

**HERTFORDSHIRE COUNTY COUNCIL**

**AUDIT COMMITTEE**

**TUESDAY 21 JUNE 2016 AT 10.00AM**

**WHISTLEBLOWING ANNUAL REPORT 2015/16**

*Report of the Chief Legal Officer*

<p><u>Agenda Item</u> <u>No:</u> <b>8</b></p>
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**1. Purpose of Report**

To provide members with an overview of the disclosures made through the Council's whistleblowing process and the operation of the Whistleblowing Policy in the year 2015/16.

**2. Recommendation**

The Committee is invited to note the contents of the report and the on-going work to raise awareness and provide assurance on the effectiveness of the Council's whistleblowing arrangements

**3. Summary and Background**

3.1 The Council's Whistleblowing Procedure provides that a report will be made annually to the Audit Committee on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report is to be in a form which does not identify whistleblowers.

3.2 The Council's Whistleblowing Procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged. It does not replace other County Council policies and procedures (e.g. the corporate complaints procedure and the Grievance and Harassment and Bullying Policies). The procedure applies to all Council employees (other than school based employees), agency workers working for the Council, contractors working for or providing services to the Council and to

County Councillors. The procedure does not apply to schools, although if disclosures are made they are referred to the Deputy Director for Childrens Services, Education and in relation to community schools are considered by Herts for Learning under arrangements that the Council has with that company.

- 3.3 The Chief Legal Officer in her role as Monitoring Officer has overall responsibility for the Whistleblowing Procedure and over the last year has met regularly with the Head of Assurance and the Head of Human Resources to monitor effectiveness of the Whistleblowing Procedure, any allegations made under it and learning from the allegations/process.
- 3.4 The campaign to raise awareness of the Whistleblowing Procedure ('Speak Out') has continued throughout the year with regular publicity through payslips, on Compass and by the use of posters in the Council's offices.
- 3.5 The recent survey of Council staff included a question as to whether staff were aware of how to use the whistleblowing policy. 73% of staff who responded to this question said 'yes' and 27% 'no'. Whilst the percentage of staff who are aware of how to use the whistleblowing policy is a positive further consideration needs to be given as to how to raise awareness with the remaining 27% particularly if those respondents are not based in the Council's main buildings or do not have access to the intranet.

#### **4. Whistleblowing Allegations 2015/16**

- 4.1 In the year 2015/16, three whistleblowing allegations were included in the Whistleblowing register maintained by the Chief Legal Officer. In the previous year (2014/15) five whistleblowing allegations were included in the register.
- 4.2 Of the 3 allegations received in 2015/16 two were from employees and one was received from a contractor. The allegations concerned:
  - (a) Re-employment of a member of staff who had been dismissed
  - (b) Quality of training and impact on service users
  - (c) Irregularity in invoicing
- 4.3 Investigations were undertaken into the allegations mentioned at 4.2 above. The allegation mentioned in 4.2(a) was not upheld although it did highlight process issues which needed to be reinforced with managers engaging with agencies for temporary staff. The investigations into the allegations referred to in 4.2 (b) and (c) identified issues which in one case were to be addressed by training of an individual member of staff and in the other recommendations were made to improve induction and other training within the service concerned. HR are to follow up to ensure that these recommendations have been implemented.

- 4.4 Officers have requested information from other county authorities regarding the number of whistleblowing allegations made and mechanisms for reporting on overall whistleblowing activities to members. Seven councils responded:
- (a) Only one authority provided an annual report to members, although another provided information on whistleblowing activity on a quarterly basis.
  - (b) 5 authorities had similar numbers of whistleblowing allegations to Hertfordshire; one authority reported 14 allegations in 2015/16 and another 29 for 15/16.

## **5. Work Programme in 2016/17**

- 5.1 The Chief Legal Officer, Head of Assurance and Head of HR will continue to meet in 2016/17 to review the effectiveness of the Whistleblowing procedures at the Council. Particular strands of work with be:
- (a) continued awareness raising of the Council's whistleblowing procedures to increase awareness amongst all staff;
  - (b) a review of the Council's Whistleblowing Policy. The policy was last reviewed/updated 3 years ago and it is considered appropriate to conduct a review this year to see if any revisions need to be made –e.g. to include specific provision for feedback from the person making the whistleblowing allegation on the process
- 5.2 Officers will engage with other authorities to undertake further analysis of the information mentioned in paragraph 4.4 above.

### ***Background documents***

County Council Whistleblowing Policy