

CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE:

5th October 2006

REPORT OF THE AUDIT AND RISK MANAGER

AGENDA ITEM:

WHISTLEBLOWING POLICY AND PROCEDURE - REVIEW

Reason for this Report

1. To provide the Committee with information on the Council's Whistleblowing Policy and Procedure, and to inform the Committee on the progress of the Internal Audit review.

Background

2. Whistleblowing is a phrase used to describe circumstances where a person believes that there is something so seriously wrong that he, or she, must disclose information in a manner which will draw attention to it in the public interest. The Public Interest Disclosure Immunity Act 1998 gave workers certain protection if they make what are termed "qualified disclosures". A 'qualified disclosure' is made if the information disclosed relates to one of the following matters:-
 - A criminal offence
 - A breach of a legal obligation
 - A miscarriage of justice
 - A danger to the health or safety of any person
 - Damage to the environment
3. One of the aims of the Council's Whistleblowing Policy is to ensure that "Members, employees, workers or members of the public, are not subject to any detriment from the Council, or anyone acting on its behalf, by reason of their having made, or proposing to make, a disclosure in good faith under the procedures set out in the Council's Whistleblowing Policy".
4. The terms of reference of the Standards & Ethics Committee include a responsibility to 'oversee and monitor the Council's Whistleblowing Policy'. The Whistleblowing Policy states that the Policy and its operation will be reviewed annually by the Standards and Ethics Committee.

5. At its meeting on 21st November 2005, the Committee received a report providing an overview of the Policy. The Committee agreed that Internal Audit should undertake a review of the implementation of the Policy, and report back to Committee.
6. At its meeting of 12th January 2006, the Committee discussed the matter further and agreed that the Monitoring Officer should first gather statistical information on the use of the policy, before the Committee considered a report from Internal Audit, at a later date, on a review of the implementation of the policy.
7. On 14th March 2006, the Committee considered a report from the Monitoring Officer which included the results of a questionnaire issued to all Chief Officers on the use of the Whistleblowing Policy. The Committee made a number of observations:-
 - There was little evidence that the policies were being used.
 - There appeared to be crossover in terms of the policies available to people, in particular the Whistleblowing, Disciplinary and Anti-Fraud and Anti-Corruption Policies, which resulted in lack of clarity as to when use of the Whistleblowing Policy was appropriate.
 - There appeared to be a considerable number of employees who had little or no knowledge of the policy.

It was agreed that Internal Audit should carry out a review to ascertain the level of staff awareness and/or use of the Policy, and to provide a report to Committee on the outcome.

8. It was subsequently agreed that Internal Audit would report back to the Standards and Ethics Committee in the Autumn of 2006. The purpose of this report is to update Committee Members on the progress made by Internal Audit to date.

Progress to Date

9. The approach to the audit review has been as follows:-

- i) Ascertain the level of staff awareness and understanding

In May 2006, Internal Audit consulted with Chief Officers and the main trade Unions regarding proposals to undertake a staff survey, with a view to ascertaining the level of staff awareness of the Policy.

It was agreed that the staff survey would be undertaken after the summer holiday period. Following the consultation process, Internal Audit devised two questionnaires; one for Operational Managers (OM's), and the other for staff below this level. In September 2006, questionnaires were issued to a sample of staff in each category. For this purpose 34 questionnaires were sent to Operational Managers across the 17 service areas and 51 questionnaires to Officers at different levels throughout the Organisation.

Results are currently being collated. The questionnaires referred to above are attached at Appendix A.

- ii) Ascertain whether Cardiff schools have adopted the Council's Whistleblowing Policy, or have created their own

A questionnaire was issued in September to a sample of 20 schools seeking information relating to the use of a Whistleblowing Policy.

Results are currently being collated. An example of this questionnaire is attached at Appendix B.

- iii) A comparison of the Council's Whistleblowing Policy with a sample of other Local Authority's

Fieldwork was undertaken in September and results are currently being collated.

- iv) Ascertain how the Council ensures that Agency Staff and Sub-Contractors used by the Council are made aware of the Policy

Discussions are ongoing with Human Resources, Cardiff Works and Procurement to establish what arrangements are in place to make agency staff and sub contractors aware of the Council's Whistleblowing Policy.

- v) Ascertain whether there is any overlap of policies available to people, in particular the Whistleblowing, Disciplinary and Anti Fraud and Anti Corruption Policies

A review of the wording of the above Policies will be completed in October.

10. Internal Audit will report the findings of the review to the next meeting of the Standard and Ethics Committee.

Recommendation

11. Committee Members should note the content of the report and are invited to make any observations or comments they consider appropriate

Financial Implications

12. There are no direct financial implications resulting from this report.

Legal Implications

13. There are no direct legal implications resulting from this report.

Derek King

Audit & Risk Manager

29th September 2006

Appendices

Appendix A	Whistleblowing Questionnaire (Operational Managers) & Whistleblowing Questionnaire
Appendix B	Whistleblowing Questionnaire (Schools)

INTERNAL AUDIT

Whistleblowing Questionnaire (Operational Managers)

1. Are you aware that the Council has a Whistleblowing Policy?

Yes / No (Please delete as appropriate)

If 'Yes', please answer the remaining questions.

2. How were you made aware of the Policy's existence?

3. Where can you view the Policy?

4. Could you describe the main aims of the Policy?

5. Does the Policy apply to:-

- Permanent Council employees *Yes / No / Don't Know*
- Temporary Council employees *Yes / No / Don't Know*
- Council subcontractors *Yes / No / Don't Know*
- Consultants employed by the Council *Yes / No / Don't Know*
- Members of the public *Yes / No / Don't Know*

6. Within your area of responsibility, have the following been made aware of the policy and where to find it?

If 'Yes', how was this achieved?

Permanent staff	<i>Yes / No</i>	-----
Temporary staff	<i>Yes / No</i>	-----
Subcontractors used	<i>Yes / No</i>	-----
Consultants used	<i>Yes / No</i>	-----

INTERNAL AUDIT

Whistleblowing Questionnaire

1. Are you aware that the Council has a Whistleblowing Policy?

Yes / No (please delete as appropriate)

If 'Yes', please answer the remaining questions.

2. How were you made aware of the Policy's existence?

3. Where can you view the Policy?

4. Could you describe the main aims of the Policy?

5. Does the policy apply to:-

- Permanent Council employees *Yes / No / Don't Know*
- Temporary Council employees *Yes / No / Don't Know*
- Council subcontractors *Yes / No / Don't Know*
- Consultants employed by the Council *Yes / No / Don't Know*
- Members of the public *Yes / No / Don't Know*

6. Do you have any comments you would like to make about the Whistle Blowing Policy?

Questionnaire completed by:-

Name -----

Designation -----

Service Area / Section -----

Date -----

Thank you.

INTERNAL AUDIT

Whistleblowing Questionnaire (Schools)

1. Is there a formal ‘Whistle Blowing Policy’ operating in your school?

Yes / No (please delete as appropriate)

If ‘Yes’, please answer the remaining questions.

2. Does the Policy apply to: -

Pupils *Yes / No*

Permanent staff *Yes / No*

Temporary staff *Yes / No*

Subcontractors employed by the school *Yes / No*

Consultants employed by the school *Yes / No*

Members of the public *Yes / No*

Governors *Yes / No*

3. If applicable, how are the following made aware of the Policy’s existence?

Pupils -----

Permanent staff -----

Temporary staff -----

Subcontractors employed by the school -----

Consultants employed by the school -----

Members of the public -----

Governors -----

4. Where can the above view the Policy?

Questionnaire completed by:-

Name -----

Designation -----

School -----

Date -----

Thank you.

HH/September 2006