



# Review of Whistleblowing Arrangements

## **Flintshire County Council**

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# Status of report

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# Summary report

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## Introduction

1. During 2014 the Wales Audit Office reviewed the whistleblowing arrangement in place at Flintshire County Council (the Council) and in other councils in Wales to answer the question, '**Does the Council have a whistleblowing policy and are arrangements in place to effectively address concerns raised under the policy?**'
2. To answer this main question we considered whether the Council:
  - has an up-to-date policy setting out its approach to whistleblowing;
  - demonstrates clear commitment to addressing whistleblowing concerns;
  - ensures that staff are aware of the policy, have access to it and understand the content;
  - ensures that managers and councillors understand their roles in responding to and investigating whistleblowing concerns; and
  - follows its policies and procedures when investigating whistleblowing concerns.
3. We found that the Council has a satisfactory whistleblowing policy which it applies appropriately. We reached this conclusion because:
  - the Council's whistleblowing policy demonstrates a clear commitment to handling whistleblowing concerns appropriately but with opportunities to make the policy more user-friendly in a few areas; and
  - the Council maintains its records securely and follows its policies and procedures appropriately when investigating whistleblowing concerns.

## Proposals for improvement

4. Our review confirms that the Council's whistleblowing policy (the Policy) and the arrangements in place to effectively address concerns raised under the policy are satisfactory, but also identifies a few opportunities to strengthen aspects of the Policy. We make no Proposals for Improvement arising from this review. However, our report includes suggestions which the Council may wish to consider when it next refreshes the Policy, in order to make it more user-friendly and to bring it in line with current best practice.

# Detailed report

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## The Council has a satisfactory whistleblowing policy which it applies appropriately

The Council's whistleblowing policy demonstrates a clear commitment to handling whistleblowing concerns appropriately but with opportunities to make the policy more user-friendly in a few areas

5. The Council reviewed its whistleblowing policy (the Policy) in October 2010 and more recently during April 2014; the latest revision was adopted by the Council during summer 2014.. The Policy sets out the Council's commitment to whistleblowing and explains the responsibilities of those who may become involved.
6. The Policy covers key areas such as the circumstances in which the Policy might be appropriate and explains how concerns can be raised outside of normal line management arrangements. The Policy allows staff to raise concerns anonymously, requires the result of any whistleblowing investigations to be reported to the Audit Committee and requires the Council to provide whistle-blowers with feedback on the results of any investigation. This demonstrates an open and transparent culture around the whistleblowing process.
7. The Policy is generally clear, but there is scope to make it easier for staff to follow the sequence of events involved when raising a concern. Recent guidance from the National Audit Office<sup>1</sup> (NAO) suggests that 'best practice would provide a logical flow, guiding the reader through the process in language that is easy to follow, eg, by using flowcharts and diagrams. It would also cover all aspects of making a disclosure and include examples which deal with practicalities and likely concerns'.
8. Members of staff are able to report concerns anonymously, but – in line with good practice – are encouraged to put their names to any allegations they make. The Policy also explains that members of staff who raise concerns can do so in confidence, within certain limitations.
9. The Council's severance arrangements include a confidentiality clause. The Council is confident that this clause would not deter someone from raising a concern after leaving the Council. However, it may be prudent to add a statement to the Policy that might reassure potential whistleblowers that such confidentiality clauses are not intended to prevent or discourage whistleblowing disclosures.
10. The Policy applies to all workers (employees, agency workers, people that are training with, but are not employed by, the Council, and self-employed workers) within the Council with the exception of teachers and those employed by School Governing Bodies.

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<sup>1</sup> *Assessment criteria for whistleblowing policies*, National Audit Office, January 2014.

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11. The Council commends its Policy to its schools as good practice. However, the Council does not know how many of its schools actually have whistleblowing policies in place, or whether the policies used by its schools are fit for purpose. The absence of such information reduces the Council's ability to support and challenge schools' Governing Bodies with regard to schools' policy frameworks.
  12. Council staff can access the Policy via the Infonet, the Council's intranet system. Members of staff without access to the Infonet can ask their line manager (or a colleague) to arrange access or provide a hard copy. However, only new members of staff automatically receive whistleblowing-related training. The Council's induction checklist requires managers to discuss the code of conduct with new starters.
  13. The Council does not actively publicise the Policy and did not brief staff when the Policy was originally launched. Instead, Heads of Service tend to rely on the Infonet as a mechanism for raising awareness - particularly for staff in post before the relevant induction training was introduced. The updated Policy has been launched on the Council's Infonet, and a briefing sent to Councillors (as named contacts in the Policy) and to chief officers. The Policy also notes that 'Training will be provided to ensure that those with management responsibility for employees are clear about the Policy and the procedures contained within it.'
  14. Although there is evidence that some line managers periodically discuss the whistleblowing policy with their staff, this approach is ad hoc rather than systematic. The Council should consider encouraging line managers to remind staff about the Policy periodically. This could be done as part of a wider awareness-raising session, together with related topics such as the Council's policy on equality and diversity, for example.
  15. The Policy provides a list of contacts within and outside the Council where staff can seek advice reflecting NAO guidance that an excellent whistleblowing policy 'should identify the procedure for external reporting as well as outline potential bodies that employees can raise concerns with'. Clarity about the procedures involved in external reporting helps potential whistle-blowers to make more informed decisions about the choices facing them. However, NAO guidance also notes that a fully-effective whistleblowing policy would highlight the legal protection available to employees making an external disclosure under the Public Interest Disclosure Act. Although the revised Policy includes a section on legal protection, it does not explicitly refer to the protection available to employees who make an external disclosure. The Council should consider making this issue more explicit the next time the Policy is reviewed and refreshed.
  16. The Policy identifies officers with ultimate responsibility for whistleblowing arrangements within the Council. The Internal Audit Manager has day-to-day responsibility for whistleblowing and the Chief Officer, People and Resources has operational responsibility for whistleblowing procedures at the Council.

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## The Council maintains its records securely and follows its policies and procedures appropriately when investigating whistleblowing concerns

17. Whistleblowing investigations at the Council are carried out by senior internal auditors. Whilst these investigators have not received specific training on whistleblowing, the Policy was originally produced and subsequently revised by members of the Internal Audit team, so they have a well-developed understanding of the issues. In addition, members of the internal audit team have received extensive training on investigating allegations.
18. The Council investigated two concerns raised through whistleblowing during 2013-14. Both instances were reported anonymously and resulted in disciplinary action. In investigating these concerns, the Council has followed appropriately the procedures set out in the guidance in place at the time.
19. Records relating to the investigations are stored securely, with access limited to an appropriately limited range of Internal Audit staff. The Council's Audit Committee receives an annual report summarising the results of any whistleblowing investigations, as well as quarterly update reports.

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