

Agenda Item	8
Report No.	AS/10/21

THE HIGHLAND COUNCIL

Audit & Scrutiny Committee

Date: 17 June 2021

Report Title: **Highland Council Staff Whistleblowing Policy – Update on Engagement and Review**

Report By: The Corporate Audit & Performance Manager

1. Purpose/Executive Summary

- 1.1 This report details engagement with Staff and Trade Unions on the revised policy and processes for Whistleblowing as agreed by Council on 29 October 2020. The engagement period with Trade Unions ran November 2020 to January 2021 following which there was an internal launch of the new policy to staff. The staff launch used the February 2021 Staff Connections and an all user email in April 2021 with both offering an open invitation to provide feedback on the Staff Whistleblowing Policy.
- 1.2 The Staff Partnership Forum was consulted on 14 August 2020 on the draft policy with positive feedback on the proposals including support for the policy and procedures being managed within the Council by the Corporate Fraud Team building on their existing work.

2. Recommendations

- 2.1 Committee is asked to:
 - a) Note that no changes are being recommended to the policy following engagement with Trade Unions and Staff.
 - b) Note the Staff Whistleblowing Policy is now managed by the Corporate Audit Team and annually reports will be made on the policy's use.
 - c) Note that the first annual monitoring report is provided to this Audit & Scrutiny Committee in a separate report.

3. Implications

- 3.1 Resource implications - There are no resource implications at present as the policy and processes will be managed from within existing resources in the

Corporate Fraud Team. However, this is based on the current level of work and will need to be kept under review to ensure there is no overall detrimental impact on the team's resources should the volume of work increase.

- 3.2 Community (Equality, Poverty and Rural), Gaelic, climate change/carbon clever implications - There are no community, Gaelic or climate change/carbon clever implications arising from this report.
- 3.3 Legal and Risk implications - The aim of the Staff Whistleblowing Policy is to ensure that all employees and workers have a confidential and legally compliant route to report concerns. Given the nature of the issues the policy refers to as whistleblowing it is anticipated that resources will be saved and/or litigation avoided as a result of the outcome of subsequent investigations. Once approved the updated Policy will be widely communicated to all staff to ensure that they are aware of its requirements.

4. Background

- 4.1 The review of the Staff Whistleblowing Policy offered an important opportunity to create an independent, dedicated confidential route for staff to step forward and report any serious concerns. Following the review and approval by Council on 29 October 2020 the Council's Staff Whistleblowing Policy now sits with the Corporate Fraud Team. In October 2020 the Council also agreed a period of review and engagement with Staff and Trade Unions with a final report on the outcome to be provided to this Audit & Scrutiny Committee.

5. Engagement & Review

- 5.1 While there were a number of informal discussions with Trade Unions during development of the revised policy, the first opportunity for formal discussion was at the Staff Partnership Forum on 14 August 2020 with positive feedback provided on the draft with the Trade Unions endorsing the approach. The Trade Union membership of the Partnership Forum is as follows:
- Ms Liz MacKay & Mr John Gibson (UNISON)
 - Mr Paul MacPherson & Mr Rikki Selkirk (GMB)
 - Mr Ian Macleman (UNITE/UCATT)
 - Richard Whyte (UNITE)
 - Ms Margaret Macrae (RCN)
 - Alister Bell, (EIS)
- 5.2 As requested by Council, the Audit & Scrutiny Committee then considered a draft revised policy on 24 September 2020. Following robust discussion, it was agreed to recommend approval and implementation to Council subject to further Staff engagement and Trade Union consultation. As requested by Committee in order to provide more information to staff on relevant policies, their rights and prescribed persons a short supplementary guidance note was prepared covering both the Staff Whistleblowing Policy and the Bullying and Harassment Policy, 'Raising Concerns'. These materials have been published and promoted to staff and can be found at the following dedicated link:

- 5.3 As part of the agreed process both Trade Unions and Staff were to be engaged with on the Staff Whistleblowing Policy with a target for a final report to this Audit & Scrutiny Committee. The full timeline of the approach is outlined below:
- 14 August 2020 – Staff Partnership Forum
 - 24 September 2020 – Audit & Scrutiny Committee
 - 29 October 2020 – The Highland Council
 - 29 October 2020 – Staff Partnership Forum
 - February 2021 – Policy launch staff connections with contact information for staff feedback:
https://www.highland.gov.uk/downloads/file/23321/staff_connections_feb_2021_issue_42
 - 8 March 2021 – HR Sub-Group – update to Trade Unions.
 - 19 April 2021– all user email with contact information for feedback.
 - 30 May 2021 engagement period ended.
 - 3 June 2021 – Staff Partnership Forum
 - 17 June 2021 – Audit & Scrutiny Committee
- 5.4 Staff were provided with the opportunity to provide feedback on the revised policy and approach during February to May 2021 and there were no staff comments received. Adjustments were made at the request of the Royal College of Nursing (RCN) to provide clarification and links to information on Whistleblowing for NHS staff this was accommodated through the 'Raising Concerns' document as this did not affect the Council policy. The GMB also asked for some minor adjustments to the 'Raising Concerns' document to include some examples of whistleblowing and a hyperlink to the HR Grievance Policy these have been accommodated and do not represent a change or amendment to the policy document.
- 5.4 In conclusion the period of engagement has allowed time to reflect on the policy approved by Council and while some minor adjustments have been made to the 'Raising Concerns' supporting document no required changes to the policy were identified. The policy will be kept under review and should future recommendations for change come forward, they will be subject to Trade Union engagement before being submitted to this Committee for consideration and recommendation to Council for adoption.

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