

## GWYNEDD COUNCIL

COMMITTEE	AUDIT COMMITTEE
DATE	17 FEBRUARY 2015
TITLE	DISCLOSURE ARRANGEMENTS – AWARENESS OF THE WHISTLE BLOWING 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 WHISTLE BLOWING POLICY
AUTHOR	DEWI MORGAN, SENIOR MANAGER REVENUES AND RISK
ACTION	TO ACCEPT THE REPORT, GIVE COMMENTS ON THE CONTENT AND CONSIDER THE IMPLEMENTATION STEPS OUTLINED IN PART 1 OF THE REPORT

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### **1 INTRODUCTION – WHAT DOES THE AUDIT COMMITTEE NEED TO DO?**

1.1 To undertake its role as 'those responsible for governance', the Audit Committee needs to:

- **Consider the contents of this report and come to a conclusion on the quality and robustness of the Council's Whistle Blowing arrangements on the basis of the results of the staff questionnaire**
- **Make recommendations to strengthen the arrangements further**
- **Consider whether any message should be relayed to all Council staff on behalf of the Audit Committee based on the results of the questionnaire.**

### **2 BACKGROUND**

- 2.1 The Whistle Blowing policy was drawn up with the intention of encouraging employees to come forward to talk about any serious concerns they had of any malpractice in order to protect the public and staff and 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.
- 2.2 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 for the Council on their own premises, such as care homes.
- 2.3 The legal framework that protects individuals who 'blow the whistle' is set-out in the Public Interest Disclosure Act 1998 (PIDA). PIDA is acknowledged as a benchmark for 'whistle blowing' in the public interest. The Act came into force in July 1999.
- 2.4 Employees who share concerns in good faith regarding cases of malpractice are protected from prosecution and from dismissal under the Public Interest Disclosure Act 1998.

### 3. THE PURPOSE AND SCOPE OF THE AUDIT

- 3.1 The purpose of the audit was to undertake a survey of the awareness of Gwynedd Council staff of the Council's Disclosure and Whistle Blowing Policy, along with ascertaining the general opinion of Council employees regarding the whistle blowing policy and arrangements by using a specific questionnaire.
- 3.2 A similar questionnaire was circulated by Internal Audit to staff of the main Council offices in 2010 and the further work in 2014 was an opportunity to compare the results of the two exercises to ascertain whether there had been progress in staff awareness of the policy and whether they were more willing to whistle blow since 2010.
- 3.3 Two e-mails were sent to approximately 2200 employees asking and reminding them to complete the questionnaire. 705 (32%) employees participated in the survey.
- 3.4 **As this was an on-line questionnaire, this time it was restricted to office staff only. In 2015/16, it is proposed to undertake a similar exercise with manual workers.**
- 3.5 The questionnaire also sought to discover any concerns that staff have regarding using the Policy and how much confidence they have in the procedure.

### 4. OBJECTIVE 01: THAT THERE ARE APPROPRIATE ARRANGEMENTS TO ENSURE THAT THE COUNCIL'S EMPLOYEES ARE AWARE OF THE WHISTLE BLOWING POLICY.

#### Awareness

- 4.1 In 2003, only 30% of a sample of 200 staff members who had been questioned were aware that Gwynedd Council had a Whistle Blowing policy. By 2010, this percentage had increased substantially to 79.6% (of a sample of 740).
- 4.2 Now, it is shown that **81%** of staff, from a sample of 705, are aware that the Council has a Whistle Blowing Policy. The tables below show an analysis of the results per Department and per staff category.

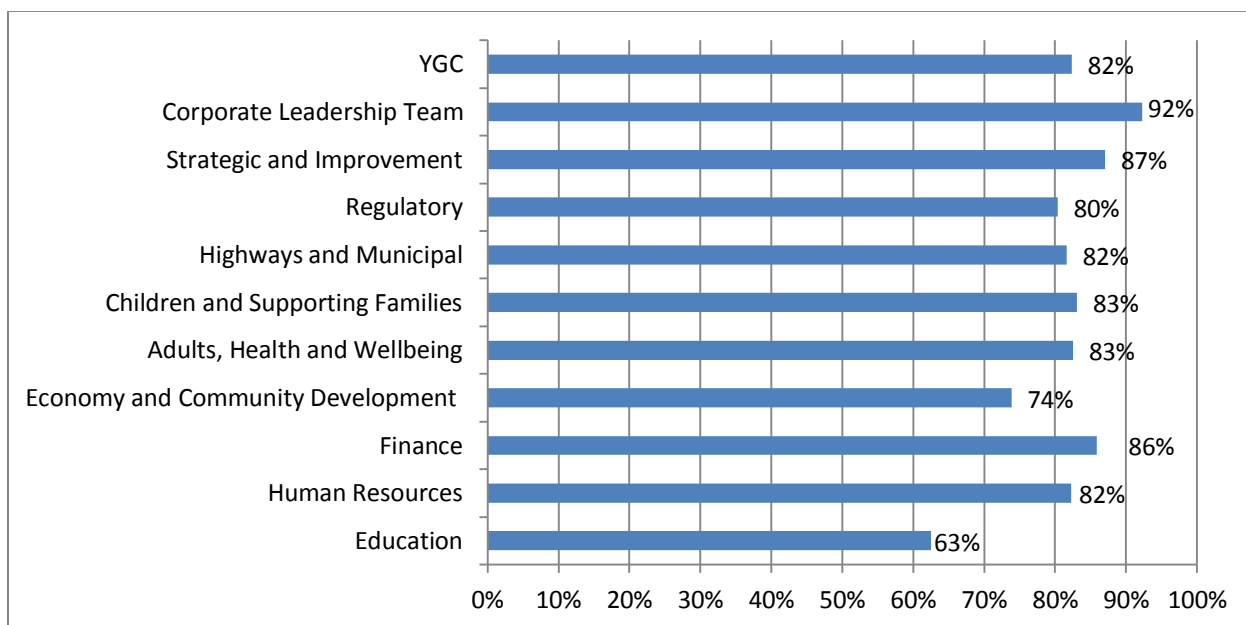
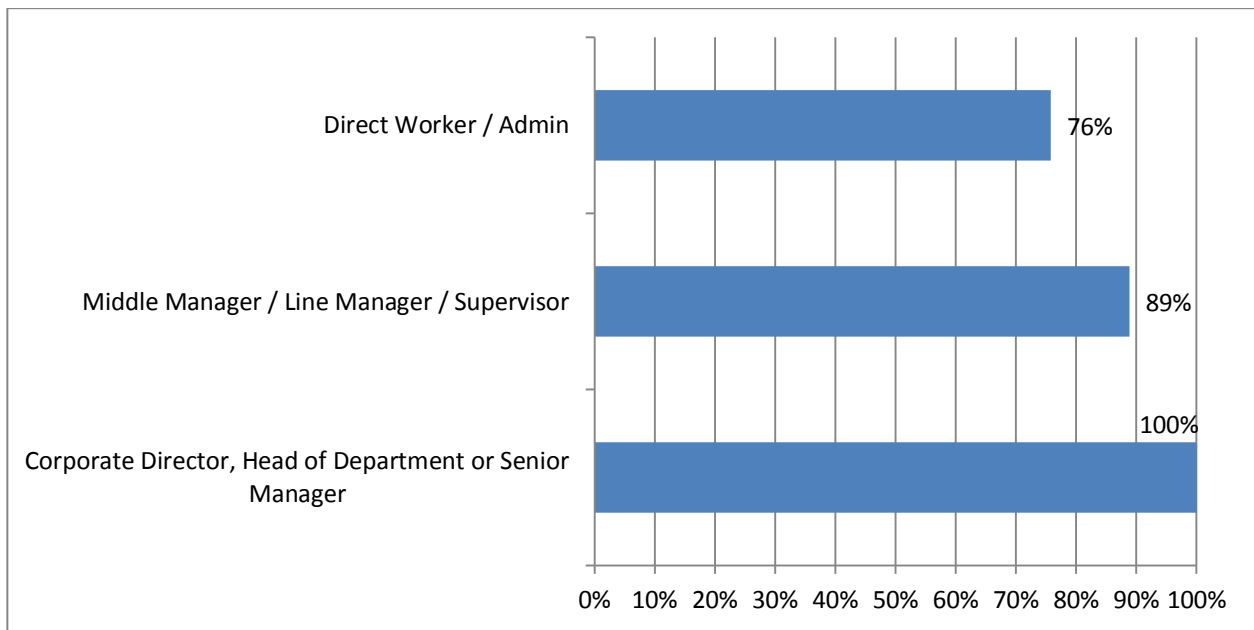


Figure 1: Awareness of the Whistle Blowing Policy per Department



**Figure 2: Awareness of the Whistle Blowing Policy per staff category**

**4.3 It was seen that:**

- Awareness of the policy was high amongst Senior Management but decreased when moving towards Direct Workers
- There was a great variation between Council departments. The Education Department had the lowest figure, which was 63%. Schools had not been a part of this survey as they followed policies that had been adopted for their own use through their governing bodies but it is expected that support is available to school staff from officers of the Education Department if the need were to arise.
- 13% of those who were not aware of the policy would have disclosed concerns regarding malpractice in the workplace if they had been aware of the Whistle Blowing arrangements. This reinforces the need to raise awareness even further.

## The Method of Promoting the Policy

4.4 The Whistle Blowing policy is promoted in a number of different ways by the Council. The questionnaire asked how (with the option to select more than one method), the employees had become aware of the policy. An analysis of the results below shows:

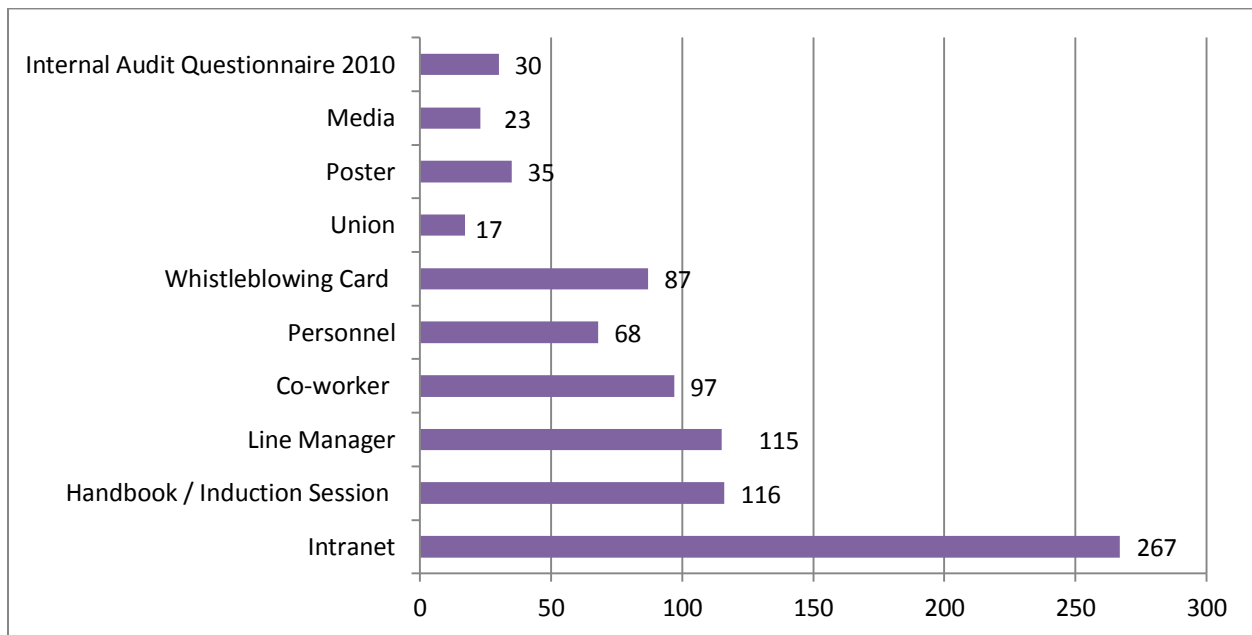


Figure 3: Methods by which the employees had become aware of the policy

4.5 In addition to these options, there was an opportunity for staff to add other methods. Common answers were: awareness of the policy by virtue of their posts, word of mouth, team meetings or by means of a letter appointing them to their posts. The above results show the importance of the Intranet, but on the other hand, a number of employees expressed that it was not easy to find the policies on it.

### Whistle Blowing Card

4.6 In 2009, a comprehensive campaign was held to raise awareness of the policy by sharing whistle blowing contact cards. This means that every Council employee should have received a card (the size of a bank card), which notes on it the Whistle Blowing telephone number, e-mail address and postal address, in order to encourage anyone to 'blow the whistle' should the need arise. This card should have been included as part of an induction pack for all new employees joining the Council.

4.7 The employees were asked directly in the questionnaire whether or not they had received the card. It was found that only **21.7%** of those aware of the policy had stated that they had received the card, which is **less than the 2010 figure (25.5%)**.

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

Confidence in the System

5.1 In order for Council employees to be confident enough to follow the policy guidelines, the content must be of a high standard. A review was undertaken of the Council’s Whistle Blowing arrangements during May 2014 by the Wales Audit Office. The review included the policy, the Council’s commitment, how the Council had gone about implementing the policy, education and training, awareness, case-load and the policy in action.

5.2 It was expressed that in general, the policy was good and recommendations were submitted to strengthen it. The policy is currently being reviewed.

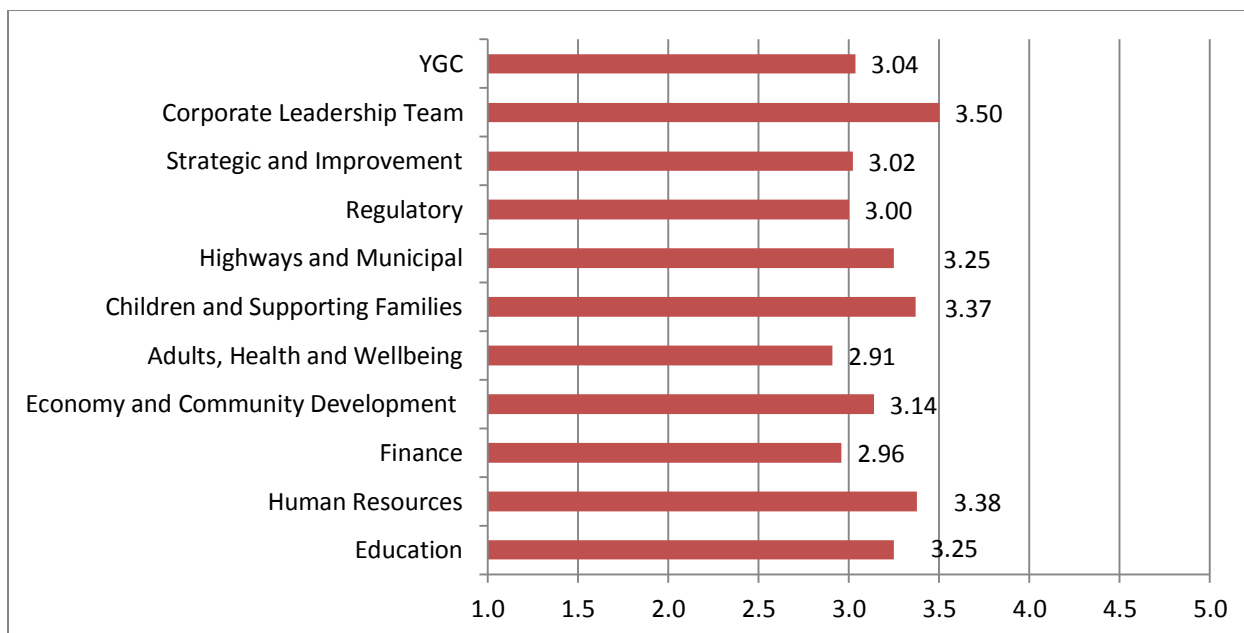
5.3 In the 2010 questionnaire, the Council’s employees were asked to give their views on the current arrangements for whistle blowing by giving it a score of between 1 and 5 (1 being weak and 5 being excellent). **The average score in 2010 was 2.9 out of 5.** For the 2014 questionnaire, the wording of the question was changed to ask for the confidence levels of employees in the procedure, where 1 indicated ‘no confidence’ and 5 indicated ‘complete confidence’. This followed observations of a lack of confidence in the procedure in the 2010 questionnaire. **The average score in 2014 was 3.09,** which showed that in general, Council employees had confidence in the procedure, although they were not completely confident.

5.4 The table below shows the range of responses to this question:

Score	1	2	3	4	5
<b>Number of responses</b>	45	83	259	137	46
<b>Percentage</b>	8%	15%	45%	24%	8%

**Table 1: Staff Confidence in the Arrangements**

5.5 Below is an analysis of this statistic per Department and per Staff Category:



**Figure 4: Analysis of employee confidence levels in the whistle blowing procedure per Department**

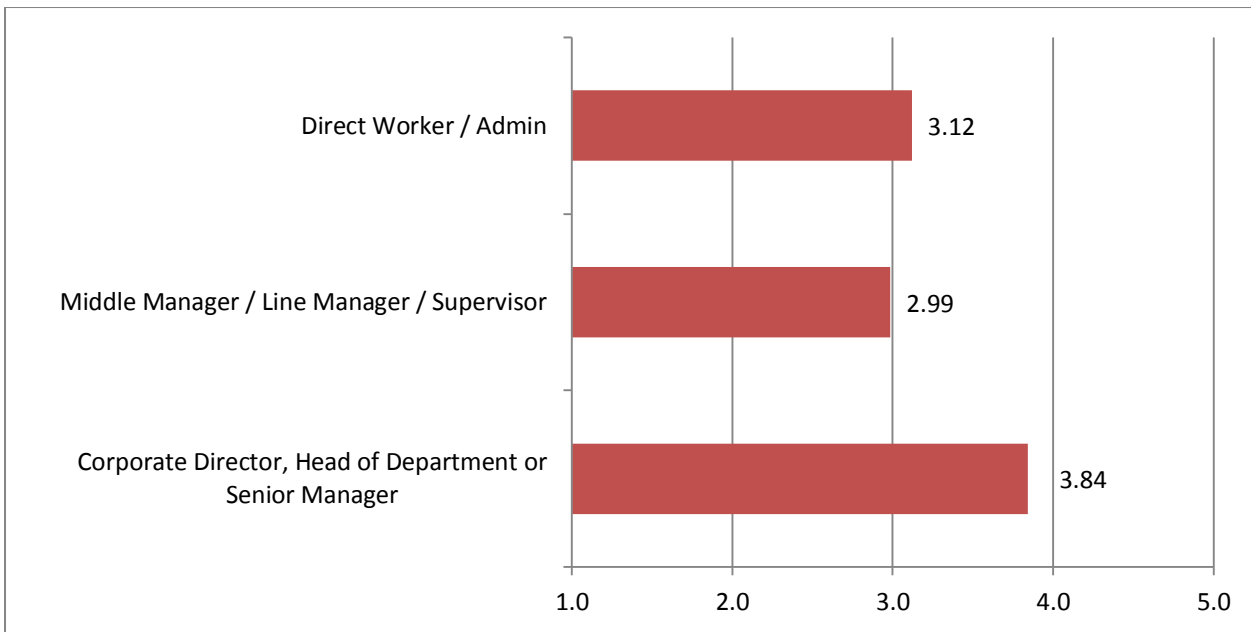


Figure 5: Analysis of employee confidence levels in the whistle blowing procedure per staff category

5.6 Only the Finance Department and the Adults, Health and Well-being Department have given an average score of less than 3, whilst every other Department has given an average score of between 3 and 3.5. It also shows that Middle Management has the least confidence in the arrangements, which is different to what was seen in the 2010 report.

Implementing the Policy

5.7 Only 22 individuals of those who had completed the questionnaire stated that they had been a whistle blower and 10 of them expressed that they were happy with the manner in which the matter had been dealt with. Of the 22 cases – according to those who had responded – six cases had been resolved, 10 had been partially resolved and six had not been resolved at all. However, this is the opinion of the individuals who were the whistle blowers and their responses could stem from a result that was unsatisfactory in their views.

Whistle Blowing in the Future

5.8 The questionnaire listed examples of circumstances (taken from the policy) when employees should become whistle blowers should they come across these circumstances in the workplace. The questionnaire asked if staff discovered these examples in the future, with the option of choosing as many examples as they wished, realistically, for which ones would they be likely to implement the whistle blowing policy? There was an option to choose any number of these examples.

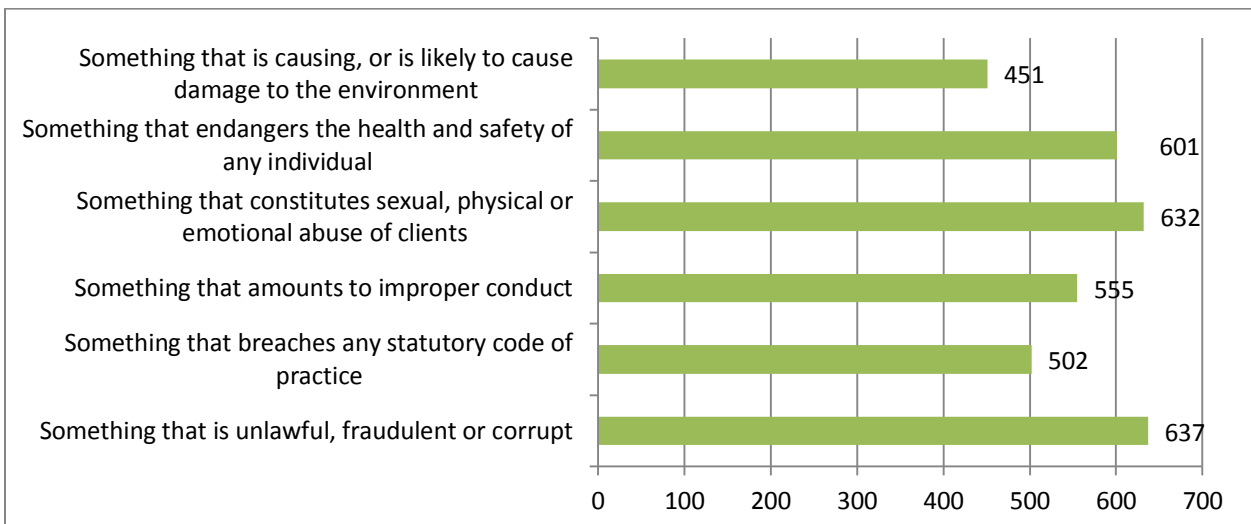


Figure 6: Number of employees who would whistle blow under certain circumstances

5.9 When the responses to the questionnaire were analysed, a score was allocated for 'willingness of employee to become a whistle blower' for every Department and staff category. The score is based on how many of the six examples above, on average, would the responder be willing to blow the whistle about. An analysis of the results is shown below:

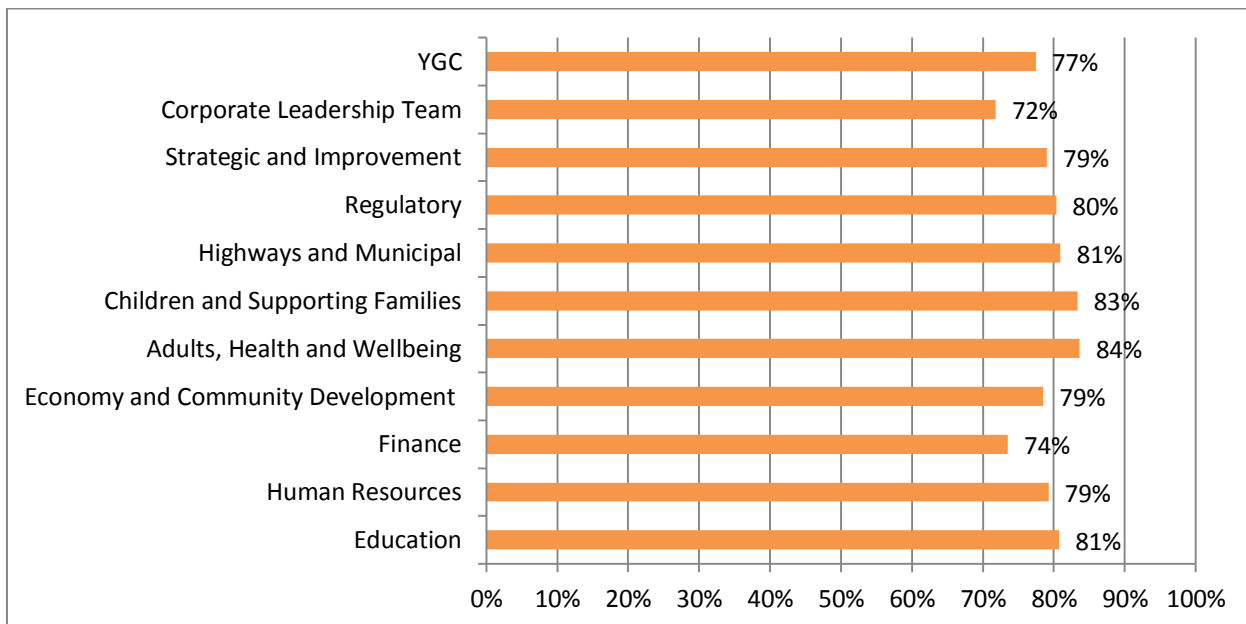


Figure 7: Analysis of the willingness of employees to whistle blow, per Department

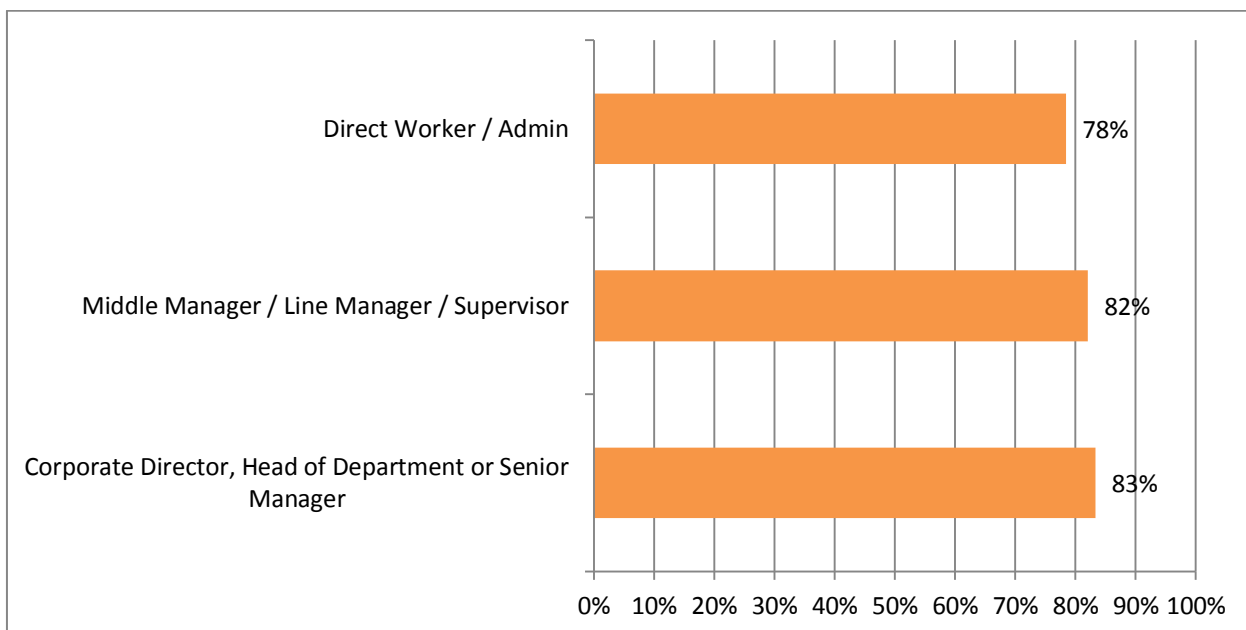


Figure 8: Analysis of the willingness of employees to whistle blow, per staff category

5.10 On average, the tables above show that Council employees feel that they would blow the whistle in **79.9%** of cases. Only 64% of employees would blow the whistle if they discovered anything that would damage the environment but 89.6% would blow the whistle if they discovered anything that was equivalent to either sexual or physical or emotional abuse of clients. On the other hand, this does mean that one out of ten Council employees who had responded to the questionnaire would not blow the whistle if they discovered sexual, physical or emotional abuse of clients.

5.11 If responders had stated that they would not blow the whistle against any of the above examples, then they were asked to explain why not. A sample of the observations are given below:

*“Uncertainty as to what would constitute an action that would meet the set out criteria.”*

*“...having a negative effect on my career or making my work life more difficult.”*

*“No faith in the system”*

*“Nothing would be done!”*

*“Because EVERYONE is aware that the person who blows the whistle is worse off because of it ... there is no protection. This is highlighted time after time in the news etc.”*

*““Because I have no faith in the system. Things have been mentioned from co-workers to staff and it’s all been swept under the carpet and left to continue. No point whistleblowing if there’s no-one going to take any notice”.*

*“I’ve been brought up, like everyone else, not to carry tales, therefore it would have to be something major for me to go against this.”*

5.12 Several observations suggested that concerns have been raised in the past which have not been addressed by Senior Management and whistle blowing has led to the initial whistle blower suffering much more than the individual who was the wrong-doer. Lack of confidentiality also prevents employees from presenting their concerns.

**5.13 In view of the above observations, I believe that there is room for Internal Audit and the Audit Committee to undertake further work to examine some of the Council’s procedures in order to look further into the concerns/allegations made. I have already discussed this with the Chief Executive, the Head of Human Resources Department and the Senior Manager, Human Resources.**

#### Ideas on Raising Awareness of the Policy

5.14 The last question of the questionnaire asked for the employees’ opinion on ways to raise awareness of the Council’s policies in general. The large number of responses to this optional question was proof that Council employees believed that whistle blowing was important. Below are examples of proposals on how to raise awareness of the policy:

- Facilitate access to the policies via the Intranet (including promoting the ‘Policy of the Month’)
- Raise awareness by printing guidelines on the back of payslips
- Discuss whistle blowing in the annual appraisal sessions
- Training



## 6. CONCLUSIONS

6.1 The results of the survey suggests that:

- **There has been a small increase in the awareness of Council employees of the Whistle Blowing Policy since the similar previous audit in 2010.**
- **Only 21.7% of employees expressed that they had received a Whistle Blowing contact card but the actual percentage may be higher because the cards were distributed to employees some time ago.**
- **It was seen that the best method of promoting the policy amongst Council employees was via the Intranet but it was suggested several times that the policy was much too difficult to find there.**
- **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.**
- **A large percentage of the employees stated that they would be prepared to whistle blow in the future should the circumstances arise, but according to the observations, this would not be an easy decision for them.**

6.2 The report included the following recommendations:

*Recommendation A01: To consider redistributing the whistleblowing contact cards.*

*Recommendation A02: The concerns outlined by the employees should be raised at the meetings of the Managers' College.*

*Recommendation A03: To attempt to reduce staff's concerns regarding whistle blowing and attempt to gain their confidence in the arrangements.*