

Audit Committee

29th March 2018



Report of: Chief Internal Auditor/Head of Internal Audit
Title: Whistleblowing Arrangements – Annual review

Ward: Citywide

Officer Presenting Report: Alison Mullis – Head of Internal Audit

Recommendation

That the Audit Committee notes the audit opinion on the ‘Whistleblowing’ arrangements in Bristol City Council and supports the recommendations for improvement.

Summary

The Audit Committee is responsible for ensuring that arrangements are in place for the proportionate and independent investigation, and follow-up action of Whistleblowing allegations, in line with recommended best practice ‘PAS1998 Whistleblowing Code of Practice’. An annual audit review of Whistleblowing arrangements will take place to enable the Audit Committee to exercise its governance role over Whistleblowing arrangements. This is the first of such reviews.

The significant issues in the report are:

That an audit review of Whistleblowing arrangements in Bristol City Council has been completed, of which full details can be seen at Appendix A.

In summary the key findings from the review are:

The Council has a policy and procedure for Whistleblowing and maintains a central record of reported allegations.

There are some areas where improvements could be made to regarding awareness and confidence in Whistleblowing arrangements.



Policy

1. The recommendations from this report will require amendments to the 'Whistleblowing policy' the 'Employee Code of Conduct' and the 'Code of Conduct for Interns'. Other policies may be identified as requiring amendment in order to make others aware of 'Whistleblowing arrangements'.

Consultation

2. **Internal**
HR, Legal, s151 Officer, Statutory and Policy Board.
3. **External**
N/A

Context

4. The Council is committed to conducting its business with honesty and integrity and to this end it expects that all employees operate with the same honesty and integrity. In this context, the Council has a Whistleblowing Procedure which is designed to ensure that employees can report any concerns they may have regarding wrongdoing or dangers arising from Council activities.
5. An Internal Audit review of the Council's Whistleblowing arrangements has been undertaken. The scope, main findings and recommendations of the review are summarised in Appendix A.

Proposal

6. That the Audit Committee note the findings of the Internal Audit report on Whistleblowing arrangements and endorse the recommendations, ensuring their implementation.

Other Options Considered

7. N/A

Risk Assessment

8. Failure to define and promote 'Whistleblowing arrangements' and for employees to have confidence in 'Whistleblowing arrangements' could result in malpractice going undetected, financial loss and possible reputational damage to the City Council.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

8b) The recommendations have no specific bearing on equality issues.

Legal and Resource Implications

Legal

Legal Services have provided views on the recommendations and the agreed recommendations have reflected their advice.

Legal advice provided by Husinara Jones (Senior Practitioner – Solicitor)

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land/Property

Not applicable

Human Resources

HR advice provided by Mark Williams – Head of HR

Appendices:

Appendix A – Summary of Internal Audit Report, Annual Review of Whistleblowing Arrangements

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

- PAS1998 Whistleblowing Code of Practice

APPENDIX A:

SUMMARY OF ANNUAL REVIEW OF WHISTLEBLOWING ARRANGEMENTS

Background

The Council is committed to conducting its business with honesty and integrity and to this end it expects that all employees operate on the same basis. In this context, the Council has a Whistleblowing Procedure which is designed to ensure that employees can report any concerns they may have regarding wrongdoing or dangers arising from Council activities.

Scope and Approach

The purpose of the review was to assess the:

- Adequacy and effectiveness of the Council's Whistleblowing arrangements.
- Awareness of the Whistleblowing Procedure amongst Council staff.
- Confidence which Council Staff have in the Whistleblowing arrangements.

The review included an assessment against the Publicly Available Specification (PAS) 1998 Whistleblowing Code of Practice, developed by Public Concern at Work, and a survey of employees.

The response to the survey was not particularly good and a different approach to the survey will be explored for next year's review.

Summary of Findings and Conclusions

- The Council has a procedure and process for reporting and recording Whistleblowing allegations and a central record is in place.
- Whistleblowing has not been sufficiently promoted across the Council and, although a low response to the survey, results demonstrate a lack of awareness.
- The Council's Code of Conduct expressly excludes employees communicating with the media. The Whistleblowing Code of Practice recommends this should be permitted where reported Whistleblowing concerns have been ignored.
- Insufficient prioritisation has been given to issues raised through the Whistleblowing arrangements with concerns not consistently investigated in a timely manner.
- Under legislation, elected members are not afforded the same statutory protection that employees and other workers do, yet are included within the current Council procedure.
- There is no mechanism for evaluating the outcome of Whistleblowing cases and ensuring that lessons are learnt for any serious cases.

Recommendations

Internal Audit made seven recommendations, including:

- Council Whistleblowing arrangements should be more actively and consistently promoted by senior management with consideration being given to:
 - Developing permanent promotional material on arrangements.
 - Encouraging middle managers to promote awareness of arrangements.
 - A mechanism by which employees are reminded of arrangements when they access HR Self Service.
 - Advertising arrangements on the screens situated at Council offices.
 - A mechanism to ensure that consultants, contractors, volunteers, agency workers and casual workers are informed of arrangements.
- The Code of Conduct for Employees should be amended to make it clear that it is not designed to prevent or deter lawful whistleblowing.
- Management to consider allocating sufficient resources to allow investigations to be conducted in a timely manner and /or prioritising investigations within existing budgets.
- The reference to Elected Members is removed from the Whistleblowing Procedure.
- Case Management meetings to be held between HR and Internal Audit to review the implications of serious incidents investigated.

All recommendations were agreed by the HR Department.