

Subject:	Whistleblowing Policy		
Date of Meeting:	25 March 2014		
Report of:	Executive Director Finance & Resources and Monitoring Officer		
Contact Officer:	Name:	Sue Moorman	Tel: 29-3629
	Email:	Sue.moorman@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT & POLICY CONTEXT:**

- 1.1 At its meeting on 24 September 2013, the Committee considered a report detailing the council's existing whistleblowing arrangements and the work that was being carried out to review these in order to ensure they remained fit for purpose. It was agreed that a further report updating members on that work would be brought back to the Committee in March 2014.
- 1.2 The purpose of this report is to brief members of the Committee on the findings of that review and the proposals for ensuring that its whistleblowing arrangements remain effective and robust.

2. RECOMMENDATIONS:

- 2.1 That the Committee –
 - (i) note the findings of the recent review of the council's Whistleblowing Policy, as set out in paragraphs 3.5-3.11; and
 - (ii) note the proposed actions, set out at paragraph 3.12, intended to improve the effectiveness of that Policy.
 - (iii) Agree the slight amendments to the policy as shown in the tracking in Appendix 1

3. CONTEXT/BACKGROUND INFORMATION:**Background**

- 3.1 The council recognises that its employees and others who work in close association with it such as agency workers and contractors are well positioned to know when something wrong is taking place within the organisation or is giving serious cause for concern. It is important, therefore, that individuals who may have genuine concerns about any aspect of the

council's work, even if they are only suspicions, feel able to come forward and voice them so they can be investigated. This is vital if the council is to achieve and maintain the highest standards of openness, probity and accountability.

- 3.2 However, the council recognises that it may be difficult for employees to "whistleblow". For example, they may feel it is none of their business, they do not have sufficient proof to back up their claims or they may think they are being disloyal to colleagues, their managers or the council. They may also be worried that they may put their job at risk or render themselves liable to some other form of victimisation, discrimination or retribution for having raised concerns.
- 3.3 It is for these reasons that the council's Whistleblowing Policy aims to encourage employees and others who work on council premises to raise genuine concerns of alleged malpractice by reassuring them that they will be protected from reprisals or victimisation for having done so. The policy has been regularly reviewed to ensure that it not only continues to meet legislative requirements but also provides an effective mechanism for individuals to raise concerns. Nonetheless, the number of whistleblowing cases reported historically has been low – in single figures.
- 3.4 Whilst it is not uncommon for local authorities to have low numbers of whistleblowing cases reported, it is important that the council is not complacent and can be confident that these figures accurately reflect the "health" of the organisation and are not artificially low because staff are failing to report concerns due to a lack of awareness of the policy and the process to be followed. Although there was no evidence to suggest that the council's whistleblowing arrangements were not effective and robust, it was decided to carry out a review to ensure they remained fit for purpose. An important part of the review was to assess how familiar staff were with the council's whistleblowing arrangements and to see whether there were any barriers that may potentially prevent staff from raising concerns. The review's findings are summarised below.

The Policy

- 3.5 Research found that the council's Whistleblowing Policy is similar to the ones adopted by a number of other local authorities and public bodies such as the Information Commissioner's Office. It complies with current legislative requirements and is considered to be sound. However, whilst the term "whistleblowing" is likely to be understood by many of our employees, there is a concern that there may be some groups who may be less clear about what it means and the purpose of the Policy. It is therefore proposed to provide a subtitle to be used under the "whistleblowing Policy" title to say "(Raising Concerns in the Public Interest.)"
- 3.6 When it comes to raising concerns, employees are normally expected to approach their immediate line manager. However if, for whatever reason, the individual does not feel comfortable doing so, then they may contact a senior manager such as their Head of Service, the Head of Human Resources & Organisational Development, the Head of Internal Audit or the Head of Law.

The Chief Executive can also be approached if the individual feels the matter is so serious that they cannot discuss it with any other officer. Although employees who do not feel able to raise their concerns with their line manager have the option of approaching a senior manager, the prospect of having to contact someone they do not know well, or indeed do not know at all, could be daunting given the likely sensitivity of whistleblowing issues. Lower-graded staff may find this particularly difficult.

- 3.7 Staff may also feel uncomfortable about doing this during the working day or using email in case it is read by someone other than the intended recipient. For example, by administrative support staff who have delegated access to senior managers' email accounts. In order to overcome this potential barrier, some local authorities have introduced a dedicated and confidential e-mail address box or phone line that individuals can use if they feel unable to raise their concerns directly with an appropriate level of management.

Communication of the Policy to Staff

- 3.8 The Whistleblowing Policy is communicated to staff in the following ways:
- a brief summary of the Policy is included in the council's Employee Handbook which is issued to all staff on appointment
 - reference to the Policy is also included in the Code of Conduct for Employees – a full copy of which is also included in the Employee Handbook
 - the Policy is referred to in the council's "Policies & Procedures" e-learning module which forms part of the "Foundation Learning Programme". This programme, comprising 12 modules, is designed to be completed by all new staff and existing employees who have changed job roles. All staff are expected to do a refresher every 3 years.
 - the Policy together with guidance for staff and managers and a form on which concerns can be raised is available to staff on the council's intranet, The Wave.
- 3.9 Although the Whistleblowing Policy is widely publicised to staff, this year's Staff Survey results showed that only 62% of the 2532 staff who responded said they were aware of the council's whistleblowing arrangements. 49% of the council's workforce responded to the survey. The level of awareness was particularly low in some service areas. Services in which the awareness level was 10% or more below the average figure for the council as a whole included City Parks, Housing, Libraries, Life Events, ICT, Property & Design, Royal Pavilion, Communications and Museums & Culture. New recruits (i.e. individuals with less than one year's service with the council), employees who were employed on temporary contracts and those who were likely to be less well integrated within teams such as casual and agency workers also tended to be much less familiar with the Policy. It was also concerning to find that even employees with longer service (up to 5 years) but who had changed teams since they originally joined the council had similarly low levels of awareness of our whistleblowing arrangements.

- 3.10 These findings tend to point towards shortcomings in the staff induction process not just at the point employees join the council but also when they take up different roles within new teams. Indeed, this conclusion is supported by the data relating to the completion of the Foundation Learning Programme (the council's corporate induction e-learning modules) by new recruits.
- 3.11 During the period 1 January to 31 December 2013 only 140 out of a total of 382 new recruits (36.6%) completed the module relating to key HR policies and procedures which also covers whistleblowing. This is concerning as robust induction is not only important for all new entrants but is particularly critical for those who work more remotely and/or do not have access to key information on the Wave.

Outcomes of the review

- 3.12 Following the review, it is considered that a number of actions are necessary to improve the overall effectiveness of the council's existing whistleblowing arrangements. It is therefore proposed to:
- Include references to the Council's Corporate Values in the Whistleblowing Policy. The values underpin the behaviour expected of Members and Officers and has already been incorporated in corporate policies and guidance.
 - Retain the name of the existing policy as "Whistleblowing Policy" but include a sub-title with the words: "Raising Concerns in the Public Interest." It is hoped that this will better convey the purpose of the policy and when and how it should be used.
 - make it easier for staff to "whistleblow" by including flowcharts alongside the Policy together with a simplified version of the Manager and Staff guidance so that the procedure for raising a concern and how the council will respond to that concern is much clearer.
 - encourage staff to report any concerns they may have by enabling them to do so at any time by providing a telephone hotline number (i.e. the established corporate fraud line number operated by Internal Audit) and a dedicated "whistleblowing" email inbox.
 - include reference to "whistleblowing" in the "Managers' Workplace Induction Checklist" to ensure that this topic is covered as part of an individual's induction. It is intended that casual and agency workers should also be covered by this induction process.
 - review the council's e-induction programme with a view to improving its effectiveness and giving greater prominence to the council's Code of Conduct for Employees and "whistleblowing" arrangements.
 - improve the monitoring of the corporate induction programme to ensure all new staff complete it.

- raise awareness of the council’s whistleblowing arrangements across the council, particularly targeting those service areas where the Staff Survey results indicated that levels of awareness were particularly low.
- regularly publicise our “whistleblowing” arrangements to staff every six months to ensure levels of awareness within the workforce are maintained.
- include reference to “whistleblowing” in Internal Audit’s anti-fraud elearning module that the team are planning to develop and in the associated anti-fraud campaign they will be running later this year.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Not applicable.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

5.1 Internal Audit has been consulted on the report.

6. CONCLUSION

6.1 Internal Audit support the proposals set out in this report.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

It is expected that the recommendations outlined in section 3.13.2 of the report will be carried out by in-house staff and absorbed within current workload levels. Any costs which may arise from these recommendations will be met from within existing budgets.

Finance Officer Consulted: Peter Francis Date: 24 February 2014

Legal Implications:

7.2 It is a function of Audit & Standards Committee to review and consider the council’s governance arrangements, including relevant HR policies, to ensure they remain effective. The measures proposed in paragraph 3.12 relate to the arrangements for policy implementation rather than substantive changes to the policy itself. As such, those measures can put directly into effect by the Head of Human Resources under delegated powers.

Lawyer Consulted: Oliver Dixon Date: 28/02/14

Equalities Implications:

7.3 The Policy applies to all employees.

Sustainability Implications:

7.4 There are no direct sustainability implications arising from this report.

Any other significant Implications:

7.5 There are no other significant implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: Whistleblowing Policy

Background Documents:

None.