

WIRRAL COUNCIL

CABINET

29 MARCH 2012

SUBJECT:	ADRESSING EMPLOYEE CONCERNS
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR TOM HARNEY
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to set out how the Council is addressing employee concerns. This report outlines a range of actions and proposals including:

- The appointment of an independent external ombudsman.
- Implementation of a revised Whistleblowing Policy.
- Subscription to Public Concern at Work
- Revised Grievance and Dignity at Work policies and further work on HR policies.
- The development of a corporate HR casework system to improve performance.
- Work on changing organisational culture and proposals for training and communication in these areas.

2.0 BACKGROUND AND KEY ISSUES

2.1 On 14 April 2011, Cabinet accepted a report from an independent investigation undertaken by Martin Smith into allegations of bullying and abuse, raised by Martin Morton, a former employee in Adults Social Services.

2.2 One of the recommendations in the report was that the Council needed to strengthen its processes and procedures in relation to Whistleblowing and grievance issues to provide a more robust framework for ensuring such issues are dealt with effectively and to improve employees' confidence to raise such matters.

2.3 On the 19 September 2011, Anna Klonowski Associates (AKA) delivered an initial report: 'Wirral Metropolitan Borough Council's Corporate Governance Arrangements: Refresh and Renew' A Supplementary Report to the Independent Review of Wirral Metropolitan Borough Council's Response to Claims Made by Mr Martin Morton (and Others)'. This report identified a series of weaknesses and areas for concern relating to the Council including:

- 'Profound' cultural issues
- A reluctance to listen to and support Wirral MBC staff when they have tried to raise and resolve issues on the Council's behalf.

- Confidential comments made during the DASS review that some staff were at the time of interview reluctant to speak out because of the perceived impact this might have on them and/or their career at Wirral MBC.

2.4 The Council is currently working with The Local Government Association to address key issues and to deliver the Improvement Plan. The actions detailed in this report will contribute to the Improvement Plan

3.0 ACTIONS IN RESPONSE

Action 1 Independent External Ombudsman

3.1 The appointment of an Independent Ombudsman will ensure these policies are open to external scrutiny and any employees who feel their concerns have not been appropriately addressed have recourse to external support to discuss those issues and for that process to be challenged where appropriate.

3.2 The Independent Ombudsman will have the following remit:

- To act as a signpost for employees to resolve any issues of concern.
- To provide independent challenge to the authority on issues that have not been resolved.
- To ensure that any employee concerns relating to the delivery of services are appropriately addressed.

3.3 The independent Ombudsman will report to The Leader of the Council and The Employment and Appointments Committee on a quarterly basis, summarising the key activities over the period, and highlighting any areas of concern that should be actioned by the Council.

3.4 A detailed Personal Specification and Job Description will be agreed by The Employment and Appointments Committee. It is essential that the individual selected has the appropriate independence, skills and gravitas to engender trust from employees who have concerns.

Action 2 Revised Whistleblowing Policy

3.5 In response to these concerns The Employment and Appointments Committee on 29 September 2011 approved the revised Whistleblowing Policy and Procedure (Minute 21). The Council's revised policy and procedure is designed to strengthen current arrangements and ensure that any concern about the Council's business matters that could adversely affect service users, employees, and/or the public can be raised and fully investigated without employees fearing the consequences of doing so.

The key changes were as follows:

- Revised process for raising concerns.
- Concerns to be taken seriously and reported to The Monitoring Officer at the initial stage prior to investigation.
- Improve guidance and assurances to employees who wish to raise concerns.

- The clear emphasis that concerns should be welcomed as a means to improve services and demonstrate transparency.
- Employees who raise concerns are not 'complainants'.

Action 3 Public Concern at Work

3.6 The Whistleblowing Policy also increases the support and advice available to employees about whistleblowing issues. This support includes access to Public Concern at Work to which the Council now subscribes.

3.7 Public Concern at Work is a national Whistleblowing charity established in 1993, which has four activities;

- To provide free, confidential advice to people concerned about crime, danger or wrongdoing at work;
- To help organisations to deliver and demonstrate good governance;
- To inform public policy; and
- To promote individual responsibility, organisational accountability and the public interest.

3.8 This will give benefits of:

- External validation of the Whistleblowing Policy and Procedure and support to the Council in communication and training around raising concerns at work and Whistleblowing.
- Additional, independent external support for any employees who have concerns and may need advice about how to take them forward.
- Serving as a visible demonstration of The Council's commitment to the highest standards and integrity of public service.

Action 4 Grievance Policy

3.9 The Council has a duty to ensure there is a clear and transparent process for dealing with complaints in a timely manner and we must improve our performance in this area. We are currently revising our grievance policy.

3.10 The revised grievance policy aims to:

- Improve and clarify the process for dealing with complaints.
- Set our clear timeframes for each stage of process.
- Strengthen accountability of managers in managing issues.
- Improve guidance to managers and employees about the process.
- Enhance options for mediation.

Action 5 Dignity at Work (Bullying and Harassment)

3.11 The Council is currently revising its policies and procedures in relation to, bullying, harassment and victimisation (Dignity at Work). Work on the revised Dignity at Work policy is intrinsically linked to the cultural shift required.

3.12 The revised Dignity at Work Policy aims to:

- Reinforce the council's values and set out our expectations of the behaviour and conduct of employees and managers in the workplace.
- Clarify process for raising concerns.
- Strengthen guidance around resolving issues informally including mediation.

Action 6 Corporate Casework System

3.13 The development of a corporate casework system, which was a recommendation for the Martin Smith report, will go fully live in April 2012, and will assist in improving performance on grievance and other employee relations matters. The system will:

- Assist in the improvement of the Council's management of employee relations cases.
- Improve the timescale in which investigations are undertaken and enable early identification of cases that are not progressing.
- Highlight trends and potential problem areas across the Council.
- Improve management information and reporting of employee relations issues.

Action 7 Further development of HR policies

3.14 The Council also needs to develop our wider suite of HR People policies and their accessibility to improve information and guidance available to managers. We are also reviewing all key HR People processes and procedures to make them as efficient as possible and support the requirements of the organisation, but also to ensure that they are robust, transparent, auditable and are applied consistently to improve governance.

Action 8 Culture

3.15 As part of the Council's approach to developing Organisational Culture, addressing employee concerns and having in place updated people policies to support this is a priority. The actions above contribute to this approach.

Action 9 Training and Communication

3.16 In support of these policies a communication and training programme will be delivered to ensure managers are both confident and competent in their use. An employee programme of communication will be run in parallel.

Future reports

3.17 Further reports in relation to these revised policies and procedures will be presented to The Employment and Appointments Committee.

4.0 RELEVANT RISKS

4.1 In order to move forward, it is essential that the Council is able to demonstrate that issues of concern raised by employees will be dealt with in a thorough and appropriate

manner. It is a significant risk to the Council if appropriate measures are not put in place to ensure that this risk is mitigated.

5.0 OTHER OPTIONS CONSIDERED

5.1 Not applicable.

6.0 CONSULTATION

6.1 Consultation will be carried out with the Trade Unions as appropriate.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 n/a

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 All recommendations are contained within the Council's budget.

9.0 LEGAL IMPLICATIONS

9.1 Legal advice will be taken prior to appointment of Independent Ombudsman.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached – (*insert appropriate hyperlink*).

(To find your departmental hyperlink click on

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

Please delete this instruction before you finalise your report.)

(b) No because there is no relevance to equality.

(c) No because of another reason which is

** Delete the two answers above which don't apply.*

11.0 CARBON REDUCTION IMPLICATIONS

11.1 None arising from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 None arising from this report.

13.0 RECOMMENDATION/S

It is recommended that subject to endorsement by the Improvement Board:

13.1 A report is taken to The Employment and Appointments Committee outlining the proposals for an Independent External Ombudsman within the remit set out above.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 To ensure that the Council's has in place a robust policy framework and arrangements in place to address employees concerns and issues in the workplace.

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APPENDICES

There are no appendices.

REFERENCE MATERIAL

There is no reference material.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	21 February 2012
Employment and Appointments Committee	29 September 2011