (“the Policy”) in 2019 and the revised Policy was endorsed by Audit Committee on 3<sup>rd</sup> February, 2020.

The key purpose of the Policy was to inform how to whistleblow, the types of matters to be reported and to outline the protection for those that whistleblow.

During 2021/22, 1 incident was reported (in comparison to 4 incidents in 2020/21), which was below the rolling 7-year average of 3.28 per annum. On closer inspection the 2021/22 incident fell outside of the Policy and was progressed as a grievance. During 2022/23 to date, 7 potential Whistleblowing incidents had been reported. 1 incident was not upheld, 1 was currently under investigation and 5 were not covered by the Policy and were considered under other Council Policies such as the Grievance Policy.

Of the 23 incidents reported over the past 7 years, Learning and Skills Directorate showed the lowest number at 3, Environment and Housing Directorate had the highest number of reported incidents at 9.

Separate from the Policy and during 2021/22 the Council received 358 corporate complaints from members of the public, 50 under the Social Services Complaints Procedure (Wales) Regulation 2014, 1 complaint from the Welsh Language Commissioner and 61 referred from the Public Services Ombudsman for Wales. These complaints were analysed in a separate Annual Corporate Complaints and Compliments Report.

In June 2022 the Council launched the Speak Out Hub on Staffnet. The Hub acted as a single point of access for staff to gain information about the Policy and included an online form which allowed staff to quickly and easily report issues. This was supported by a confidential Speak Out Line telephone service which provided a confidential way for staff to report issues and concerns covered by the Policy.

Following an internal promotional campaign during Quarter 1 of 2022, a staff survey was undertaken to assess staff awareness of the Policy. The survey used the same type of questions as the last survey undertaken in 2018 to allow comparison. Surveys were not undertaken during the Covid Pandemic. A total of 323 staff responded to the 2022 survey from 21 Service Areas. The survey results indicated that more promotional work was required to ensure that staff were aware of the

Policy, with 75% of respondents stating that they had heard of the Policy, down from 91% in 2018. 68% of all respondents could identify all 10 key areas of malpractice referred to in the Policy, with only 1% not able to identify any areas. This indicated that although 25% of staff reported that they were not aware of the Policy, a high number of staff recognised actions which would be defined as malpractice and were a risk to the Council and residents. Only 58% of respondents stated that they were willing to report concerns, a drop from 67% in 2018. Where staff were aware of the legal protections afforded to them, the percentage willing to report issues under the Policy rose to 72%. Where respondents gave reasons why they would not be willing to report whistleblowing incidents, a fear of potential consequences for themselves emerged as a clear theme. A full analysis of survey responses was provided in Appendix D to the report.

As a result of the survey results awareness raising sessions would be added to Directorate and Team meeting agendas across the Council and to assist with consistency of message an executive summary of the Policy would be provided to Managers / Supervisors; also a targeted promotional mini campaign would be undertaken in the New Year focusing on the protection afforded to whistleblowers and the options for reporting. This would be in addition to the annual promotion campaign of awareness of the Policy and the legal protections afforded to whistleblowers in order to increase staff willingness to report issues.

Annual staff surveys would be undertaken to track progress in these area, with results reported to Governance and Audit Committee.

As part of the Head of Human Resources and Organisational Development review of the Policy it was recommended that the points raised in paragraph 2.22 of the report be addressed and endorsed by Governance and Audit Committee and referred to Cabinet for consideration.

Councillor M. Hooper referred to the staff survey and the low response rate, commenting that there was a concern for the Council to consider what the difference was for people's current working environment as to what it was previously. He added that internal marketing was very one-dimensional, mainly screen based through iDev and emails, so the Council may need to consider other forms of communication on a wider basis. In reply, the Monitoring Officer/Head of Legal and Democratic Services advised that she would be suggesting to the Council's Senior Leadership Team for whistleblowing to be on agendas of Team meetings. The Chair stated that that could be something for the Committee to formally recommend to the Chief Executive. In addition, the Head of Human Resources and Organisational Development commented that some of the anecdotal evidence had shown that there were challenges around staff replying to surveys and this had come out following engagement with Trade Union colleagues.

Mr. M. Evans commented that two thirds of staff were reporting whistleblowing issues directly to their line managers which was the opposite to what he had been used to. Mr. Evans wondered whether the Council was missing something in relation to issues being reported but not necessarily captured, particularly around awareness and training and how that was filtered down by line managers. The Monitoring Officer/Head of Legal and Democratic Services in reply, advised that

there were quarterly whistleblowing meetings with colleagues across the Council to make sure that all issues were being captured. The Council could never be complacent, which was why it was important to reinforce to staff the importance of the Whistleblowing Policy.

Mr. Evans also commented around evidence to investigate suspected fraud, and he felt it was important to recognise that whistleblowing could be a lot wider than that which should be considered as part of the future review. In being invited to reply, the Head of the Regional Internal Audit Service advised that in the Policy on page seven, there was some reassurance provided on the range of issues that could be reported. The Policy also indicated that it did not replace the safeguarding avenues and other related matters that also had to be dealt with.

Councillor Hooper commented on the use of statistics, stating that he would like to know the number of staff survey participants by service area. In reply, the Monitoring Officer/Head of Legal and Democratic Services stated that a more detailed drill down of the information would be undertaken for the quarterly update work which would identify those service areas with a low response rate.

The Chair, Mr. G. Chapman agreed with Councillor Hooper around the use of statistics and percentages and so a consistent approach was needed, particularly in relation to what issues came under the Whistleblowing Policy or what was deemed a grievance covered as a disciplinary matter. In response, the Monitoring Officer/Head of Legal and Democratic Services outlined that at the early stages, confidential information would be shared with her through the Operational Manager for Customer Relations. That information would include details of how each matter was recorded, as well as those which had been flagged up as a whistleblowing notification. Therefore, a final decision would rest with her as the Council's Monitoring Officer. The Monitoring Officer/Head of Legal and Democratic Services advised that there was a right to appeal under the Council's disciplinary process, but there wasn't a right under the Whistleblowing Policy. However, that was something which could be considered as part of the upcoming review.

The Chair queried if the staff survey had been sent out to all schools. The Head of Human Resources and Organisational Development advised that it was important to recognise that not all schools in the Vale had adopted the Council's Whistleblowing Policy, with some having adopted their own. Information regarding those schools that had adopted the Council's Policy had been requested from Education staff, and this would be shared with members of the Governance and Audit Committee when it was collated.

Subsequently, the Committee

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T the Governance and Audit Committee continue to receive annual reports in relation to promotion of the Policy, whistleblowing incidents reported and the outcome of the planned 2023/24 Survey.

(3) T H A T the proposed areas for revision of the existing Policy as detailed in paragraph 2.22 of the report be noted and endorsed and the same referred to Cabinet for consideration as part of the annual review of the Policy.

(4) T H A T the Chief Executive be requested to ensure that whistleblowing is placed on all Directorate agenda meetings, Head of Service meetings and Team meetings.

Reasons for decisions

(1&2) Having regard to the contents of the report and discussions at the meeting.

(3) For consideration as part of the annual review of the Policy undertaken by the Head of Human Resources and Organisational Development.

(4) To maintain and increase awareness of the Council's Whistleblowing Policy.”

Attached as Appendix – Report to Governance and Audit Committee:  
12<sup>th</sup> December, 2022

Meeting of:	<b>Governance and Audit Committee</b>
Date of Meeting:	<b>Monday, 12 December 2022</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	<b>Whistleblowing: Staff Survey Results and Annual Report</b>
Purpose of Report:	To provide Governance and Audit Committee with a summary of results of a staff survey undertaken to ascertain awareness of and willingness to use the Councils Whistleblowing Policy; together with a summary of whistleblowing incidents reported during 2021/22 and during 2022/23 to date.
Report Owner:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Elected Member and Officer Consultation:	There are no matters in this report that relate to an Individual Ward
Policy Framework:	This is a matter for executive decision
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• The Council reviewed its Whistleblowing Policy (“the Policy”) in 2019 and the revised Policy was endorsed by Audit Committee on 03 February 2020.</li> <li>• The key purpose of the Policy is to inform how to whistleblow, the types of matters to be reported and to outline the protection for those that whistleblow.</li> <li>• During 2021/22, 1 incident was reported (in comparison to 4 incidents in 2020/21), which is below the rolling 7-year average of 3.28 per annum. On closer inspection the 2021/22 incident fell outside of the Policy and was progressed as a grievance. During 2022/23 to date, 7 potential Whistleblowing incidents have been reported. 1 incident was not upheld, 1 is currently under investigation and 5 were not covered by the Policy and were considered under other Council Policies such as the Grievance Policy.</li> <li>• Of the 23 incidents reported over the past 7 years, Learning and Skills Directorate show the lowest number at 3, Environment and Housing Directorate have the highest number of reported incidents at 9.</li> <li>• Separate from the Policy and during 2021/22 the Council received 358 corporate complaints from members of the public, 50 under the Social Services Complaints Procedure (Wales) Regulation 2014, 1 complaint from the Welsh Language Commissioner and 61 referred from the Public</li> </ul>	

Service Ombudsman for Wales. These complaints are analysed in a separate Annual Corporate Complaints and Compliments Report.

- In June 2022 the Council launched the Speak Out Hub on Staffnet. The Hub acts as a single point of access for staff to gain information about the Policy and includes an online form which allows staff to quickly and easily report issues. This is supported by a confidential Speak Out Line telephone service which provides a confidential way for staff to report issues and concerns covered by the Policy.
- Following an internal promotional campaign during Quarter 1 of 2022, a staff survey was undertaken to assess staff awareness of the Policy. The survey used the same type of questions as the last survey undertaken in 2018 to allow comparison. Surveys were not undertaken during the Covid Pandemic. A total of 323 staff responded to the 2022 survey from 21 Service Areas. The survey results indicate that more promotional work is required to ensure that staff are aware of the Policy, with 75% of respondents stating that they had heard of the Policy, down from 91% in 2018. 68% of all respondents could identify all 10 key areas of malpractice referred to in the Policy, with only 1% not able to identify any areas. This indicates that although 25% of staff reported that they were not aware of the Policy, a high number of staff recognise actions which would be defined as malpractice and are a risk to the Council and residents. Only 58% of respondents stated that they were willing to report concerns, a drop from 67% in 2018. Where staff are aware of the legal protections afforded to them, the percentage willing to report issues under the Policy rises to 72%. Where respondents gave reasons why they would not be willing to report whistleblowing incidents, a fear of potential consequences for themselves emerged as a clear theme. A full analysis of survey responses is provided in Appendix D.
- As a result of the survey results awareness raising sessions will be added to Directorate and Team meeting agendas across the Council and to assist with consistency of message an executive summary of the Policy will be provided to Managers / Supervisors; also a targeted promotional mini campaign will be undertaken in the New Year focusing on the protection afforded to whistleblowers and the options for reporting. This is in addition to the annual promotion campaign of awareness of the Policy and the legal protections afforded to whistleblowers in order to increase staff willingness to report issues.
- Annual staff surveys will be undertaken to track progress in these area, with results reported to Governance and Audit Committee.
- As part of the Head of Human Resources and Organisational Development review of the Policy it is recommended that the points raised in paragraph 2.22 of this report are addressed and endorsed by Governance and Audit Committee and referred to Cabinet for consideration.

## **Recommendations**

1. That Governance and Audit Committee note the contents of the report.
2. That Governance and Audit Committee continue to receive annual reports in relation to promotion of the Policy, whistleblowing incidents reported and the outcome of the planned 2023/24 survey.
3. That Governance and Audit Committee note and endorse the proposed areas for revision of the existing Policy as detailed in paragraph 2.22 of this report and refer the same to Cabinet for consideration as part of the annual review of the Policy.

## **Reasons for Recommendations**

1. To note the action taken as detailed in the report regarding the effective monitoring of whistleblowing incidents and staff awareness of the Policy.
2. To ensure the effective monitoring of whistleblowing incidents and staff awareness of the Policy.
3. For consideration as part of the annual review of the Policy undertaken by the Head of Human Resources and Organisational Development.

## **1. Background**

- 1.1 The Council reviewed its Whistleblowing Policy in 2019 and the revised Policy was endorsed by the then Audit Committee in February 2020.
- 1.2 The key purpose of the Policy is to inform how to whistleblow, the types of matters to be reported and to outline the protection for those that whistleblow.
- 1.3 The Policy and procedures apply to employees of the Vale of Glamorgan Council including Schools (where the Policy has been adopted), temporary employees, trainees and independent contractors as well as those engaged through an agency, although the Policy also encourages wider notification of concerns by Councillors, contractors, and partners.
- 1.4 The Policy sets out a framework within which a “protected disclosure” may be made without fear of being 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). A copy of the Policy is attached at Appendix A to this report.
- 1.5 The Operational Manager for Customer Relations is responsible for the registration and maintaining a central record of all Whistleblowing concerns and to monitor progress and outcome of each investigation.
- 1.6 Directors are responsible for the receipt and population of the Whistleblowing central register and for the effective operation of the Policy within their respective Directorates. 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.

- 1.7** The Governance and Audit Committee acting through the Monitoring Officer has within its terms of reference overall responsibility for the maintenance and operation of the Whistleblowing Policy with the Head of Human Resources and Organisational Development having responsibility for reviewing and updating the Policy as appropriate. The Monitoring Officer is responsible for reporting to the Governance and Audit Committee in a confidential format.
- 1.8** Since June 2022 staff, managers and internal audit have been able to report Whistleblowing incidents on the Granicus-Firmstep GovService platform and this has become the central register for incidents. The platform records investigation progress and outcomes and access to records is strictly controlled by user access permissions. Regular internal officer meetings are chaired by the Monitoring Officer to ensure compliance with the Policy, maintain an overview of incidents reported, how they are handled / investigated and their outcome, and to ensure protection for whistleblowers.

## **2. Key Issues for Consideration**

- 2.1** Following the last staff survey in 2018 and up until 2022 promotional activity included the publicising of the Policy on Staffnet and maintain posters on staff noticeboards, in addition to internal departmental arrangements.
- 2.2** During 2022 the range of promotional work increased to include an online form available on Staffnet, a confidential Speak Out telephone service provided by Customer Relations and a new Speak Out email address monitored by Internal Audit were introduced. These options were implemented to complement existing reporting routes and to make reporting of issues easier and more convenient while maintaining confidentiality.
- 2.3** In June 2022 a comprehensive promotional campaign was undertaken with a view to raise staff awareness of the Policy and the reporting options available to staff. A copy of the Task Tracker for the Project is attached at Appendix B.
- 2.4** During 2021/22 one report was made through the Whistleblowing Policy relating to Social Services. However, this was considered not be a Whistleblowing incident and was progressed through the Council's Disciplinary and Grievance Policy. This is not exceptional having consulted Monitoring Officers across Wales with feedback from 17 Unitary Authorities and 1 Fire and Rescue Service. During 2022/23 to date, 7 potential Whistleblowing incidents have been reported. 1 incident was not upheld, 1 is currently under investigation and 5 were not covered by the Policy and were considered under other Council Policies such as the Grievance Policy.
- 2.5** Prior to 2021/22 the average number of reports made stands at 3.28 per annum over the past 7 years with a peak of 7 reports received in 2017/18 (Appendix A).



- 2.6** Of the 23 incidents reported over the past 7 years, 16 were not upheld, 5 were partially upheld, 1 was upheld (Social Services 2015/16) and 1 has been deemed to be inappropriate.
- 2.7** A total of 11 incidents related to Illegal Practices (including Fraud or misuse of Council assets and equipment), 6 related to failure to Meet Legal Obligations (including mishandling of funds, and employment disputes), 4 to Health and Safety concerns. No incidents related to damage to the Environment or Miscarriage of Justice. Attached at Appendix C is a Whistleblowing Report Summary for 2021/22.
- 2.8** It should be noted that previously issues reported using the Policy but which fell outside of the Policy have not been formally recorded or reported but instead redirected and dealt with under the appropriate Policy.
- 2.9** The Council recognises the importance of being able to learn from Whistleblowing investigations to improve the specific situation and where applicable to apply this learning more widely to reduce the risk of similar issues arising. Actions arising from investigations have included to revise and strengthen processes and procedures, improving communication with staff, undertaking staff training and instigation of disciplinary procedures (1 instance).
- 2.10** A staff survey was undertaken between 07 and 31 October 2022 to assess the effectiveness of the promotional activity, highlight common themes and identify opportunities to improve awareness, access and willingness to report issues. In order to maximise the response rate staff were given the opportunity to respond to the survey online or using a paper survey. A full analysis of survey responses is provided in Appendix D.
- 2.11** A total of 323 staff members responded to the survey from 21 different service areas. The highest number of responses was received from schools, amounting to 26% of the total. Responses from Social Services directorate accounted for 22% of respondents, with Resources directorate totalling 23%.
- 2.12** Future promotional activity will be targeted in those services with low response rates to ensure that data supplied provides as complete a picture as possible of attitudes of staff from across the Council.
- 2.13** The need to promote a wider awareness of the Policy emerged as a key theme from survey results. The percentage of respondents who stated that they had heard of the Policy fell from 91% in 2018 to 75% in 2022. In addition, the number of respondents who said that they had read the Policy fell from 61% to 41%.
- 2.14** Encouragingly, a high proportion of respondents were able to identify most of the policy areas covered by the Policy with 68% identifying all 10 areas. 94% recognised “A breach of our Code of Conduct for Staff or Councillors” as an area covered, while 90% recognised “Unauthorised use of Public Funds”, Suspected fraud or Corruption”, “Unethical or improper conduct” and “Sexual, physical, or verbal abuse of our clients” respectively.

- 2.15** “Damage to the environment” was least recognised area with only 76% of respondents recognising this as an area covered by the Policy. This is an area for future promotional focus.
- 2.16** Willingness of staff to report issues under the Policy is critical to achieving its objectives. Only 58% of respondents indicated that they would be willing to whistleblow, compared to 67% in 2018.
- 2.17** A key reason given by staff who were unwilling to report issues was a concern that there would be negative consequences for them. One respondent stated that “I don’t believe that there would be protection”, while another stating that they had a “fear of retaliation, especially of the staff member was more senior”
- 2.18** Where staff are aware of the legal protections afforded to whistleblowers, willingness to report issues increased significantly to 72%. However only 49% of respondents reported that they were aware of protections, down from 66% in 2018.
- 2.19** Although new opportunities have been created for staff to report incidents, reporting to a line manager is the most popular choice with 65% of respondents, followed by Head of Service at 27%. 29% stated that they would use the Speak out email address, 30% would use the online form and 14% stated that they would use the Speak Out telephone line.
- 2.20** When respondents were asked to provide ideas about how the Council could improve awareness of the Policy, the creation of an easy-to-read “summary document” or “information sheet” was popular. Other proposals included creating an iDev course, a video and team training sessions. As a result of the survey results awareness raising sessions will be added to Directorate and Team meeting agendas across the Council and to assist with consistency of message an executive summary of the Policy will be provided to Managers / Supervisors; also a targeted promotional mini campaign will be undertaken in the New Year focusing on the protection afforded to whistleblowers and the options for reporting. This is in addition to the annual promotion campaign of awareness of the Policy and the legal protections afforded to whistleblowers in order to increase staff willingness to report issues.
- 2.21** The key themes identified by the staff survey will also be addressed during the next annual promotional campaign, with impact tracked through the 2023/24 annual staff survey.
- 2.22** Further, during September – October 2022, the Policy was the subject of a high level assurance and risk assessment by Audit Wales (it being noted that a detailed analysis of processes, procedures and compliance with the Policy was not part of the assessment). Feedback arising from the assessment identified areas for consideration as part of the review of the Policy; following consideration of the same the below areas are recommended to be addressed as part of the annual review of the Policy with Governance and Audit Committee requested to endorse the same and refer to Cabinet for consideration:

- To clarify that whistleblowing concerns may be reported to a prescribed person instead of the Council, albeit individuals are encouraged to raise concerns with the Council first;
- With a view to avoiding confusion, remove the reference to reporting of whistleblowing concerns relating to an external organisation (as these are not technically whistleblowing notifications pursuant to the Act);
- Review the list of prescribed persons and current titles;
- Clarify the references made to the flowcharts attached to the Policy and;
- Address the typographical error on page 5 of the Policy to read “if the whistleblower chooses to disclose their identity ...”.

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

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

### **4. Climate Change and Nature Implications**

- 4.1** The Policy provides opportunity for staff to highlight concerns regarding the way in which Council activities impact on the local environment.

### **5. Resources and Legal Considerations**

#### **Financial**

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

#### **Employment**

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

#### **Legal (Including Equalities)**

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

### **6. Background Papers**



# **Whistleblowing Policy**

**Human Resources Division  
Directorate of Resources**

## Speak Out, Report Wrongdoing a Safer Alternative to Silence

### Contents

Control	3
Introduction	3
Scope	5
Protection and confidentiality	5
What you should report	7
Anonymous or untrue allegations	7
How to raise a concern	7
Guidelines for Managers	9
How we will respond	10
Taking the Matter Further	11
Monitoring	12
Final Notes	12
Appendices	13

## Control

Policy Lead Officer: Head of Human Resources and Organisational Development

Responsible Officer: Monitoring Officer

Consultation: Council Governance & Audit Committee

Implementation Date: 1<sup>st</sup> December 2021

Review Arrangements: Annually

## Introduction

At the Vale of Glamorgan Council, we want to make sure that we are providing excellent services to the residents of the Vale. All our staff, permanent and temporary, Councillors, partners, agency workers and contractors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness, and accountability.

We know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in some very serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

**A Whistleblower** is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, contractors, customers, members of the public or the success and reputation of the organisation.

We want you to feel that it is safe and acceptable to speak out about your concerns so that we can investigate and act as soon as possible. We recognise that you may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (e.g. loss of job)
- too much to lose (reputation, damage to career etc)
- feelings of disloyalty
- worries about who may be involved
- you have no proof only suspicions
- fear of repercussions if there is no evidence or you are proved wrong

We welcome all genuine concerns and will treat your issues seriously - this policy explains how to raise a concern, the types of activity you should report, the protection we can provide, confidentiality, our response and how you can take matters further, if necessary.

We want to assure you that there is no reason to remain silent; your decision to speak to us may be difficult but, if you believe what you are saying is true, you have nothing to fear as you are following the Council's Code of Conduct and helping to protect the users of our services and the residents of the Vale. We will not tolerate

any harassment or victimisation and we will take action to protect those of you who raise concerns that you believe to be in the public interest.

UK law protects employees from dismissal, harassment, or victimisation if such treatment occurs as a result of having made a whistleblowing disclosure considered to be **in the public interest**. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

This policy does not replace our existing employment policies and procedures: grievance, code of conduct and disciplinary. You should use these policies and procedures if you have a personal grievance or are unhappy with the way you are being treated. Our Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance or complaint once you have exhausted the relevant employment procedures.

## VALE OF GLAMORGAN COUNCIL WHISTLEBLOWING POLICY

### Scope

You can use our Whistleblowing arrangements if you are: a Councillor, Council Employee, employee of a Local Authority School, a School Governor (*if the school has adopted our policy*), a contractor or partner. Our policy also applies to agency staff, contractor staff and suppliers providing goods or services to, or on behalf of, the Council.

Our Whistleblowing arrangements **do not** replace the following:

- Children and Young People Safeguarding reporting
- Adult Care Safeguarding reporting
- Corporate Concerns and Complaints Policy
- Disciplinary Policy
- Grievance Procedure
- Code of Conduct
- Anti-Fraud and Bribery Policy

You should only consider raising concerns through our Whistleblowing arrangements if:

- you have genuine reasons why you cannot use the above policies and procedures
- you have reason to believe that these policies and procedures are failing or are not being properly applied
- there is a public interest aspect

### Protection and Confidentiality

The Whistleblowing law is contained in the Public Interest Disclosure Act 1998 (PIDA – amended by the Enterprise and Regulatory Reform Act 2013). Public bodies, such as this Council, are required to have a Whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally. This also applies to those who, as a last resort, feel the need to take their concerns to an outside body, such as the Local Government Ombudsman.

You may feel that the only way you can raise your concerns is if we protect your identity. If the whistleblower does choose to disclose their identity, we will respect confidentiality as far as possible, but there are times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.

We will attempt to ensure the whistleblower's identity is not disclosed to third parties and information will not be disclosed unless the law allows or compels us to do so, for example in order to comply with a court order. If the information you provide includes personal information about another person, then that person may be entitled to access it under subject access provisions of the Data Protection Act or



General Data Protection Regulations (GDPR). If releasing that information could reveal identifying information about the whistleblower, we will always ask for your consent prior to releasing the information.

We will not tolerate any harassment or victimisation (including informal pressure) and we will take action to protect you when you raise a concern believed to be in the public interest. We will take any disciplinary or corrective action should anyone attempt to victimise the whistleblower or prevent concerns being raised.

If we proceed to a formal investigation, we may require you to give evidence along with other employees and witnesses; we are, in some circumstances, able to do this without disclosing the identity of the whistleblower. A statement from you may also be required as part of criminal proceedings or Employment Tribunal – this depends on the nature of the concern.

If your whistleblowing disclosure results in an internal investigation and you provide a witness statement under that process, your statement may be used for disciplinary purposes. This means your statement may be given to the subject as part of a disciplinary hearing. An employee subject to the disciplinary process can ask to see personal information held about them at any time under the subject access provisions of the Data Protection Act – this may include information within your statement. If it is possible to provide access to personal information within your statement without revealing any information about you, we will do so. If this is not possible, we will always seek your consent before releasing any information.

If your statement is not required for disciplinary purposes it will be:

- held confidentially on our case file (until the case file is destroyed after 7 years)
- released only with your consent or a Police / Court Order

The Council:

- does not expect you to give us your consent – this is your decision alone – but we are required by law to ask you
- does not need a reason should you choose to refuse the request

If you find yourself the subject of a whistleblowing disclosure and a decision is made to investigate, the Council will follow the appropriate employment procedure: code of conduct, grievance or disciplinary. This means you will have all the rights contained in that procedure, such as, the opportunity to respond to the allegation and representation at the investigatory interview.

## What you should report

We encourage you to use our whistleblowing arrangements for issues such as:

- conduct which is a criminal offence or breach of law
- a breach of our Code of Conduct for staff or Councillors
- sexual, physical, or verbal abuse of our clients, employees, contractors or public
- dangerous procedures risking the health & safety of our clients, employees, contractors or public
- unauthorised use of public funds
- suspected fraud or corruption
- damage to the environment (e.g. land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.)
- unethical or improper conduct
- services that fall seriously below approved standards or practice
- failure to follow the Council's policies and procedures

**NB. This is not an exhaustive list**

## Anonymous or untrue allegations

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. We would like you to put your name to the allegations whenever possible and remind you of the protection we can provide if we know who you are.

Anonymous whistleblowing referrals will be considered at the discretion of the officers handling your concern, in consultation with the service area, where appropriate. This discretion will be based on the:

- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from an attributable source  
evidence base

It may be that our investigations do not confirm your allegation. We take all concerns seriously and can assure you that no action will be taken against you if you have raised a concern in the genuine belief that it is, or may be, true.

If we find that you have maliciously made a false allegation, we will take action and you will not be eligible for protection under PIDA.

## How to raise a concern

We encourage you initially to raise your concern internally – this allows the Council the opportunity to right the wrong and give an explanation for the behaviour or activity. We also advise staff to report any allegation to their line manager. We recognise that your first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved.

We advise that you make it clear that you are raising your concerns under the Council's whistleblowing arrangements – this will help managers respond in line with this policy. (See Flowchart – Whistleblowing Process)

If you are in any doubt about what you should do, you can contact:

- Chief Executive: 01446 709202
- Monitoring Officer: 01446 709402
- Interim Head of Finance / Section 151 Officer: 01446 709778
- Head of Regional Internal Audit Service: 01446 709572
- Head of Human Resources and Organisational Development: 01446 709357

All are located at the following address:

Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

Chair of Governors (if you work for a school)

You may wish to raise the matter in person, and you can do this by using one of the contact numbers above or alternatively you can contact the Council's confidential Speak Out number below or visit the dedicated Speak Out website and complete an online form.

☎ 01446 731115

[Speak Out – Report a Concern](#)

The Investigation Officer, who reports to the Head of Regional Internal Audit Service, will monitor this dedicated reporting line. If you call this number out of hours you can leave a message on the answer phone, which is located in a secure area.

Concerns are better submitted in writing – we need the background and history of your concern, giving names, copies of any documents, dates, and places (where possible). We would like you to explain why you are concerned about the situation – we do not expect you to prove the truth of an allegation, but you will need to show that there are sufficient grounds for your concern.

You can write directly to one of the officers named above or you can use the confidential dedicated email address (which is monitored by the Investigation Officer).

Email address: [speakout@valeofglamorgan.gov.uk](mailto:speakout@valeofglamorgan.gov.uk)

Staff have the option to seek independent advice from their trade union representative or professional association or can invite a work colleague to raise a concern on their behalf.

Further free and independent advice may be sought from Protect [*formerly known as Public Concern at Work (PCAW)*], the whistleblowing charity, via their email link: [protect-advice.org.uk](https://protect-advice.org.uk) or on their whistleblowing advice line: 020 3117 2520.

**Remember** – the earlier you raise the concern, the easier it is to take action.

### **Guidelines for Managers**

An employee must not be afraid to raise concerns they may have relating to bad practice within the Council and must not suffer any disadvantage as a result of voicing a reasonably held suspicion.

Senior Managers are expected to deal swiftly and thoroughly with such concerns. In following up such concerns, clearly defined procedures will be adopted. When receiving a complaint or concern in relation to bad practice the following steps should be taken:

- the matter should be dealt with promptly.
- advice should be given to the employee, if appropriate that their concerns and any follow-up reports will be treated in the strictest confidence.
- all staff concerns should be treated seriously and sensitively.
- the employee should be questioned sufficiently so that you can be assured that there is a genuine cause for concern.
- managers should make a note all relevant details, obtaining as much information as possible, and if the individual has made his or her own notes, where possible obtain a copy of these or advise the complainant to retain them for future reference.
- ensure that the evidence is Clear and logical, adequately supported, and secure, ensuring that you do not interfere with evidence.
- advise an employee that, if necessary, further information may be sought from them.
- evaluate the allegation objectively to confirm whether any suspicions seem justified.
- be objective when assessing the issue, consider the facts as they appear, based on the information available to you.
- consider that some concerns may be resolved by agreed action without the need for further investigation.
- if you remain in any doubt you should raise the issue with your line manager to identify the next steps.
- take all immediate action necessary to ensure that no individual is at risk of harm or injury.
- verify with your Senior Manager the next steps to be taken if the issue is outside your direct remit/responsibility.

- take all necessary action to protect the ‘whistle blower’, any witnesses to the concerns raised and ensuring that any evidence available or produced is not tampered with.
- take all reasonable steps to prevent co-workers and/or an agent of the Council, acting on the Council’s authority, from subjecting the ‘whistle blower’ to a detriment. It is important to record the details of steps taken. You need to remember that employees who victimise whistle-blowers can be made personally liable for their own conduct and the Council could be held liable if it has not taken all reasonable steps to prevent the act of victimisation.
- ensure that the employee’s identity must not be disclosed unless disclosure is necessary in furtherance of natural or prescribed justice.
- managers should report this matter in confidence to the relevant Chief Officer/Service manager.
- The Officer/Service Manager receiving the whistleblowing allegation will immediately notify the Operational Manager Customer Relations (OMCR) to include the disclosure on a central register.

### **How we will respond**

Our response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by management, Audit, Investigation Officer, or other independent investigators)
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police if a criminal matter
- referred to the external auditor
- the subject of an independent inquiry

The officer receiving the whistleblowing allegation will immediately notify the Operational Manager Customer Relations to include the disclosure on a central register.

We may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing. We will use the results of these enquiries to decide whether an investigation is needed and if so, what form it should take. If urgent action is required, this will be taken before we start any investigation.

Concerns of fraud, bribery or corruption will be followed up by the Investigation Officer within the Regional Audit Service. If there are other serious concerns of a potentially criminal nature, the complaint will be referred to the Council’s Monitoring Officer. They will determine whether the concern should be referred to the Police directly by the Council or whether the complainant should be advised to make such a referral.

If the Monitoring Officer decides that the matter should be referred to the Police by the Council, advice will be sought from the Police to establish if a simultaneous internal investigation can be conducted, and whether or not they consent for the subject of the complaint to be informed of the allegations.

We will acknowledge your whistleblowing disclosure within 5 working days. Within the next 10 working days we will write and explain how we propose to deal with the matter. The whistleblower will be:

- given an estimate of how long it will take to provide a final response
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how we will inform you of progress

The amount of contact between you and the Officer considering your whistleblowing disclosure will depend on the nature of the concerns raised. For example, if further investigation is required, the investigator may need to seek additional information from you.

If a meeting is necessary, this can be held off site if you prefer. If you are an employee, you will have a right to be accompanied – this will be a union representative or work colleague (not involved in the area where the concern exists).

We will help with any difficulties you may experience as a result of raising a concern – we will, for example, provide advice if you are required to give evidence for criminal or disciplinary proceedings. Sometimes, whistleblowers have counter-allegations made against them. The Council has a duty to investigate any concerns that it receives and that will apply in these circumstances. However, this will not detract from the principles, as set out in this policy, which govern how the Council will respond to whistleblowers. **The over-riding objective will be to establish the truth.**

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the Council's retention of records policy.

At the end of our investigations we will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints, but we do recognise the importance of providing you with assurances that the matter has been dealt with properly.

### **Taking the matter further**

If you have genuine concerns about how we have handled your whistleblowing disclosure you can raise this with the Investigating Officer(s) and/or the Monitoring Officer.

## Monitoring

The Monitoring Officer will provide an annual report to the Council's Audit Committee which has responsibilities for overseeing the effectiveness of the Council's governance arrangements.

All reporting will be anonymised and will only identify common themes, numbers of disclosures year on year and will highlight actions taken to improve systems and policies.

The Council's Governance Group will monitor the effectiveness of this policy.

## Final Notes

If a concern relates to an external organisation you can report the concern to a prescribed person rather than the Council. Attached as **Appendix 1** to this policy is a link to a list of external organisations as per GOV.UK which may help you to identify the appropriate 'prescribed person', depending upon the nature of the organisation and the concerns raised, their responsibilities and how to contact them if you need to make an external disclosure.

You should be aware that the Auditor General for Wales or their appointed auditors will deal with matters about public services in Wales including value for money, fraud and corruption which provide public services'. **Appendix 2** is a copy of the Wales Audit Office Whistleblowing leaflet.

Any concerns about 'the proper conduct of a public business, value for money, fraud and corruption in relation to the provision of public services' can be made to the Auditor General for Wales on telephone number 02920 320522 which has been dedicated for this purpose, via email [whistleblowing@audit.wales](mailto:whistleblowing@audit.wales) or by writing to:

*PIDA Officer  
The Auditor General for Wales.  
24 Cathedral Road  
Cardiff  
CF11 9LJ*

However, neither the Auditor General for Wales nor their appointed auditors have the power to decide whether a disclosure is protected, or to get involved in employment relations matters and they cannot provide legal advice. The Auditor General for Wales and their appointed auditors have no power to discipline any individuals, or to bring criminal prosecutions after completing any investigations.

Disciplinary action can only be taken by the council/school or relevant professional organisations. Allegations of criminal behaviour are referred to the police for investigation, if deemed appropriate by the police, resulting in any such prosecutions being determined by the Courts.

If it is not possible to make your disclosure internally you should consider whether it is appropriate to report your concerns to others including your MP, Assembly

Member, or to the Local Government Ombudsman. This step should be taken only where opportunities to raise matters internally have been fully exhausted.

## Appendices

### Appendix 1

[www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies)

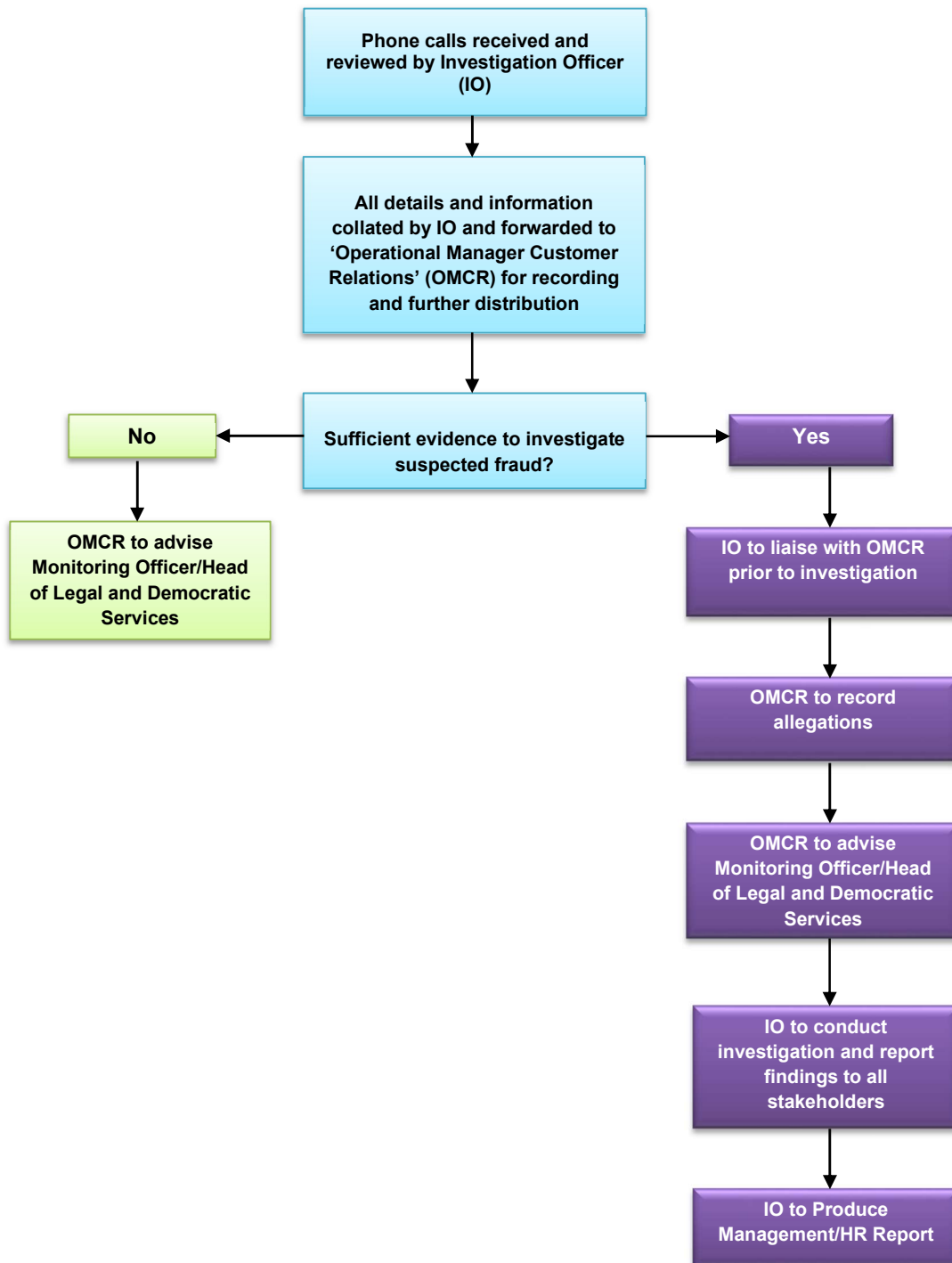
### Appendix 2

Whistleblowing leaflet – Auditor General Wales - Are you concerned about wrongdoing or malpractice in the workplace?

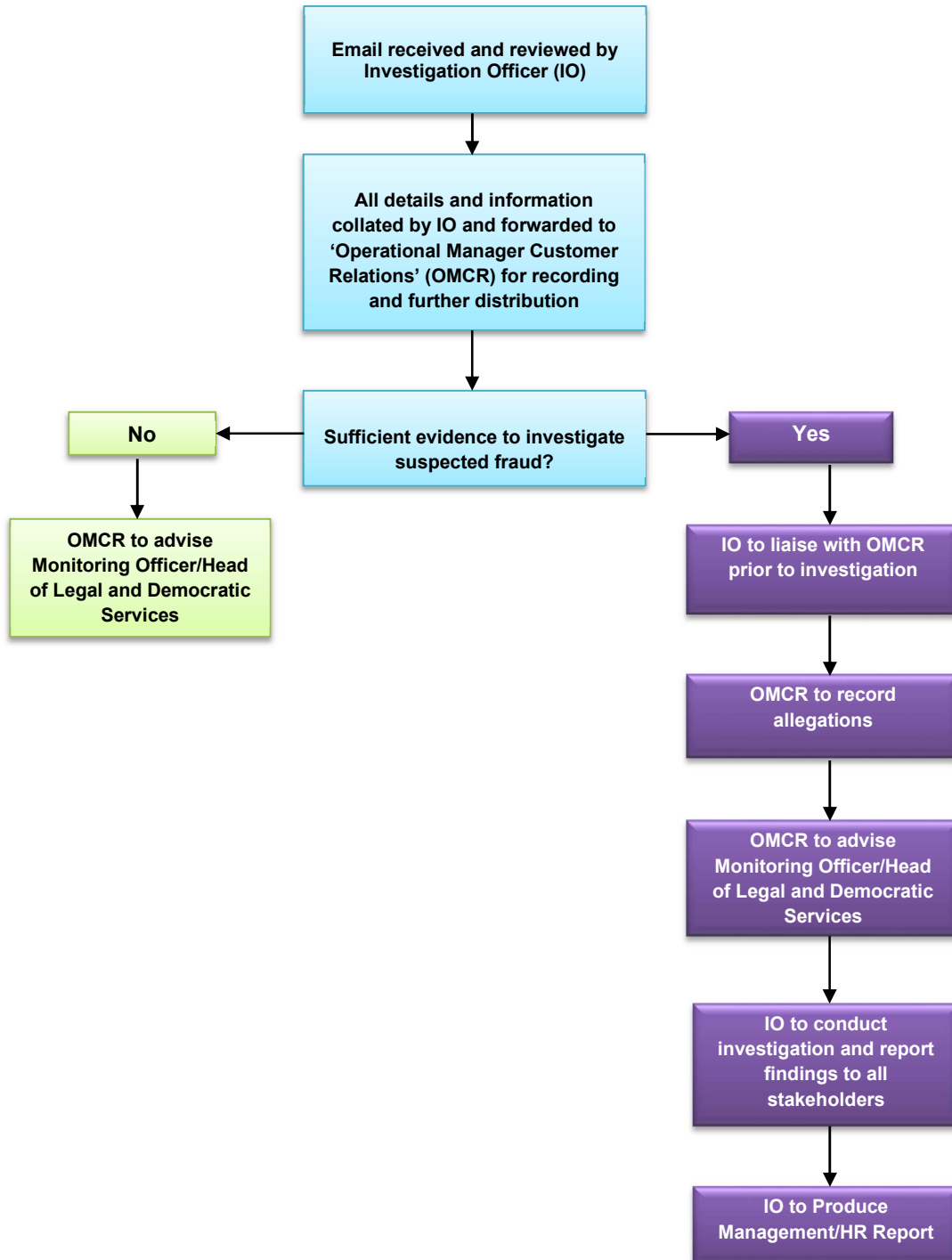
<https://www.audit.wales/sites/default/files/2020-12/whistleblowing-leaflet-english-2016.pdf>



Dedicated 'whistleblowing' phone line



Dedicated 'whistleblowing' email address



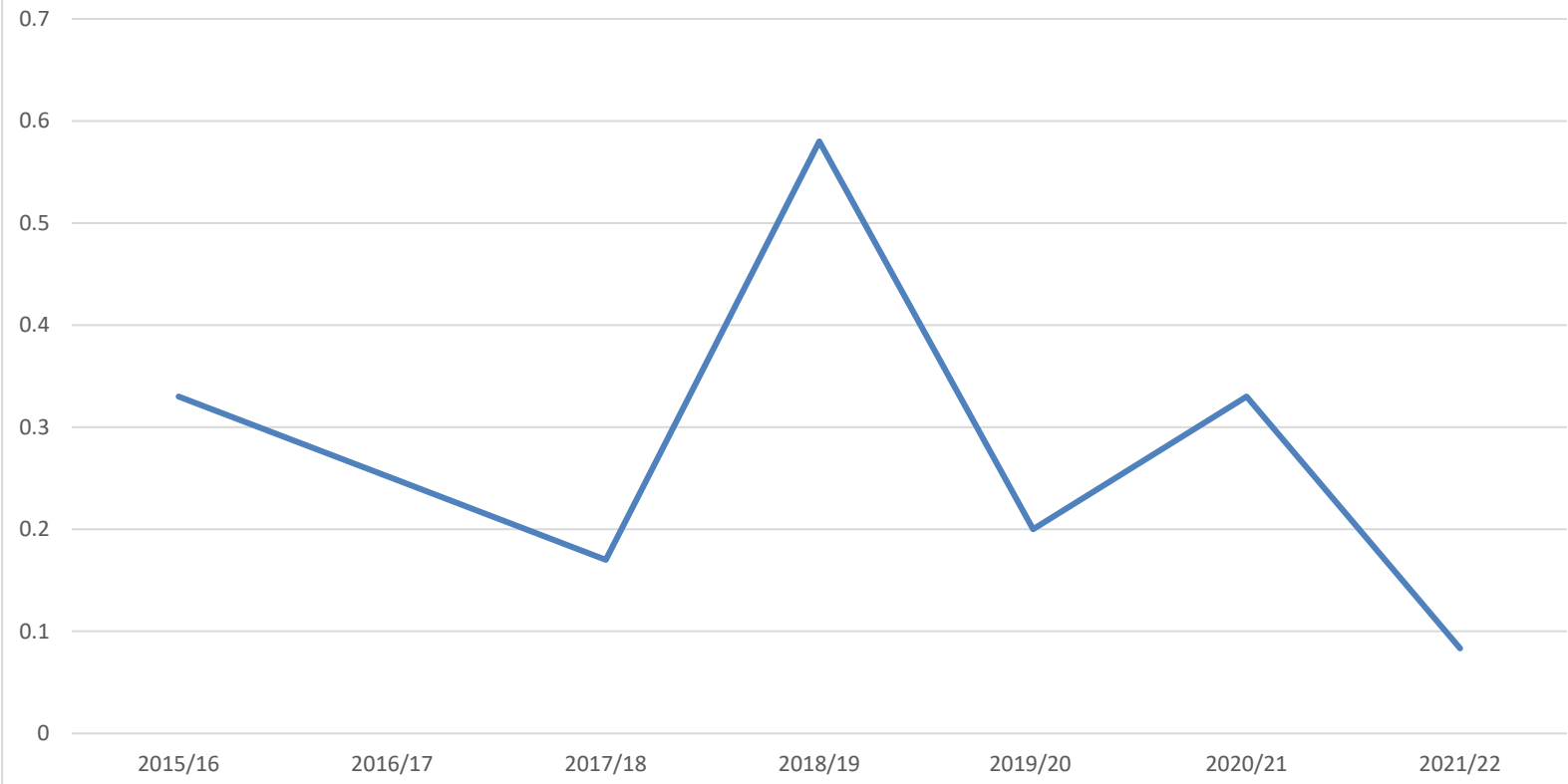
Task	Date for completion	Status
Create branding: SN banner, Email header and image tile (In English and Welsh)	07 June 2022	Complete
Section 24 of the Council's constitution to be refreshed	07 June 2022	Complete
Apply new branding and publish SN+ page (using info currently on SN)	10 June 2022	Complete
Online go-live: Add banner links to SN	13 June 2022	Complete
Apply new desktop wallpaper	13 June 2022	Complete
Create posters with QR code (to link to Speak Out hub)	13 June 2022	Complete
Distribute posters to frontline locations	13 June 2022	Complete
Email bulletin to all staff	15 June 2022	Complete
Email bulletin to all HoS/Oms (advise of statutory duty and role of managers)	15 June 2022	Complete
Email bulletin to all Elected Members	15 June 2022	Complete
Email bulletin to partners	15 June 2022	Complete
Email bulletin Town and Community Councils	15 June 2022	Complete
Email bulletin to contractors	15 June 2022	Complete
Email bulletin to suppliers	15 June 2022	Complete
Email bulletin to School Governors	15 June 2022	Complete
CEX reference in EoW Message	17 June 2022	Complete
Campaign pack to be sent to all Schools	28 June 2022	Complete
Internal news item on Speak Out: Digital strategy supporting staff to speak out	11 July 2022	Complete
Speak Out Hub link on E-Pay	15 July 2022	Complete
Finalise Speak Out Staff Survey questions	01 October 2022	Complete
Create online survey (Microsoft Forms)	05 October 2022	Complete
Create hard copy surveys	05 October 2022	Complete
Create survey posters with QR link to Speak out hub / survey	06 October 2022	Complete
Distribute hard copy of surveys to Alps and Civic offices	07 October 2022	Complete
Online Speak Out Staff Survey go-live	07 October 2022	Complete
Update Speak Out Hub with Survey link and survey resources (Posters with QR to survey and printable surveys)	07 October 2022	Complete
Apply Speak Out Survey branding to SN homepage with links to survey	07 October 2022	Complete
Email bulletin to all staff	07 October 2022	Complete
Email bulletin to HoS/Oms	07 October 2022	Complete
Email bulletin to School governors	07 October 2022	Complete
Email bulletin to Schools and headteachers	07 October 2022	Complete
Distribute large format posters to frontline areas	Wk 10 October 2022	Complete

Speak Out Staff Survey Link on e-pay	11 October 2022	<b>Complete</b>
CEX reference to survey in EoW Message	14 October 2022	<b>Complete</b>
Survey reminder email to all staff	24 October 2022	<b>Complete</b>

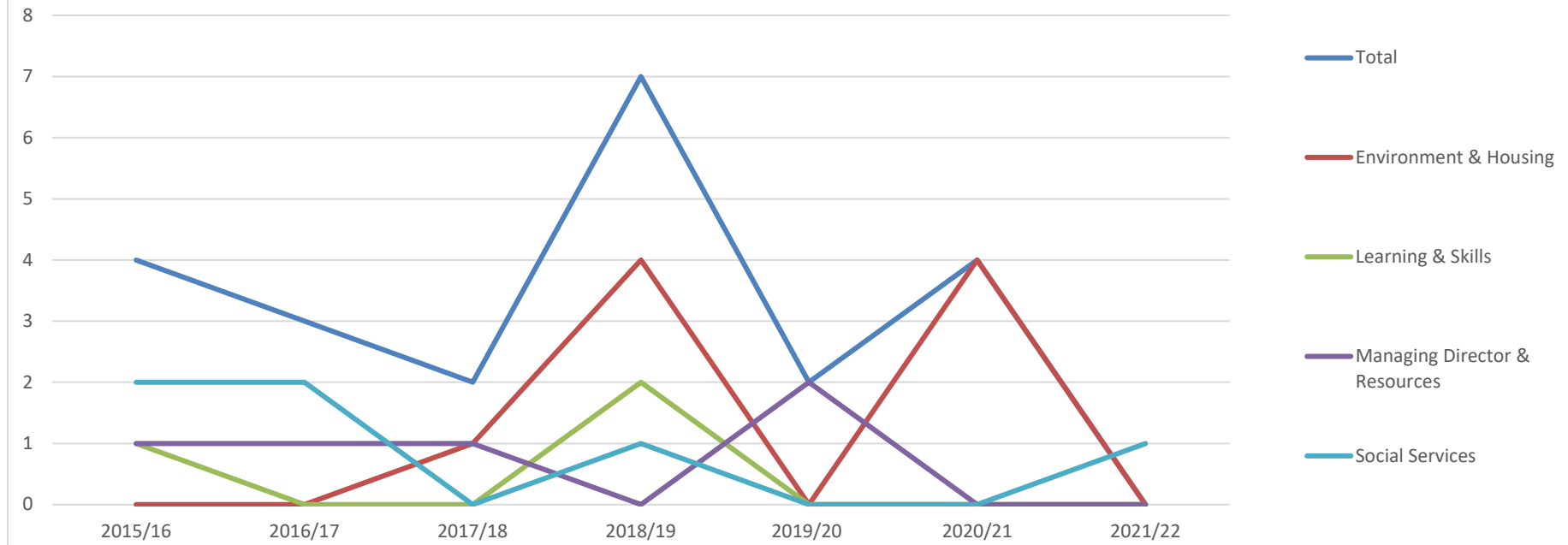
**Whistle Blowing Report Summary 2021/22****Appendix C**

<b>Reporting Period</b>	<b>Total</b>	<b>Environment &amp; Housing</b>	<b>Learning &amp; Skills</b>	<b>Managing Director &amp; Resources</b>	<b>Social Services</b>
<b>2015/16</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>2016/17</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>
<b>2017/18</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>2018/19</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>1</b>
<b>2019/20</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>
<b>2020/21</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2021/22</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

Average Whistle Blowing Reports Per Month by Financial Year

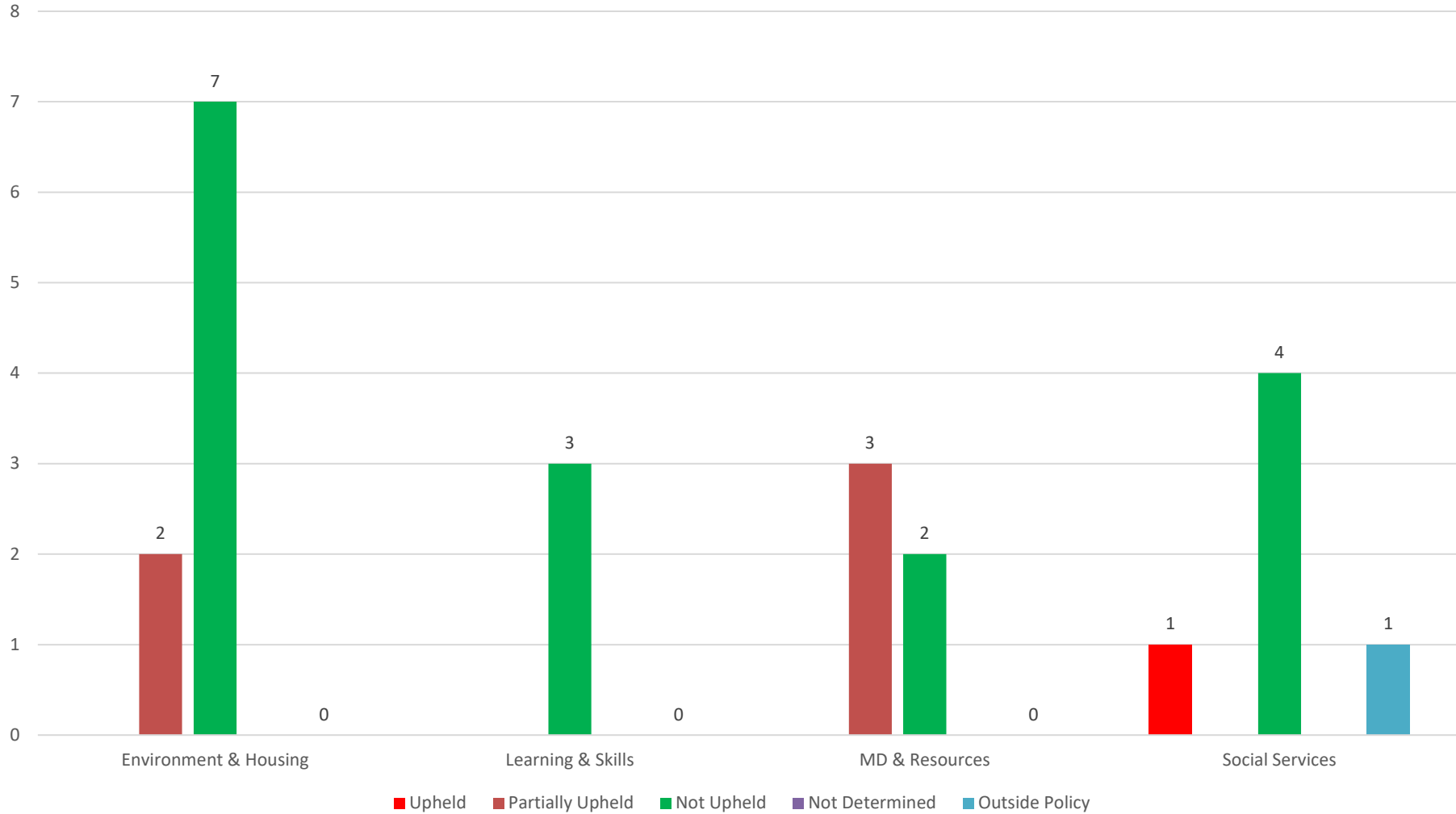


## Whistle Blowing Incidents by Directorate to March 2022



*\*Incidents incorrectly notified via the policy not reported prior to 2021/22*

Outcome by Directorate





**CONCERNS BY CATEGORY**

	<b>Illegal Practices</b>	<b>Failure of Legal Obligations</b>	<b>Health &amp; Safety</b>	<b>Damage to Environment</b>	<b>Miscarriage of Justice</b>
<b>2015/16</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2016/17</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2017/18</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2018/19</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019/20</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2020/21</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2021/22</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*On report was made in 2021/22 in relation to workplace bullying was progressed through the Council's Disciplinary and Grievance Policy.



# Speak Out Staff Survey Report

---

December 2022

## **Background**

As part of the Vale of Glamorgan Council's dedication to protect the organisations finances and reputation while keeping its colleagues and customers safe, the Council launched its Speak Out Hub in June 2022. The hub is a single point of access for whistleblowing information and a platform through which staff can easily and confidentially report their concerns via an online form, phone line or email.

Following a comprehensive promotional campaign for the Council's Whistleblowing Policy and Speak Out Hub, the Speak Out Staff Survey was designed to highlight common themes and identify areas for improvement.

## **Methodology**

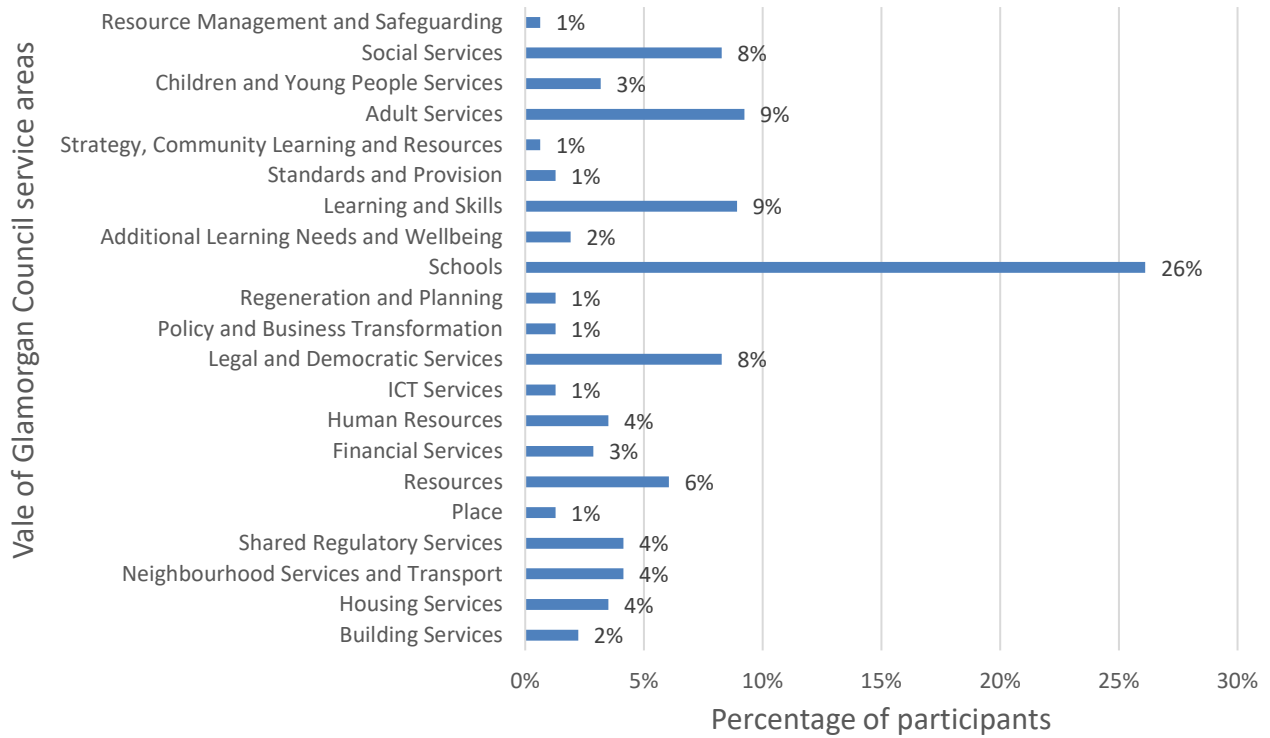
All Vale of Glamorgan Council staff were invited to complete the survey, whether they work in a frontline role, in an office or at home, or in one of one of the Council's schools.

This survey was open between 07 October until 31 October 2022, during which time, staff had the option of completing an online survey or a paper survey.

The survey was promoted through email communications, the Speak Out Hub, staff news articles and the e-pay system. To ensure that promotion reached front-line staff who may not have access to a corporate device, Heads of Services and Operational managers were asked to raise awareness of the survey within their teams and promotional posters were distributed to frontline areas.

The survey had a total of 323 respondents from 21 Service areas.

## Participants by service area

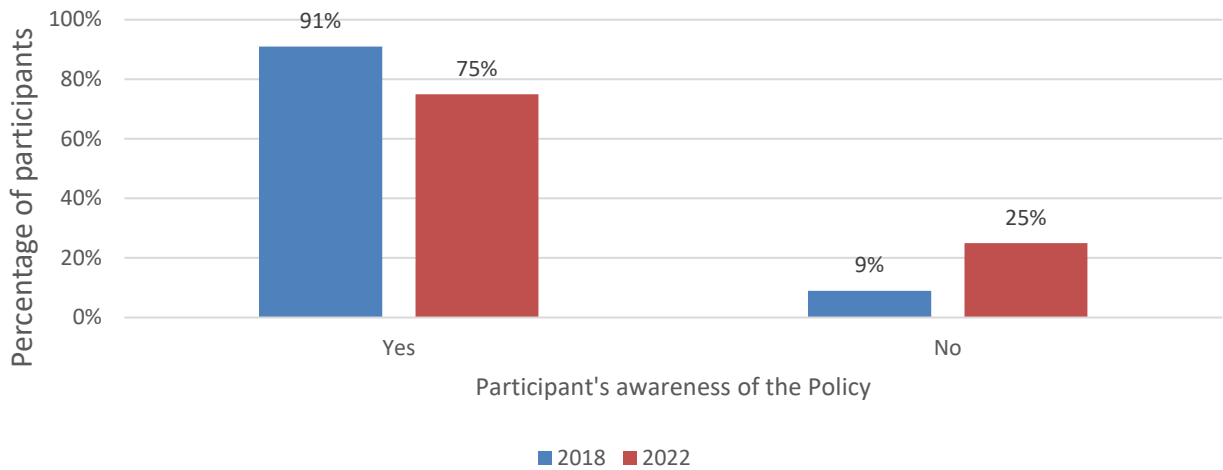


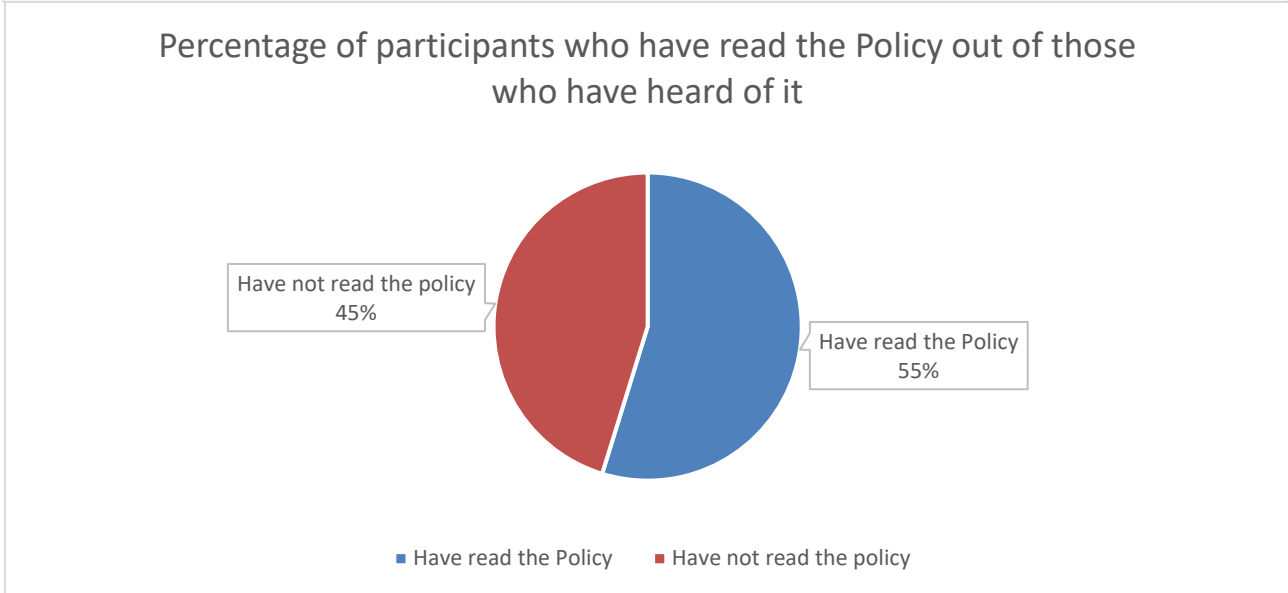
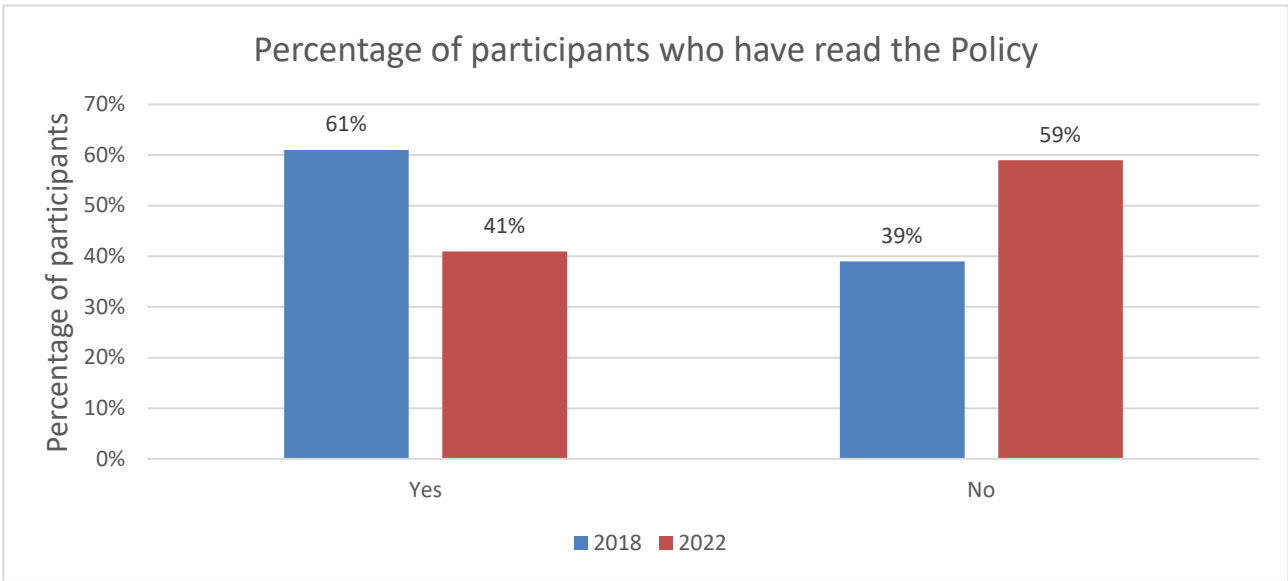
## Results

### Awareness of the Whistleblowing Policy

To measure participants awareness of the Whistleblowing Policy, they were asked if they have heard of and read the Policy.

### Percentage of participants who have heard of the Policy



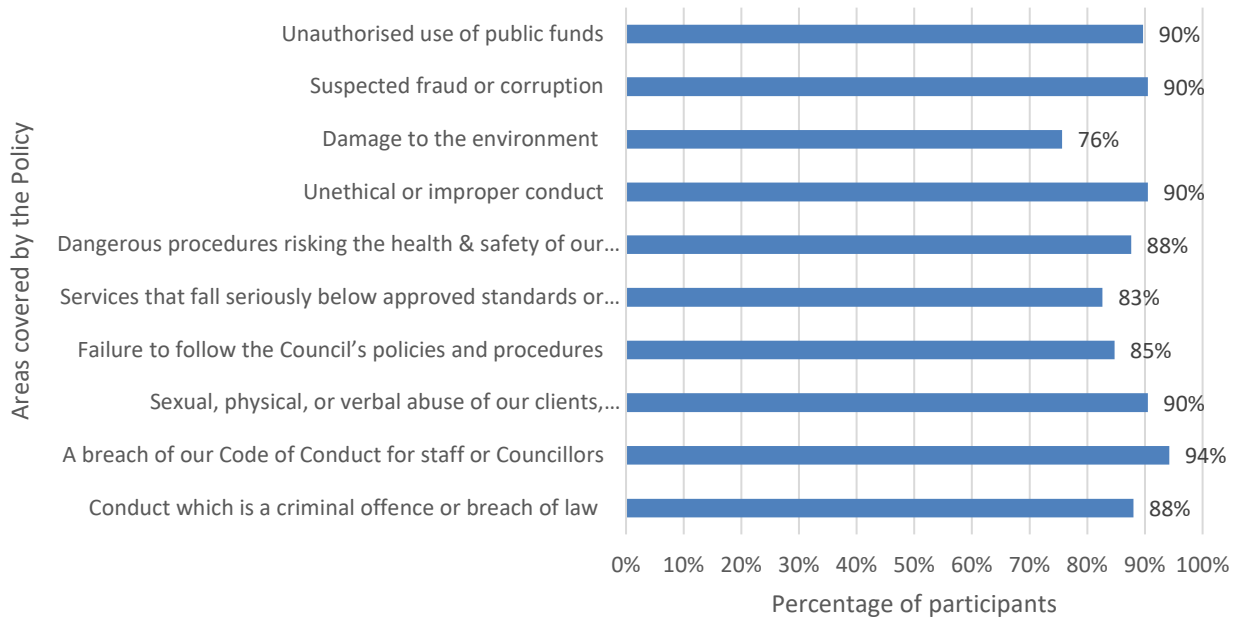


## Understanding of the Whistleblowing Policy

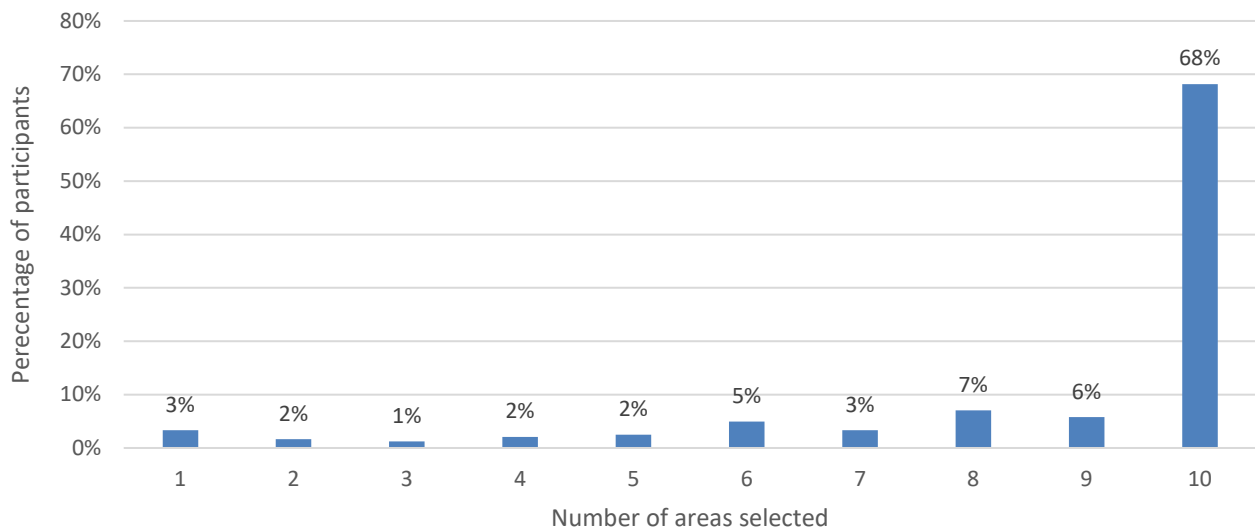
To measure understanding of the Council’s Whistleblowing Policy, participants were asked to select which topic areas they think the Policy applies to.

Ten options were available, all of which are covered by the Policy. The question was not limited to one answer and participants were encouraged to select all answers that apply.

### Policy areas covered by the Whistleblowing Policy recognised by participants

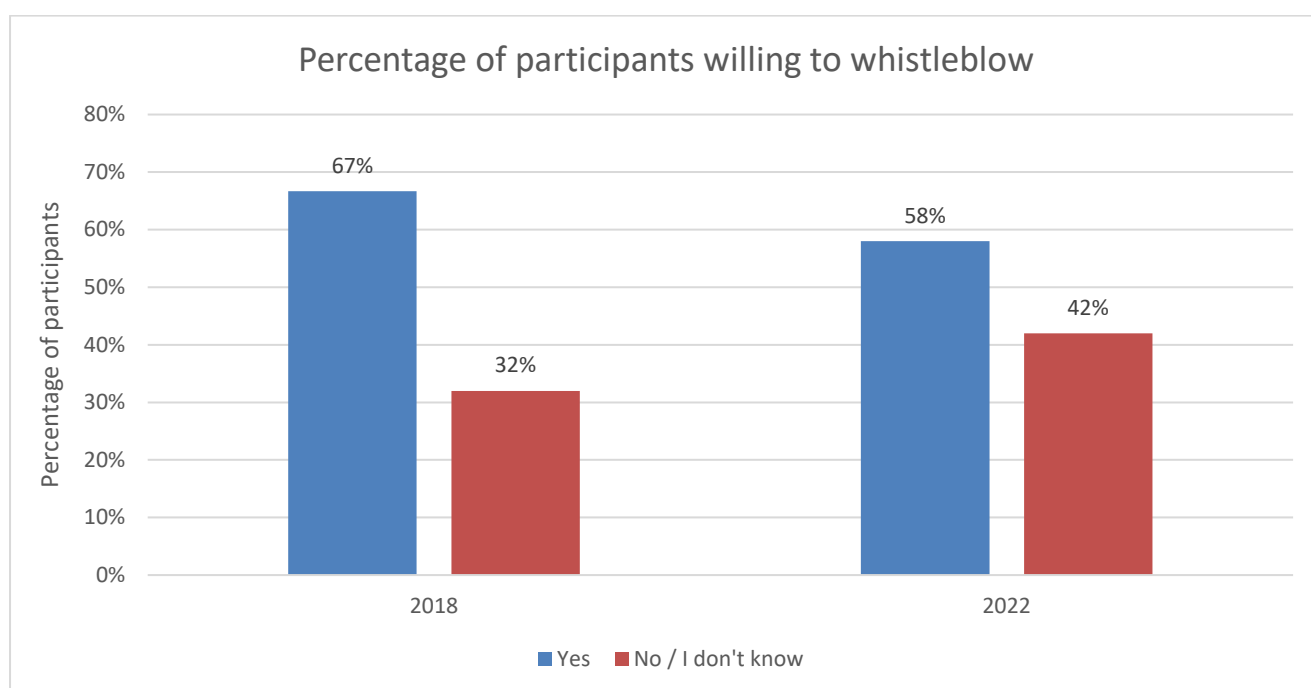


### Number of areas covered by the Whistleblowing Policy recognised by participants



## Willingness to whistleblow

To measure the willingness among participants to report their concerns, respondents were asked if they would whistleblow.



Those who answered 'no' or 'I don't know' were asked to explain why.

The responses highlighted common themes and concerns among these participants. Many explained that their willingness to report concerns would depend on the circumstances.

*"Depends on the issues and the potential benefits or disadvantages. "*

*"Dependent upon the severity of the situation."*

*"It would depend on the circumstances, the severity and whether there was a willingness to change/put right."*

Respondents also had concerns over a lack of protection, confidentiality, and anonymity.

*"I don't believe that there would be protection."*

*"The worry that the person you whistle blew would find out."*

Many participants agreed that concerns over retaliation and repercussions for themselves and their employment could prevent them from whistleblowing.

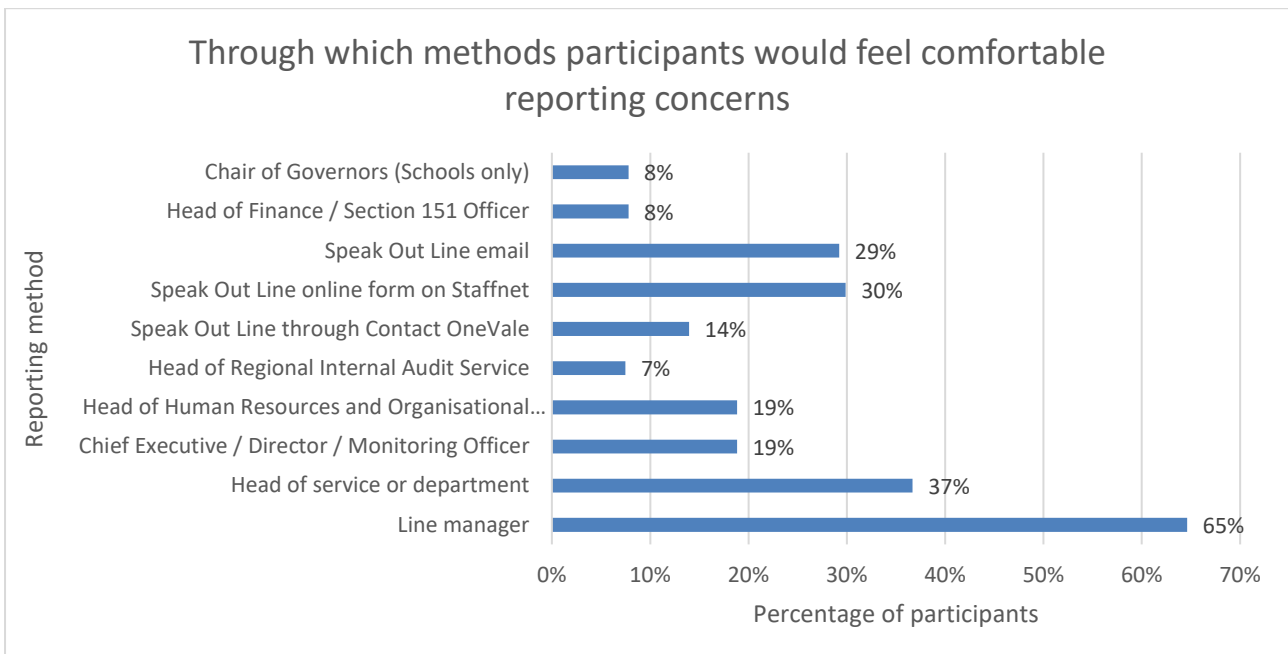
*"Fear of retaliation, especially if member of staff is senior."*

*"Unsure how it would affect me."*

*"I like to think I would because I believe myself to be a good person with good morals, but you don't always know the situation. I would probably be worried about losing my job, and I have people to provide for and care for."*

As outlined in the Whistleblowing Policy, there are many ways in which staff are able to report their concerns. To gauge which of these methods participants would feel most comfortable using, they were asked to select which method(s) they would feel most comfortable using to report their concerns.

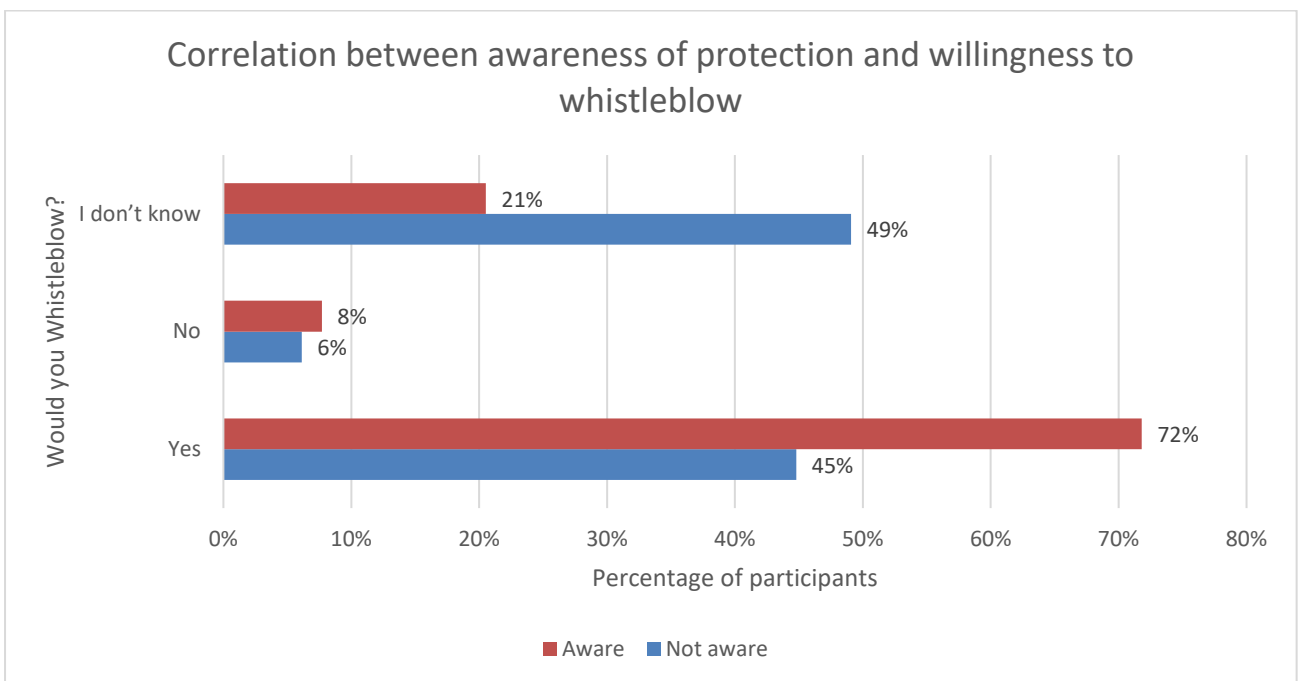
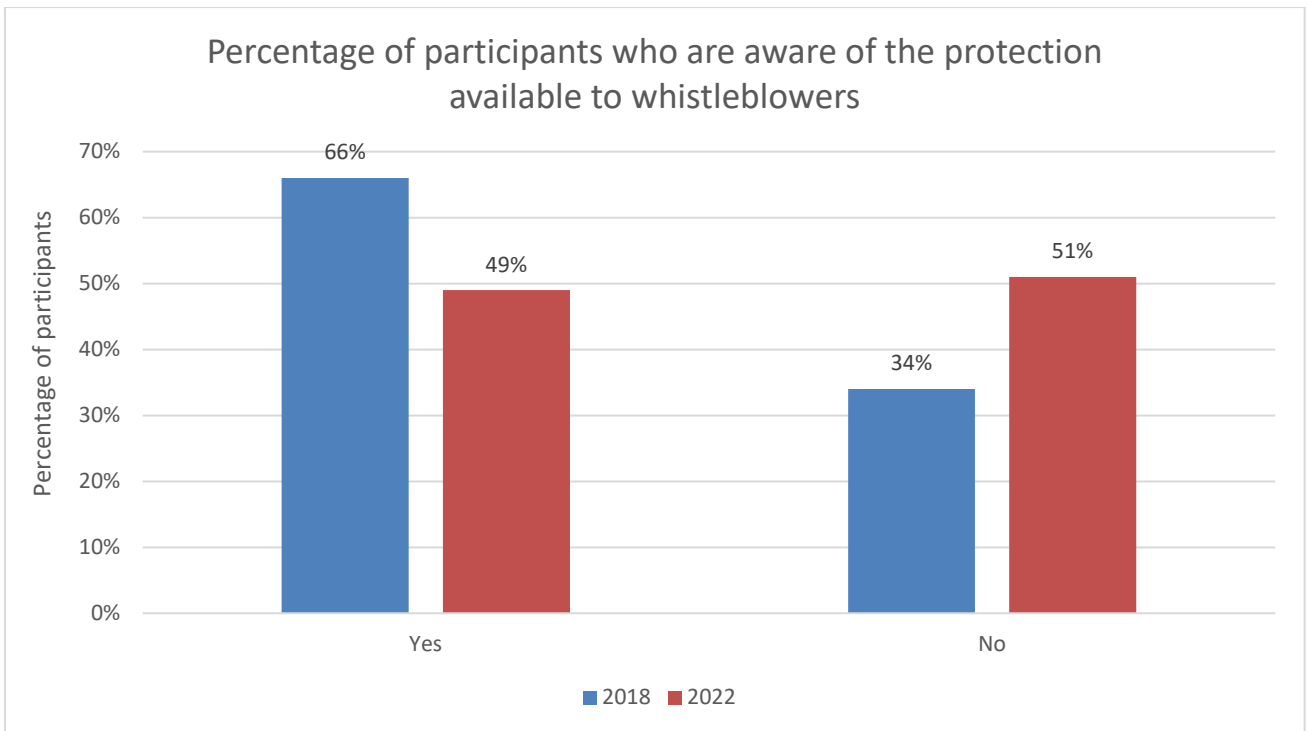
Options were not limited to one per participant and instead participants were advised to select all methods in which they would feel comfortable reporting their concerns.



## Awareness of the protection available to whistleblowers

When asked if they are aware of the protection available for whistleblowers, most participants answered 'no'.

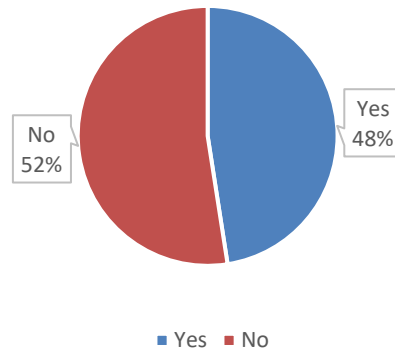




## Improving awareness and understanding of the Whistleblowing Policy

Participants who have not read the Whistleblowing Policy were asked if they feel they require more information about whistleblowing in a different format.

Percentage of participants who have not read the Council's Whistleblowing Policy that feel they require more information in a different format



Participants were asked what would help them better understand whistleblowing.

Many responses had similar themes with numerous respondents suggesting that a document with easy-to-read key points from the Policy would be beneficial.

*"Perhaps a summary document e.g. 'policy on a page' that covers the key points."*

*"A one-page information sheet perhaps with a flowchart."*

Another frequent comment among responses was that a visual representation of the Policy such as a short video would help staff to understand.

*"Breakdown video highlighting policies principles and how it works. Sometimes it's really difficult to wade through a long policy document without missing some details."*

Online or in-person training was also a popular suggestion.

*"A module on IDev could be helpful."*

*"A team training session."*

## Summary