

GWYNEDD COUNCIL

COMMITTEE	AUDIT COMMITTEE
DATE	13 JANUARY 2011
TITLE	DISCLOSURE ARRANGEMENTS – AWARENESS OF THE WHISTLEBLOWING POLICY
PURPOSE OF THE REPORT	TO INFORM THE AUDIT COMMITTEE OF THE RESULTS OF THE SURVEY OF STAFF AWARENESS AND THEIR ATTITUDE TOWARDS THE COUNCIL’S WHISTLEBLOWING POLICY
AUTHOR	DEWI MORGAN, SENIOR AUDIT AND RISK MANAGER
ACTION	TO ACCEPT THE REPORT, GIVE COMMENTS ON THE CONTENT AND SUPPORT THE RECOMMENDATIONS THAT HAVE ALREADY BEEN SUBMITTED TO THE RELEVANT SERVICES FOR IMPLEMENTATION

I. INTRODUCTION

- 1.1 The “Whistleblowing” Policy was adopted conditionally by the Gwynedd Council Staff Committee on 16/07/1998, before it was submitted formally to the Local Consultative Joint Committee on 13/10/1998. Since then, the importance of adopting such a policy has been highlighted in the press as a result of corporate failures, such as Enron and Worldcom – as well as more local issues – and as a result, the policy has been amended over the years to reflect the current requirements.
- 1.2 The policy was drawn up with the intention of encouraging employees to come forward and talk about any serious concerns they had of any malpractice in order to protect the Council’s reputation and maintain the confidence of the public. The policy intends to encourage and enable employees to share serious concerns internally rather than choosing to attempt to resolve things externally.
- 1.3 The policy is relevant to all Council staff and contractors that undertake work for the Council on Council property, such as agency workers or builders, suppliers and those who provide services under contract with the Council on their own property, such as care homes.
- 1.4 The legal framework that protects individuals who “blow the whistle” has been set-out in the Public Interest Disclosure Act – PIDA. PIDA is acknowledged as a benchmark for “whistleblowing” in the public interest. The Act came into force in July 1999.
- 1.5 Employees who share concerns in good faith regarding cases of malpractice are protected from persecution and from dismissal under the Public Interest Disclosure Act 1998.

Annual Governance Statement

- 1.6 The Annual Governance Statement, published in September 2010 for the 2009/10 financial year and for the period since the date of the balance sheet, expressing the following:

“The Council has adopted a Whistleblowing Policy and Arrangements, a scheme which gives staff a safe and reliable method for reporting honestly any concerns regarding illegal, fraudulent or corrupt behaviour, financial malpractice, endangering the public or the environment, abuse of clients, etc. During May 2009 cards that promoted awareness of the whistle blowing arrangements were distributed to all Council staff”

- 1.7 In addition to describing the disclosure arrangements in the Governance Statement, it must also be ensured that this control works effectively. As a result, a review of the awareness of the disclosure arrangements (the “whistleblowing” policy), was included in the 2010/11 Internal Audit plan.

2. THE PURPOSE AND SCOPE OF THE REVIEW

- 2.1 The purpose of the audit, therefore, was to undertake a review of Gwynedd Council staff’s awareness of the Council’s Disclosure and Whistleblowing Policy as part of the broader review of the efficiency of the Council’s governance arrangements that will feed into the annual report of the Head of Internal Audit and Annual Governance Statement. The audit will also discover the general opinion of Council staff towards the policy and whistleblowing arrangements.
- 2.2 During the audit, the arrangements which were in place to manage the risk associated with the following management objectives were reviewed:

Objective 01: That there are appropriate arrangements to ensure that the Council’s employees are aware of the Whistleblowing Policy.

Objective 02: That Council employees are prepared to use the policy should the need arise.

- 2.3 As part of the audit, a questionnaire was designed and a link to it was sent via e-mail to all office employees within the Council in order to identify how familiar they were with the policy. In the questionnaire, it was asked how likely workers would be to use the policy should relevant circumstances arise, and any concerns they had regarding using the policy.
- 2.4 Originally, the scope of the audit included questioning all employees outside the main offices (e.g. road workers and care home employees), in addition to office/establishment employees. As manual workers are not established on the Council’s e-mail system, circulating (and then collecting), such questionnaires is a much more challenging and costly task. The questionnaire was tested on the manual workers of one Department only in order to evaluate the level of returns – the level of returns was disappointing, and it was decided that it was not cost-effective to continue to include other manual workers in the survey.
- 2.5 It must be borne in mind that the answers in the questionnaires are completely anonymous. This means that it is not possible for auditors to verify the accuracy of any response, therefore it must be presumed when analysing the responses that every answer given is accurate and true.

3. FINDINGS

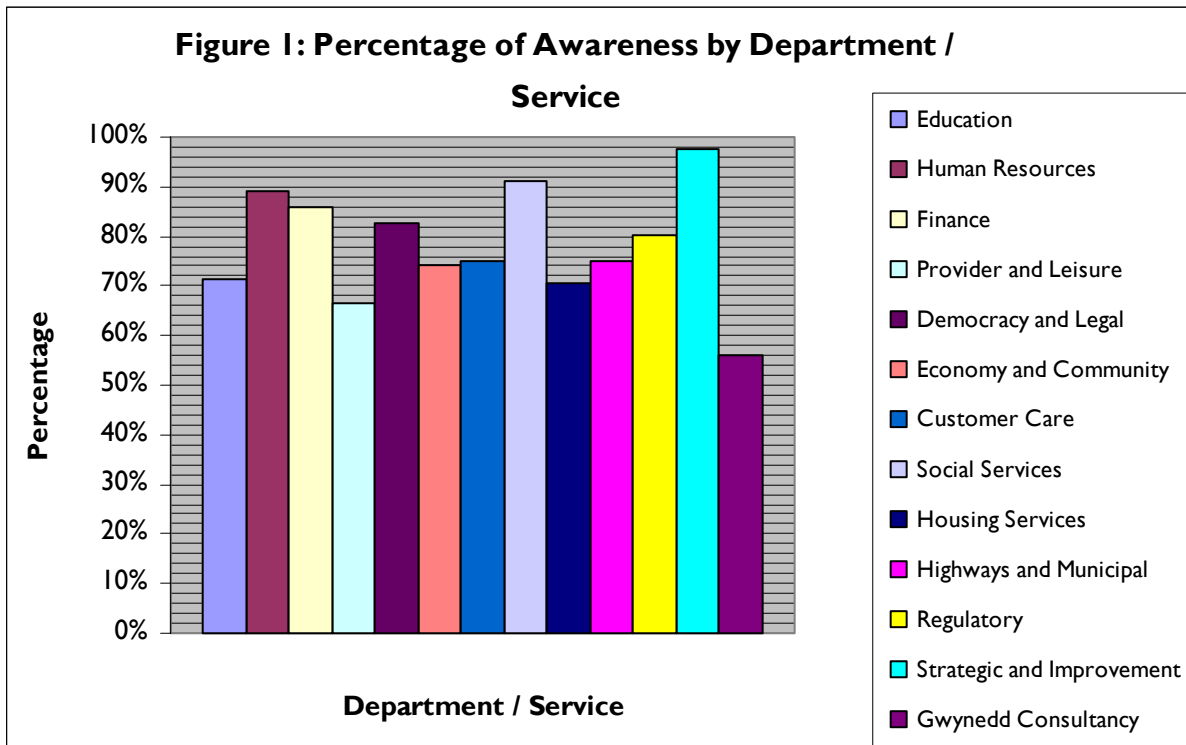
- 3.1 The purpose of the audit was to undertake a review of the awareness of Gwynedd Council staff regarding the Authority's Disclosure and Whistleblowing Policy. It was decided that the best way to achieve this was to provide a questionnaire for all Council employees. A questionnaire was drawn up on 'limesurvey' software and a link to it was sent via e-mail to all Council employees that have an e-mail account.
- 3.2 At the time of this audit, approximately 2275 e-mail accounts existed. After disregarding everyone who were on maternity leave or long-term sickness absence (according to their "out of office" message), 2200 employees remained. Two e-mails were sent asking them, and then reminding them, to fill-in the questionnaire. 740 (33.6%) employees participated in the review.
- 3.3 See below an analysis of the number of respondents per Department / Service:

Department / Service	Number of Employees that Responded
Education	36
Human Resources	46
Finance	78
Provider and Leisure	69
Democracy and Legal	23
Economy and Community	50
Customer Care	68
Social Services	145
Housing Services	17
Highways and Municipal	68
Regulatory	56
Strategic and Improvement	41
Gwynedd Consultancy	41
Not Stated	2

OBJECTIVE 01: THAT THERE ARE APPROPRIATE ARRANGEMENTS TO ENSURE THAT THE COUNCIL’S EMPLOYEES ARE AWARE OF THE WHISTLEBLOWING POLICY.

Awareness

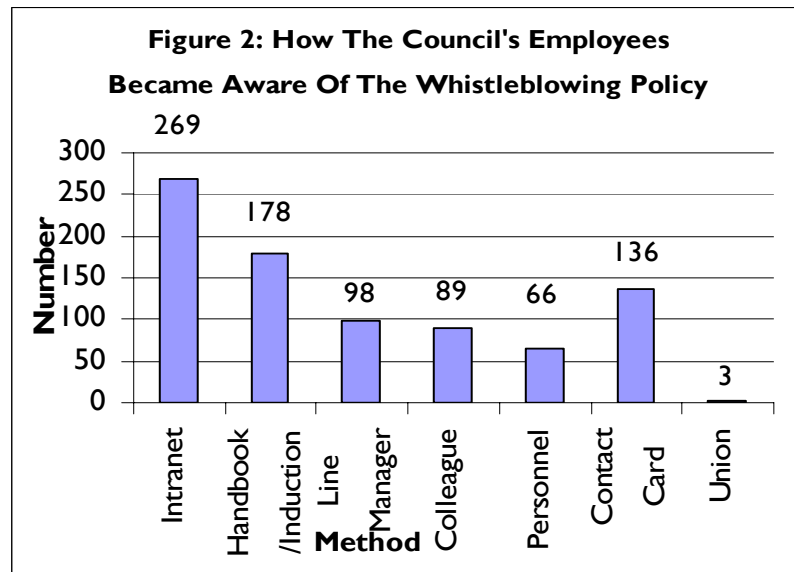
- 3.4 A similar questionnaire was undertaken in 2003 as part of the “Whistleblowing Policy” internal audit. At that time, it was seen that only 30% of a sample of 200 staff members that were enquired, were aware that Gwynedd Council had a Whistleblowing policy.
- 3.5 By now, the results of this audit’s questionnaire have identified that this percentage now stands at 79.6%. Figure 1 below shows the percentage of employees that replied to the questionnaire and were aware of the policy, per Department / Service:



- 3.6 Therefore, it appears that the Council has been successful in promoting the policy since 2003.

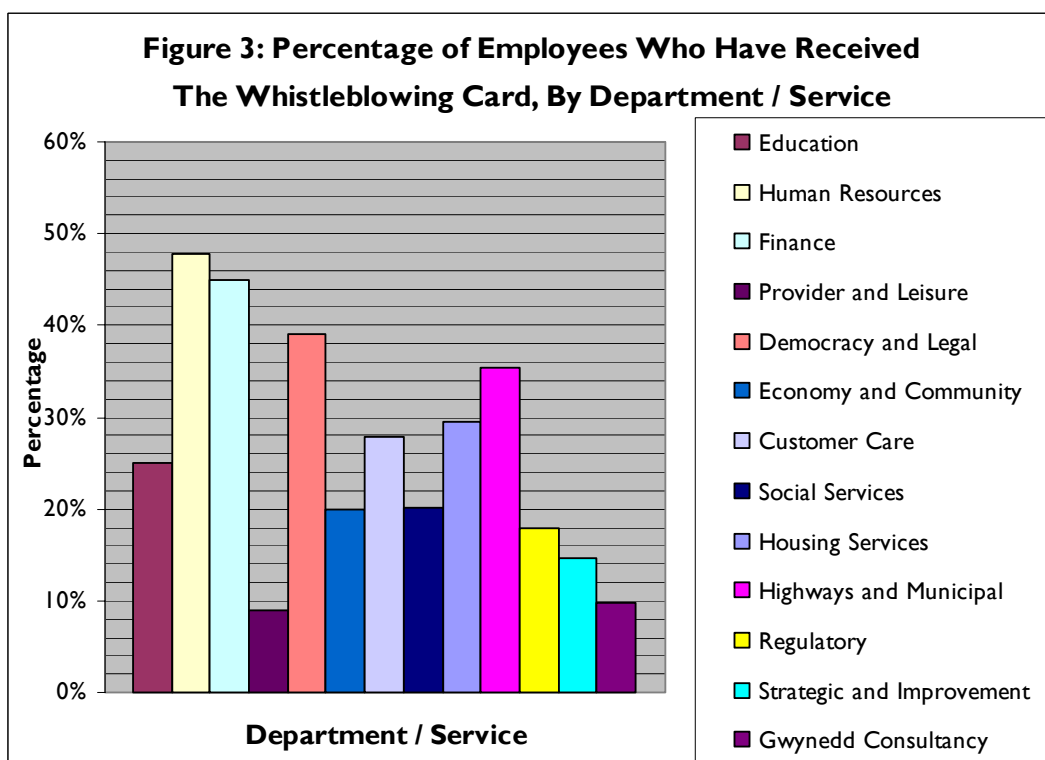
The Method of Promoting the Policy

- 3.7 The Whistleblowing policy is promoted in a number of different ways by the Council. It was asked in the questionnaire how (with the option to select more than one method), the employees had become aware of the policy. The results are seen in Figure 2, below:



Whistleblowing Card

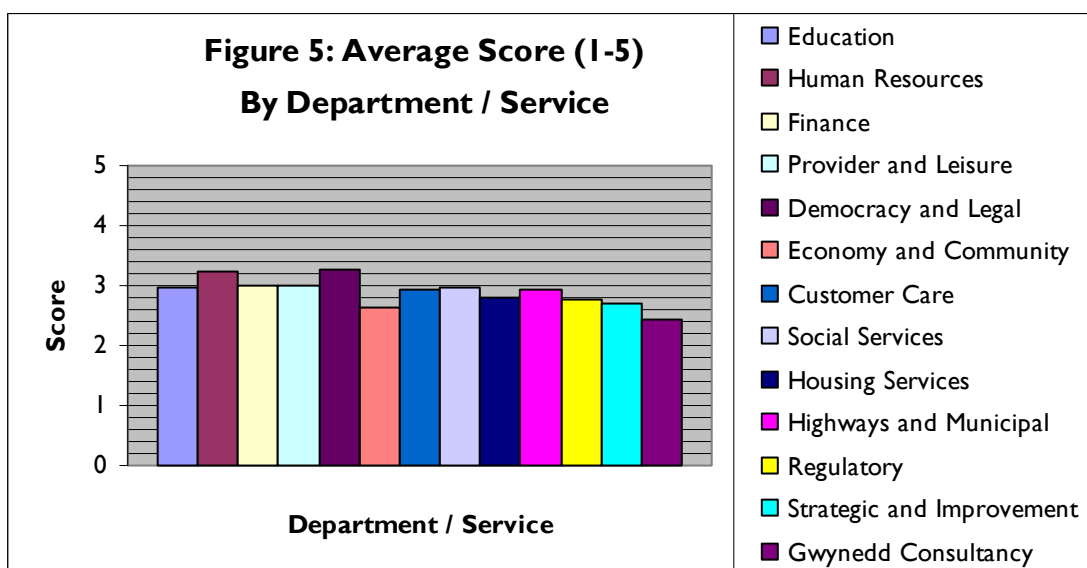
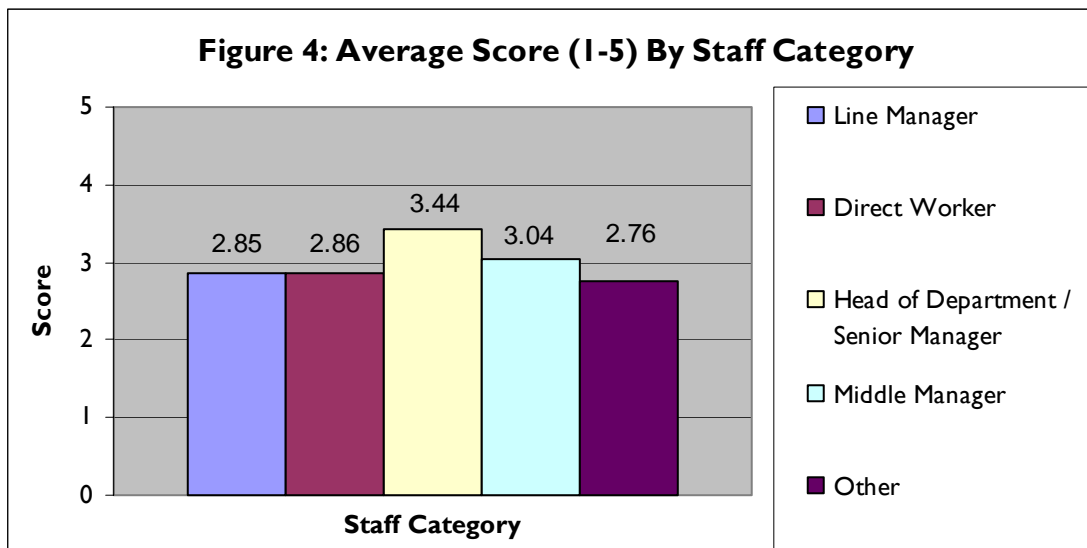
- 3.8 In 2009, a comprehensive campaign was held to raise awareness of the policy by sharing whistleblowing contact cards. This means that every Council employee should receive a card (the size of a credit card), which notes on it the Whistleblowing telephone number, e-mail address and postal address, in order to encourage any one to 'blow the whistle' should the need arise. This card has now been distributed and it is expected that it has been included as part of an induction pack to new employees who join the Council, although this does not happen on every occasion. The employees were asked directly in the questionnaire whether or not they had received the card. It was seen that only 25.5% said that they had received one. Figure 3 shows an analysis of this statistic, per Department / Service:



OBJECTIVE 02: THAT COUNCIL EMPLOYEES ARE PREPARED TO USE THE POLICY SHOULD THE NEED ARISE.

The Opinion of the Employees on the Policy

- 3.9 In order for Council employees to be confident enough to follow the policy guidelines, the content must be of a high standard.
- 3.10 The quality of the policy was strongly criticised in the 2003 audit report for a number of reasons. Many instances of spelling errors and linguistic inaccuracies were highlighted and this is unacceptable when attempting to convey professionalism. It was recommended to restructure, review and renew the policy including adding a clause that explains that it is safe and acceptable for employees to raise doubts as required. This was done as a result of employees showing concern regarding the confidentiality of the policy. In addition, it was recommended that an internal contact point be established, along with external, independent contact points. It was seen that the existing policy had been amended in accordance with these recommendations and that there had been a substantial improvement in its quality. However, it was seen that there was a need to update some terms such as job titles.
- 3.11 In the questionnaire, the Council’s employees were asked to give their views on the current arrangements for whistleblowing by giving a score of between 1 and 5 (1 being weak and 5 being excellent). See the following tables for an analysis of the scores per staff category, per Department / Service and in general across the Council:



- 3.12 The average score across the Council's main offices was 2.9 out of 5. Consideration must be given to the fact that the vast majority of employees who were unaware of the policy had given a low score in order to reflect this fact.
- 3.13 The questionnaire invited everyone to make observations to endorse the score if they wished, and despite the fact that this was optional, the number of responses was surprisingly good.
- 3.14 When analysing the observations, it was seen that a lack of faith in the whistleblowing procedure's confidentiality continued to prevent a number of employees from doing so, should the need arise. See below a summary of some observations:

"Would be too afraid of the consequences."

"No faith in the Council's confidentiality."

"When whistleblowing, you have to face the consequences."

"Afraid of repercussions from Line Manager."

- 3.15 Unfortunately, these concerns are based on examples given where confidentiality had not been respected. 21 (2.84%) employees expressed that they had whistleblown in the past and that some of them had suffered harshly because of a lack of confidentiality. Examples were given where this suffering had spread to life outside the office, which is, of course, a very serious issue.
- 3.16 Some of the arrangements' most critical employees are the employees who have whistleblown in the past. The majority of them expressed that they were unhappy with how the issue had been dealt with in general. It was explained that it appeared that line managers did nothing when a complaint was raised and that the whistleblowers were not given fair play and support for expressing their concerns.

Whistleblowing in the Future

- 3.17 The policy lists examples of circumstances where the Council's employees should whistleblow. These were listed in the questionnaire, and the employees were asked whether or not they would be likely to whistleblow, should they come across examples of these. 86.9% expressed that they would be prepared to do so, although many of them would not be completely comfortable doing so.

Ideas on Raising Awareness of the Policy

- 3.18 The last question of the questionnaire asked for the employees' opinion on ways to raise awareness of the Council's policies in general. A large number of employees expressed that the questionnaire designed for this review had introduced them to the whistleblowing policy in the first place. In addition, many employees recommended that a timely e-mail campaign was the best way to inform staff of policies.
- 3.19 In addition to promoting the policies via e-mail, the following was also proposed:
- Design a programme for the Cetus policy awareness software
 - Facilitate access to the policies through the intranet
 - Raise awareness by printing guidelines on the back of payslips

4. CONCLUSIONS

- 4.1 As every employee on the Council's e-mail system had received two e-mails regarding the whistleblowing policy, it can be assumed that the vast majority of them are now aware that the Council has such a policy. Over a third of the employees replied, therefore, it was ensured that a strong and varied sample had participated in the survey, without being costly to undertake.
- 4.2 It was seen that there was a substantial increase in the awareness of Council employees of the Whistleblowing Policy since the last similar audit in 2003. Nevertheless, when analysing the results of the questionnaire, it was seen that only 25.5% of employees expressed that they had received a Whistleblowing contact card. However, the actual percentage could be higher because the cards were distributed to the employees some time ago now. It was seen that the best way of promoting the policy amongst Council employees was through the intranet. However, it was suggested on many occasions that the policy was much too difficult to find there.
- 4.3 A few employees shared their experience of using the policy, and unfortunately, they were not encouraging. The employees' confidence in the arrangements cannot be nurtured whilst cases like this arise. On the other hand, 86.9% of the employees stated that they would be prepared to whistleblow in the future should the circumstances arise, but according to the observations, this would not be an easy decision for them.

5. RECOMMENDATION

- 5.1 **After considering the results of the survey described in this report, the Audit Committee is asked to support the recommendations below made by Internal Audit, for implementation by the Human Resources Department:**
- **To consider redistributing the whistleblowing contact cards.**
 - **Concerns outlined by employees should be raised at the meetings of the Senior Managers' College and Middle Managers' Forum.**
 - **To attempt to reduce staff's concerns regarding whistleblowing and attempt to gain their confidence in the arrangements.**

Holiadur Ymwybyddiaeth o'r Polisi Canu'r Gloch

Whistleblowing Policy Awareness Questionnaire

Mae'r Uned Archwilio Mewnol yn cynnal adolygiad o ymwybyddiaeth staff am Bolisi Datgelu a Chanu'r Gloch y Cyngor a hefyd canfod beth yw eu barn ar y Polisi.

Bydd yr holiadur yn cymryd ychydig funudau yn unig i chwi ei gwblhau. Mae 12 o gwestiynau yn yr arolwg.

Bydd yr Uned Archwilio Mewnol yn parchu cyfrinachedd eich atebion ac ni ddatgelir unrhyw wybodaeth a gyflwynir.

The Internal Audit Unit is conducting a review to assess the level of awareness and opinion of Gwynedd Council's staff towards its Whistleblowing Policy.

The questionnaire will only take a few minutes of your time to complete. There are 12 questions in this survey.

The Internal Audit Unit will respect the confidentiality of your responses.

(1) I ba categori o'r canlynol yr ydych yn perthyn? Dewiswch **dim ond un** o'r canlynol:

To which of the following categories do you belong? Please choose **only one** of the following:

- | | | |
|--------------------------|------------------------------|-------------------------------------|
| <input type="checkbox"/> | Pennaeth Adran / Uwch Reolwr | Head of Department / Senior Manager |
| <input type="checkbox"/> | Rheolwyr Canol | Middle Manager |
| <input type="checkbox"/> | Goruchwylwyr | Line Manager |
| <input type="checkbox"/> | Gweithwyr Uniongyrchol | Direct Worker |
| <input type="checkbox"/> | Arall | Other |

(2) I ba adran yr ydych yn gweithio? Dewiswch **dim ond un** o'r canlynol:

For which department do you work? Please choose **only one** of the following:

- | | | |
|--------------------------|------------------------------|---------------------------|
| <input type="checkbox"/> | Adnoddau Dynol | Human Resources |
| <input type="checkbox"/> | Gofal Cwsmer | Customer Care |
| <input type="checkbox"/> | Cyllid | Finance |
| <input type="checkbox"/> | Democratiaeth a Chyfreithiol | Democracy and Legal |
| <input type="checkbox"/> | Rheoleiddio | Regulatory |
| <input type="checkbox"/> | Ymgynghoriaeth Gwynedd | Gwynedd Consultancy |
| <input type="checkbox"/> | Priffyrdd a Bwrdeistrefol | Highways and Municipal |
| <input type="checkbox"/> | Addysg | Education |
| <input type="checkbox"/> | Economi a Chymuned | Economy and Community |
| <input type="checkbox"/> | Gwasanaethau Cymdeithasol | Social Services |
| <input type="checkbox"/> | Darparu a Hamdden | Provider and Leisure |
| <input type="checkbox"/> | Strategol a Gwella | Strategic and Improvement |
| <input type="checkbox"/> | Gwasanaethau Tai | Housing Services |

(3) A ydych yn ymwybodol fod gan Cyngor Gwynedd Bolisi Canu'r Gloch?

Dewiswch **dim ond un** o'r canlynol:

Are you aware that Gwynedd Council has a Whistleblowing policy?

Please choose **only one** of the following:

- | | |
|----------------------------------|-----|
| <input type="checkbox"/> Ydw | Yes |
| <input type="checkbox"/> Nac ydw | No |

(4) Sut ydych yn ymwybodol o'r polisi? Dewiswch bob un sy'n berthnasol:

How did you know about the policy? Please choose any that applies:

- | | |
|--|----------------------------|
| <input type="checkbox"/> Mewnwyd | Intranet |
| <input type="checkbox"/> Llawlyfr/Sesiwn Anwytho | Handbook/Induction Session |
| <input type="checkbox"/> Rheolwr Llinell | Line Manager |
| <input type="checkbox"/> Cydweithiwr | Co-worker |
| <input type="checkbox"/> Personel | Personnel |
| <input type="checkbox"/> Cerdyn Cyswllt Canu'r Gloch | Whistleblowing Card |
| <input type="checkbox"/> Ddim yn Ymwybodol | Not Aware of the Policy |
| <input type="checkbox"/> Arall: | Other: |
| | |

(5) A ydych wedi derbyn Cerdyn Cyswllt Canu'r Gloch? Dewiswch dim ond un o'r canlynol:

Have you received a Whistleblowing Contact Card? Please choose only one of the following:

- | | |
|--------------------------------|-----|
| <input type="checkbox"/> Do | Yes |
| <input type="checkbox"/> Naddo | No |

(6) Ydych wedi defnyddio'r polisi? Dewiswch dim ond un o'r canlynol:

Have you ever used the policy? Please choose only one of the following:

- | | |
|--------------------------------|-----|
| <input type="checkbox"/> Do | Yes |
| <input type="checkbox"/> Naddo | No |

(7) Os ydych wedi ei ddefnyddio, a oeddech yn hapus gyda'r modd y cafodd y mater ei drin?

Dewiswch **dim ond un** o'r canlynol:

If you have used the policy, were you happy with the way in which the matter was dealt with?

Please choose **only one** of the following:

- | | |
|---------------------------------|-----|
| <input type="checkbox"/> Oeddwn | Yes |
|---------------------------------|-----|

- Nac Oeddw'n No
- Dim yn berthnasol Not Relevant

(8) A gafodd y mater ei ddatrys? Dewiswch dim ond un o'r canlynol:

Was the matter resolved? Please choose only one of the following:

- Do Yes
- Do - I raddau Yes - To some extent
- Na No
- Dim yn berthnasol Not Relevant

(9) A ydych yn meddwl fod y trefniadau cyfredol yn ddigonol? Rhowch sgôr o 1-5 ble mae 1 yn wael a 5 yn ardderchog. Dewiswch dim ond un o'r canlynol:

Do you think the current procedures are adequate? Give a score from 1-5, where 1 is poor and 5 excellent. Was the matter resolved? Please choose only one of the following:

- 1 2 3 4 5

(10) Yn eich barn chwi, be all y Cyngor ei wneud i gryfhau trefniadau Canu'r Gloch?

In your opinion, what can the Council do to improve the Whistleblowing procedures?

.....

- Ddim yn Ymwybodol o'r Polisi Not Aware of the Policy

(11) Gall cwynion hollol gyfiawn fod ynghylch rhywbeth:

- sydd yn anghyfreithlon, yn dwyllodrus neu yn llygredig;
- sydd yn torri unrhyw gôd ymarfer statudol;
- sydd yn gyfystyr ag ymddygiad amhriodol;
- sydd yn gyfystyr â cham-drin cleientiaid yn rhywiol, yn gorfforol neu yn emosiynol;
- sydd yn peryglu iechyd a diogelwch unigolyn;

Petaech yn darganfod un o'r uchod yn y dyfodol, a fyddwch yn debygol o ganu'r gloch?

Justifiable complaints may relate to something that:

- *is unlawful, fraudulent or corrupt;*
- *breaches any statutory code of practice;*
- *amounts to improper conduct;*
- *constitutes sexual, physical or emotional abuse of clients;*
- *endangers the health and safety of any individual;*

If you discovered any of the above in the future, would you be likely to 'blow the whistle'?

Byddwn Yes

Na fyddwn. Os hynny, rhowch eich rhesymau isod *If so, please comment below*

.....

(12) Oes gennych unrhyw sylwadau eraill ynglyn â chodi ymwybyddiaeth o bolisiâu sydd yn ymwneud ag amodau gwaith y Cyngor?

Do you have any other comments in respect of raising awareness of policies regarding the Council's terms and conditions of service?

.....

Diolch am gymryd rhan.

Thank you for taking part.