

REPORT TO AUDIT COMMITTEE – 16 SEPTEMBER 2021

ANNUAL WHISTLEBLOWING REPORT 2020/2021

1 Reason for Report / Summary

- 1.1 This report provides the Committee with an annual update and report on Whistleblowing disclosures made to the Council for the year 2020/2021.

2 Recommendations

The Committee is recommended to:

- 2.1 Consider the Annual Whistleblowing Report for 2020/2021.**

3 Purpose and Decision Making Route

- 3.1 This report ensures that the Council complies with its Disclosure of Information (Whistleblowing) Policy, which was refreshed in 2017. Audit Scotland have previously recommended that the Council has a register and an annual report on whistleblowing activity, and this annual report satisfies the requirement to report on such activity. The role of Audit Committee in the process is to consider and monitor whistleblowing activity.

4 Discussion

- 4.1 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;

4.1.1. 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.

4.1.2. 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 someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

- 4.2 Aberdeenshire Council reviewed 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.

- 4.3 If a concern does not fall into the categories specified in 4.1 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 HR Grievance, Bullying and Harassment policy and procedures. The Head of Legal and People in their capacity as Monitoring Officer determines whether a concern falls within the remit of the Whistleblowing Policy.
- 4.4 The Whistleblowing report for 2020/2021 forms Appendix 1 to this report. Members will note that in the period from 1 April 2020 to 31 March 2021, there was 2 disclosures. This was in comparison to last year, 2019/2020, where there were 0 disclosures made.
- 4.5 The Whistleblowing Policy will be due for review in 2022 and recommendations shall be reported to Business Services Committee for consideration. The Audit Committee shall be consulted as part of that review process.

5 Council Priorities, Implications and Risk

- 5.1 This report will help deliver all Six Strategic Priorities and the underlying principle of right people, right places, right time.
- 5.2 The table below shows whether risks and implications apply if the recommendation(s) is (are) agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities and Fairer Duty Scotland			X
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

- 5.3 There are no staffing or financial implications arising from this report.
- 5.4 An integrated impact assessment is not required because this report informs the Committee of activity under the Council's Whistleblowing Policy and does not have any impact on any of the protected characteristics. There are no

sustainability implications, town centre first implications or childrens and young people's rights and wellbeing.

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

Reputation management – this is controlled through general policy and procedures and assured by external scrutiny bodies through the annual shared risk assessment and by Internal Audit. Corporate Risk Register.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 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.

Ritchie Johnson, Director of Business Services

Report prepared by Ruth O'Hare, Legal Service Manager (Governance)
Date 7 September 2021

List of Appendices

Appendix 1 – Aberdeenshire Council Annual Whistleblowing Report 2020/2021



From mountain to sea

APPENDIX 1

Aberdeenshire Council Whistleblowing Annual Report 2020-2021



Key Messages

- 1 Aberdeenshire Council recognises the importance of openness and honesty in carrying out its functions and with over 15,000 employees, it is 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 must encourage and support employees to speak up if they have concerns about any aspect of the Council's activity.
- 2 The Disclosure of Information (Whistleblowing) Policy is promoted to all employees as a route for raising concerns and is available on our intranet sites Arcadia and Arcadia Lite, together with a Resource Pack for officers, which includes template letters for the various stages in the process.
- 3 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 by an investigating officer appointed by the Head of Legal and People and support will be offered to employees who feel they are being unfairly treated as a result of making a disclosure.
- 4 The policy is subject to ongoing monitoring to ensure it continues to reflect best practice and new legislation. It was last reviewed in September 2017 and will be due for a further review in 2022.
- 5 There have been two disclosures received in 2020/2021 compared with no disclosures in 2019/2020. It should be noted however that neither disclosure is related to the Council's response, or activity arising in relation to, the coronavirus pandemic.

Whistleblowing Disclosures 2019/20

- 6 Aberdeenshire Council received **2** disclosures following our Whistleblowing Policy for 2020/21. This was **more** than the disclosures we received in year 2019/20.

Analysis of Disclosures – Type and Number

- 7 The analysis below shows the type and number of disclosures received over the last three 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.
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	18/19	19/20	20/21
Number of correspondences received under Whistleblowing Policy	2	0	2
Number of cases determined as falling within the scope of Whistleblowing Policy	2	0	2
Investigating officers appointed	2	0	2
Investigations concluded	1	1	1

Nature of concerns	18/19	19/20	20/21
Professional Standards and Practices	0	0	2
Discrimination	0	0	0
Mismanagement of council funds	0	0	0
Financial inducements	0	0	0
Health & safety	0	0	2
Application of HR policies and procedures	1	0	2
Bullying	1	0	1

Disclosures by Directorate	18/19	19/20	20/21
Business Services	0	0	0
Education and Children's	1	0	1
Infrastructure Services	1	0	1
Anonymous	0	0	0

Directorates Disclosed in Referrals	18/19	19/20	20/21
Business Services	1	0	0
Education and Children's	1	0	1
Infrastructure Services	1	0	1

Action taken on referral

7. The investigation which concluded in 2020/21 did not find any of the allegations to be established and therefore no action was recommended in respect of the disclosure. That said, advice was provided to the service on matters that fell out with the scope of the whistleblowing investigation in respect of general observations made by the investigating officer during the course of the investigation.

Promotion of Whistleblowing Arrangements

8. We have continued to promote awareness of the authority's arrangements for Whistleblowing. 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 information is provided in newsletters distributed to employees