

WHISTLE BLOWING PROCEDURE

Background

1. In 2002 the council conducted a campaign to promote the whistle blowing procedure to staff. No changes were made to the procedure at that time. The procedure as it stands gives the following advice to staff:

“As a first step you should normally raise concerns with your immediate manager....If you believe that a member or members of your departmental management team are involved, you should approach:

- the Chief Officer of your department or
- the Director of Corporate Services or
- the County Treasurer

If these channels have been followed but you continue to have concerns or you believe that those listed above are implicated you should approach:

- the Chief Executive or
- the Chairman of the County Council”

2. During the autumn of 2004 the Corporate Standards Manager conducted a review of the efficacy of the whistle blowing procedure. The findings of the review are reported below.

Purpose of this report

3. This report advises members of the Standards Committee of the findings of the review, and recommends improvements to the whistle-blowing procedure.

The whistle blowing procedure in practice

4. The review of the whistle blowing procedure focused on the procedure itself, outcomes, and operational matters relating to the manner in which incidents are recorded and investigations conducted. The review was conducted against a background of very few recorded whistle blowing complaints.

5. The procedure

- a) The procedure requires staff to report incidents in writing through their departmental management chain. In exceptional circumstances they may report to the Chief Executive or the Chairman of the County Council.
- b) The current reporting mechanisms are unwieldy and, for staff who may be concerned about their own positions if they make a whistle blowing allegation, possibly intimidating. The current mechanism may well act as a disincentive for staff to bring concerns forward.
- c) The Chief Executive has made arrangements for whistleblowing investigations concerning senior officers to be conducted outside the department involved, often by external investigators. However investigations involving more junior officers have tended to be conducted by staff within the department. This too may act as a disincentive for more junior officers to bring concerns forward.

6. Recording concerns

The present departmental investigation arrangements make it difficult to obtain full statistics about the number of whistleblowing allegations made in the council as a whole, or to ensure consistency in recording. This is because, although information exists in departments, it is collated on an ad hoc basis and is not held in a central database.

7. Conduct of investigations

Although there is evidence that most whistleblowing allegations are conducted in a way that is consistent with good practice, there have been one or two cases which suggest that it would be prudent to review the procedures that are used and to make improvements. The Deputy Chief Executive wrote a confidential report to the Audit Commission in one of these cases that:

“The Whistleblowing Code needs to be reviewed, particularly surrounding the practice that is invoked when a person blows the whistle. I do not believe it is good practice for a whistleblowing investigation to be conducted within a department and it should always be referred to the Corporate Standards Manager/Monitoring Officer for independent investigation.”

8. Outcomes for whistle blowers

The current procedures do not make provision for the Council to monitor outcomes for whistleblowers who have made allegations in good faith. The Chief Executive has, when he was aware of an allegation, personally followed up outcomes with the whistleblower. However, it would strengthen confidence in the process if the whistleblowing procedure formally incorporated a process for monitoring outcomes.

Recommendations

9. To amend the whistle blowing procedure so that whistle blowers take their concerns to the Monitoring Officer, the Corporate Standards Manager or the Chief Executive.
10. That the Monitoring Officer is to determine the most appropriate method of investigation of allegations on a case by case basis. The Corporate Standards Manager to conduct most investigations, unless the circumstances of a case make it inappropriate.
11. In cases where it is inappropriate for an investigation to be conducted internally, the Council will build upon the good existing reciprocal arrangements it has with neighbouring authorities, so that external officers with appropriate experience will be assigned as investigating officers.
12. No investigations should be conducted by an investigator who works for the department involved in an allegation.
13. To establish a central database, held by the Corporate Standards Manager, to log all whistle-blowing allegations, tracking the investigation and outcomes in each case.
14. To monitor outcomes for all whistleblowers to ensure that they do not suffer any adverse consequences of raising an issue in good faith. Outcomes to be recorded on the central whistle blowing database.
15. Standards Committee to receive an annual report on the efficacy of the procedure after it has been implemented.

Risks

16. If the proposals in this report are not implemented, there is a risk to the corporate governance of the council, in that officers may be deterred from reporting malpractice. There is also a potential risk to the reputation of the County Council if the recommendations are not implemented.

Costs

17. There are costs involved in training appropriate officers to conduct investigations. There are no other costs associated with the recommendations in this report.

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Unpublished documents relied upon in the production of this report: Deputy Chief Executive's response to Audit Commission (confidential and subject to Data Protection Act 1998)

Environmental impact of recommendations made in this report: None