

Audit and Risk Management Committee
Monday, 18 November 2019

REPORT TITLE:	WHISTLEBLOWING PROCEDURE REVIEW
REPORT OF:	DIRECTOR GOVERNANCE & ASSURANCE & MONITORING OFFICER

REPORT SUMMARY

This report considers how the Council currently manages its whistleblowing concerns.

The report additionally advises the Committee upon the progress of the Council's whistleblowing project, which was commissioned by the Council's Organisational Change & Design, Governance & Assurance and Audit, Risk & Business Continuity departments in October 2018, to review and refresh the current process, with a view to aligning the same with national whistleblowing best practice.

RECOMMENDATION/S

That the report be noted.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 To provide Members with assurance that the Council's whistleblowing concerns are appropriately managed and to ensure that the proposed changes to the current process will improve upon the manner in which the Council manages risk.
- 1.2 To improve the way employees, contractors or volunteers can communicate their concerns to the Council.
- 1.3 To ensure that the Council complies with best practice as recommended by PROTECT; <https://protect-advice.org.uk/> and that its procedures are aligned with the Public Interest Disclosure Act 1998 (PIDA).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not updating policy and/or procedure

3.0 BACKGROUND INFORMATION

- 3.1 The Council retains both a whistleblowing policy and procedure. A copy of these documents are annexed to this report.
- 3.2 The two documents explain how the Council currently manages all presented whistleblowing concerns.
- 3.3 The procedure outlines how whistleblowing concerns are received and processed by the Governance & Assurance department. The procedure is complied with for all whistleblowing investigations.
- 3.4 Full details of all whistleblowing concerns are recorded in the Council's whistleblowing register by the Governance & Practice Manager. The register is reviewed by the Director of Governance & Assurance quarterly.
- 3.5 Details of any whistleblowing concerns that are identified as a major risk to the council are investigated by Internal Audit and reported to the Audit and Risk Management Committee as a facet of the Internal Audit reporting process.
- 3.6 The length of time that a whistleblowing investigation will take, is dependent upon the nature and complexity of the concerns raised. Terms of reference are prepared for each individual whistleblowing to be investigated, stipulating the work to be undertaken.
- 3.7 The whistle-blower is kept apprised of progress throughout the investigation and the outcome is communicated to them at the conclusion of the same.
- 3.8 Any Internal Audit / External Investigator recommendations resulting from the investigation are communicated to the directorate lead and subsequently monitored by Internal Audit, to ensure that the recommendations are followed.

4.0 REVIEW

- 4.1 The current Policy and Procedure were drafted in February 2012.
- 4.2 In a joint consultation between the Council's Governance and Assurance, HR and Internal Audit departments in October 2018, the Council's policy and procedure were reviewed, and it was decided that the process should be updated to align itself to both peer and national best practice.
- 4.3 The Current process does not provide the Audit and Risk management Committee with the level of reporting that will satisfy their oversight responsibilities. Any proposed new whistleblowing policy should include an improved reporting structure, which will allow the Committee to have a better understanding of the nature / volume of the concerns presented to the Council and provide Committee Members with assurance that the appropriate procedures have been followed during each individual investigation.
- 4.4 Following the consultation, it was agreed that the current process was to be the subject of a formal review project, with the intention of relaunching the Council's whistleblowing process in March 2020.
- 4.5 To assist with the project, the Council engaged the services of the PROTECT charity, who are the leading experts for whistleblowing in the UK.
- 4.6 PROTECT are supporting the whistleblowing review project, to ensure that the Council's new proposed process follows best practice.
- 4.7 The Council's new draft policy will be reviewed by PROTECT and benchmarked nationally. The final proposed policy will then be considered and signed off by all stakeholders, prior to being presented to the Audit and Risk Management Committee on the 27th January 2020.
- 4.8 Following the policy approval, the Council's managers will receive training upon how the new process is to be operated.
- 4.9 The new process will then be subject to a formal launch, supported by Members & PROTECT, to ensure that the Council fully embraces whistleblowing as a facet of its risk management portfolio.
- 4.10 The project is being managed by the Governance & Practice manager and the timetable is detailed below.

PROJECT TIMETABLE:

WHISTELBLOWING REVIEW PROJECT TIMETABLE:	
1. October 2018	Project plan proposed and agreed by Governance & Assurance, HR & IA.
2. November 2018	Council stakeholder officers identified to attend a half day PROTECT training session.
3. May 2019	Policy and Procedure reviewed by the Governance & Practice manager
4. June 2019	Governance & Practice manager attending PROTECT masterclass
5. June 2019	Governance & Practice manager / Lead Auditor undertaking PROTECT benchmarking exercise
6. July 2019	Draft Policy circulated to all stakeholder Council officers
7. August 2019	PROTECT providing half day training attended by stakeholder officers from Governance & Assurance, HR and IA.
8. October 2019	Draft Policy to be agreed by all stakeholder officers
9. November 2019	Policy to be reviewed and benchmarked by PROTECT
10. December 2019	The Council are to engage with PROTECT as part of a national best practice case study
11. January 2020	Policy to be presented to the Audit and Risk Management Committee
12. February 2020	Full manager training program
13. March 2020	Launch

- 4.11 As a result of the Council's proactive engagement with PROTECT, the Council has been identified by PROTECT as an organisation that embraces the importance of whistleblowing, as a facet of its risk management strategy.
- 4.12 The Council has consequently been invited by PROTECT to be a part of their national best practice case study.
- 4.13 The Council's ambition is to be considered by PROTECT as a national champion for its whistleblowing management, by promoting a transparent and supportive process for the communication of all whistleblowing concerns.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are none arising from this report.

6.0 LEGAL IMPLICATIONS

- 6.1 The whistleblowing policy is necessary for the Council to comply with its obligations under employment legislation: The Public Interest Disclosure Act 1998 (PIDA).

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 7.1 There are none arising from this report.

8.0 RELEVANT RISKS

- 8.1 That best practice is not complied with.
- 8.2 That concerns are not communicated and consequently remain unidentified by the Council.

9.0 ENGAGEMENT/CONSULTATION

- 9.1 Officers from Governance and Assurance, HR and Internal Audit have been consulted throughout the whistleblowing review project.
- 9.2 PROTECT have been consulted throughout the whistleblowing review project.

10.0 EQUALITY IMPLICATIONS

- 10.1 Equality implications will be considered and developed as required as part of the policy review.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 11.1 There are none arising from this report.

REPORT AUTHOR: **Nicholas O'Neill**
Governance & Practice Manager
telephone: 0151 691 8495
email: nicholasoneill@wirral.gov.uk

BACKGROUND PAPERS

Whistleblowing policy / procedure 2012

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit and Risk Management Committee	23rd September 2019 Urgent business whistleblowing policy