

REPORT TO AUDIT COMMITTEE – 19 SEPTEMBER 2019

WHISTLEBLOWING ANNUAL REPORT 2018/19

1 Recommendations

Audit Committee is recommended to:

1.1 Consider the Whistleblowing Annual report for 2018/19.

2 Discussion

2.1 The Public Interest Disclosure Act 1998 which amended the Employment Rights Act 1996, provides that a worker can make a protected disclosure about a wrongdoing. A disclosure will only be considered a protected disclosure if the following conditions apply;

1. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by the whistleblowing law.

2. The worker must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (e.g. fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

2.2 Aberdeenshire Council refreshed its [Whistleblowing Policy and Procedures](#) in September 2017 and these provide comprehensive guidance to employees as a mechanism for individuals to raise concerns they have about serious malpractice or wrongdoing in connection with any Council Service without fear of reprisal and independently of their line management, where this is appropriate.

2.3 If a concern does not fall into the categories specified in 2.1 above, it will not be deemed a Whistleblowing matter. However, there are other Council policies and procedures that can deal with any concerns the individual has. For example, our HR Grievance, Bullying and Harassment policy and procedures. The Head of Legal and Governance in their capacity as Monitoring Officer determines whether a concern falls within the remit of the Whistleblowing Policy.

2.4 This is Aberdeenshire Council's first annual Whistleblowing report. Through the Council's Audit plan, Audit Scotland recommended that the council have a register and an annual report, and this annual report satisfies the requirement

to report on such activity. In general terms, Audit Committee will consider and monitor whistleblowing activity.

3 Whistleblowing cases

3.1 In the period from 1 April 2018 to 31st March 2019, 2 disclosures following our Whistleblowing Policy for 2018/19. One has concluded and one is still being investigated. This was down 3 compared to the sample we had in year 2017/18 before accurate recording began. See **Appendix 1** for detail of the report.

4 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

5 Scheme of Governance

5.1 The Committee is able to consider/comment on this item in terms of Section G.1.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as the report relates to matters delegated to the Committee.

6 Implications and Risk

6.1 An equality impact assessment is not required because this report informs the Committee of the planned reporting activity and inspection bodies and does not have a differential impact on any of the protected groups.

6.2 There are no staffing and financial implications arising directly from this report and there are no implications for the Town Centre First principle.

6.3 The following Risks have been identified as relevant to this matter on a Corporate Level:

- Reputation management – this is controlled through general policy & procedures and assured by external scrutiny bodies through the annual shared risk assessment and by Internal Audit

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30 July 2019



From mountain to sea

APPENDIX 1

Aberdeenshire Council Whistleblowing Annual Report 2018-19



From mountain to sea

Key Messages

1. Aberdeenshire Council recognises the importance of openness and honesty in carrying out its functions and this is reflected in the Council's Aims, which refer to the requirement to be open and honest, responsible and reliable, trusting and trustworthy.

Within an organisation including over 15,000 employees, it's important that we all take a hand in ensuring everyone is working safely and effectively, and within the boundaries of the law. Examples of wrongdoing by council employees are few and far between, but we encourage employees that if they do notice something they feel should be reported, they refer to the [Disclosure of Information \(Whistleblowing\) Policy, available on our intranet sites Arcadia and Arcadia Lite](#).

2. The policy is continuously revised to ensure it continues to reflect best practice and new legislation. It was last reviewed in September 2017. There are also two sample wording of letters in the Resource Pack for officers to acknowledge their concern and also the investigation conclusion for employees.

3. The Bribery Act 2010 came into force on 1st July 2011. This introduces general offences of offering or receiving bribes, a specific offence of bribing a foreign public official and a new criminal offence of failure to prevent a bribe being paid for or on behalf of an organisation. Individuals who have come forward with information in the past have helped to put a stop to fraud and professional misconduct, including theft of cash and stock, claiming hours on timesheets which have not been worked, or purchasing fraud. With various initiatives being progressed in order to reduce costs across the council, it's even more important that the loss of funds through inappropriate activity is brought to its attention.

4. The policy gives details of the nominated officers to contact should employees wish to report an issue. All concerns raised will first be investigated internally and you may be contacted by the nominated investigating officer. There are two possible outcomes where action is taken against someone: an internal disciplinary, or legal action taken forward by the Procurator Fiscal.

Whistleblowing disclosures 2018/19

5. Aberdeenshire Council received **2** disclosures following our Whistleblowing Policy for 2018/19. One has concluded and one is still being investigated. This was **down by 3** compared to the sample we had in year 2017/18, before accurate recording began.



From mountain to sea

6. All disclosures were made through the Council's dedicated whistleblowing procedure. We have a duty to help protect the identity of informants and their identity is kept as confidential during any investigation. In 2018/19 none were made anonymously. In the preceding year, only one was made anonymously. It is encouraging that most people 'blowing the whistle' were confident enough in our arrangements to provide their identity.

Analysis of disclosures - type and number

7. The analysis below shows the type and number of disclosures received over the last two years. It should be noted that some disclosures relate to more than one area of concern, and where this is the case the numbers have been totalled in the second table below. The third table details the source of the disclosure, where identifiable. The fourth table details the directorate which was the subject of the concerns disclosed. Where more than one directorate has been identified in the disclosure, all have been listed.

	17/18	18/19
Number of correspondences received under Whistleblowing Policy	7	2
Number of cases determined as falling within scope of Whistleblowing Policy	5	2
Investigating officers appointed	7	2
Investigations concluded	5	1

Nature of concerns:	17/18	18/19
Professional Standards and Practices	3	0
Discrimination	1	0
Mismanagement of council funds	1	0
Financial inducements	1	0
Health & safety	1	0
Application of HR policies and procedures	1	1
Bullying	0	1

Disclosures by Directorate:	17/18	18/19
Business	2	0
Education & Children's	1	1
Infrastructure	1	1
Anonymous	1	0



From mountain to sea

Directorates Disclosed in Referrals:	17/18	18/19
Business	2	1
Education & Children's	2	1
Infrastructure	1	1

Action taken on referrals

8. Improvement activities and/or investigation outcomes recommended in 2018/19 were as follows:

- The Council's Grievance, Anti Bullying, Stress Management, Mental Health and Attendance Management Policies should be revised to refer to each other and how they become inter-related.
- The Council's Grievance, Anti Bullying, Stress Management, Mental Health and Attendance Management Policies and Procedure notes should be revised to guide managers and employees to complete the relevant training provided by the Council and to contact HR&OD for guidance before embarking on formal HR&OD procedures.
- The Council's Grievance, Stress Management and Mental Health Policies and procedure notes should be revised to include details of the enabling measures they refer to that facilitate resolution.
- Instructions for updating the parties involved should be added to the Grievance Policy and Procedure documents where timescales for resolution cannot be met.

Organisational Learning

9. There are areas for improvement to the wording and guidance of the Grievance, Anti Bullying, Stress Management, Mental Health and Attendance Management Policies and Procedures which will help clarify the responsibilities of employees and managers.

Promotion of Whistleblowing Arrangements

10. We have continued to promote awareness of the authority's arrangements for Whistleblowing. We have made further efforts to ensure that promotional information is displayed on our Intranet system Arcadia, on posters throughout council premises which are available in areas accessible by the public e.g. receptions and that this information is provided in newsletters distributed to employee.