



WALES AUDIT OFFICE
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Auditor General for Wales

Follow-up review of whistleblowing and grievance policies and procedures – **Pembrokeshire County Council**

Audit year: 2018-19

Date issued: May 2019

Document reference: 1225A2019-20



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Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

The team who delivered the work comprised Jeremy Evans, Alison Lewis, and Gareth W. Lewis under the direction of Huw Rees.

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Summary report

Summary

What we reviewed and why

- 1 As part of the 2017-18 audit programme we undertook a review of whistleblowing and grievance policies and procedures in Pembrokeshire County Council (the Council). We reported the findings from our review to the Council in March 2018.
- 2 We issued six proposals for improvement for ways in which the Council could improve its whistleblowing and grievance policies and procedures. This review examines the actions the Council has taken in response to those six proposals for improvement.
- 3 We undertook the review during February 2019.

What we found

- 4 Our review sought to answer the question: Has the Council taken effective action to address the proposals for improvement contained in our March 2018 report, **Review of whistleblowing and grievance policies and procedures in Pembrokeshire County Council?**
- 5 Overall, we found that: The Council's actions to address our proposals for improvement have strengthened its arrangements for dealing with whistleblowing and grievances, but further work is needed to deliver the required outcomes. We reached this conclusion because:
 - the Council has clarified the role of line managers in its revised Whistleblowing Policy, which now states that the line manager will meet the concern-raiser with a member of the HR Advisory team;
 - the Council's 'prescribed persons' have met regularly but the meetings have not delivered the full requirement of the proposal for improvement;
 - the Council's revised Whistleblowing Policy now includes a timescale for responding to concern-raisers and a mechanism for keeping them informed;
 - the Council's Whistleblowing Policy states that an e-learning package is available and that all employees are required to complete it, but the majority of employees have not completed the training;
 - the Council has clarified the role of HR in its revised Grievance Policy; and
 - the Council has clarified how it will deal with investigations in the revised Grievance Policy.

Proposals for improvement

Exhibit 1: proposals for improvement

The table below sets out the proposals for improvement that we have identified following this review.

Proposals for improvement	
Regular meetings of the 'prescribed persons' named in the Council's Whistleblowing Policy	
P1	The Council must develop the regular meeting of the Council's three 'prescribed persons' to: <ul style="list-style-type: none">• meet the requirements of our original proposal for improvement¹; and• maintain a formal record of the meetings to provide clear actions and reference points for measuring progress.
Training on whistleblowing	
P2	The Council must: <ul style="list-style-type: none">• ensure that all staff receive whistleblowing training in line with its Whistleblowing Policy; and• establish a robust system so that it can be certain that all staff have received whistleblowing training.

¹ The original proposal for improvement was that the meeting of the 'prescribed persons' would: review the Council's current whistleblowing concerns and grievance logs; monitor the uptake of the correct policies across the Council; discuss cases, monitor progress and review procedures followed; develop and publicise the role of the Whistleblowing Champions; and raise potential risks with the Audit Committee.

Detailed report

The Council's actions to address our proposals for improvement have strengthened its arrangements for dealing with whistleblowing and grievances, but further work is needed to deliver the required outcomes

- 6 We originally reviewed the Council's Whistleblowing Policy and arrangements in 2014 as part of our review into safeguarding². We found that whistleblowing arrangements were generally sound, but some weaknesses in policy, process and training needed to be addressed.
- 7 Following our work, the Council completed a councillor-led review into the effectiveness of their whistleblowing policy and procedures. The Task and Finish Group of councillors made seven main recommendations when it reported its findings to the Safeguarding Overview and Scrutiny Committee in 2015. These were in line with those made in our 2014 review.
- 8 As part of our 2017-18 audit programme, we undertook a further review of whistleblowing and grievance policies and procedures in Pembrokeshire County Council. This was because the Council had examples of whistleblowing concerns raised by employees which had brought into question whether issues raised were being dealt with effectively and being considered under the correct policy. Our review examined the arrangements the Council has for dealing with both employee grievances and whistleblowing concerns. Our overall finding in our March 2018 report was that: 'The Council needs to strengthen its approach to whistleblowing and employee grievance and address issues raised in earlier whistleblowing reviews'. We made six proposals for improvement in our March 2018 report³.

² Auditor General for Wales, **Local Authority Arrangements to Support Safeguarding of Children – Pembrokeshire County Council**, Wales Audit Office, December 2014.

³ Auditor General for Wales, **Review of whistleblowing and grievance policies and procedures in Pembrokeshire County Council**, Wales Audit Office, March 2018.

Exhibit 2: Wales Audit Office proposals for improvement from the 'Review of whistleblowing and grievance policies and procedures in Pembrokeshire County Council', March 2018

The table below sets out the proposals for improvement that were identified in our March 2018 report.

Proposals for Improvement	
P1	<p>Clarify the role of the line manager and Head of Service in handling whistleblowing concerns</p> <ul style="list-style-type: none"> • The Council should explain within its Whistleblowing Policy the procedure a 'prescribed person', line manager or Head of Service follows once a relevant concern is raised. This will: <ul style="list-style-type: none"> – ensure central collation of all concerns; – promote a consistent approach for handling concerns across the Council; and – help the corporate centre monitor cases.
P2	<p>Schedule regular meetings with the three internal 'prescribed persons' in the Council's Whistleblowing Policy</p> <ul style="list-style-type: none"> • The three 'prescribed persons' listed in the Whistleblowing Policy need to meet regularly to review the Council's current whistleblowing concerns and grievance logs. • This regular meeting would allow the 'prescribed persons' to: <ul style="list-style-type: none"> – monitor the uptake of the correct policies across the Council; – discuss cases, monitor progress and review procedures followed; – develop and publicise the role of the Whistleblowing Champions; and – raise potential risks with the Audit Committee.
P3	<p>Include timescales and methods within the Whistleblowing Policy for responding to those who raise concerns and keeping them up to date on the investigation</p> <ul style="list-style-type: none"> • Include detail in the Whistleblowing Policy on the timescales and methods for responding to someone who raises a concern and keeping them informed during the investigation.
P4	<p>Mandate the e-learning whistleblowing module for all officers</p> <ul style="list-style-type: none"> • The Council has produced a good whistleblowing e-learning training course, it should mandate this training for all officers. The Council should also actively encourage councillors and governors to attend. This will help to raise awareness and knowledge.
P5	<p>Clarify the role of Human Resources in the Council's Grievance Policy</p> <ul style="list-style-type: none"> • To ensure the Council gives consistent, correct advice and to monitor cases, the Grievance Policy should ask all line managers to contact Human Resources as soon as an employee raises a grievance.

Proposals for Improvement

P6 Review and amend the Council's Grievance Policy to include:

- clarification of who decides if a grievance investigation is required;
- explanation of who will complete an investigation (including reassurance that any investigating officer would be impartial);
- explanation of how witnesses' views will be considered (eg interviewing other employees); and
- sharing of a draft investigation report with the grievance raiser to enable them to check for factual accuracy.

9 As part of this year's audit programme we have reviewed the actions the Council has taken in response to the proposals for improvement issued in March 2018 and whether those actions are strengthening the Council's whistleblowing and grievance arrangements. In this latest report we found that the Council has addressed four proposals for improvement completely and two proposals partially. Our evaluation of progress against each of the six proposals is outlined below.

Proposal for Improvement 1: Clarify the role of the line manager in handling whistleblowing concerns

The Council has clarified the role of line managers in its revised Whistleblowing Policy, which now states that the line manager will meet the concern-raiser with a member of the HR Advisory Team

10 In reaching this conclusion we found that:

- the Whistleblowing Policy now states that a line manager and a member of the HR Advisory Team will meet with the concern-raiser;
- the Council's view is that a member of the HR Advisory Team is present to ensure compliance, confidentiality and to maintain corporate oversight; and
- the Whistleblowing Policy explains that a concern-raiser can contact their line manager, a Head of Service, one of the three 'prescribed persons', a Trades Union representative, or the HR Advisory Team.

Proposal for Improvement 2: Schedule regular meetings with the three internal 'prescribed persons' in the Council's Whistleblowing Policy

The Council's 'prescribed persons' have met regularly but the meetings have not delivered the full requirement of the proposal for improvement

- 11 In reaching this conclusion we found that:
- the 'prescribed persons' named in the Council's Whistleblowing Policy have met formally twice since our March 2018 report (the relevant officers told us that, if there was a need, they would meet more frequently);
 - in the meetings, the three 'prescribed persons' have reviewed the Council's whistleblowing logs but not the grievance logs or the uptake of the correct policies across the Council;
 - apart from naming the Whistleblowing Champions in the Policy, the Council has not done any further work to publicise their role; and
 - there is no formal output from the meetings such as minutes or recorded actions.
- 12 The requirement of this proposal, as clearly set out in our report, was for the Council to achieve corporate oversight of whistleblowing cases and grievances, to view common areas of concern and tackle root causes. However, the meetings have focussed on whistleblowing cases contained in the log and not the wider issues. As a consequence, we have issued a further proposal for improvement in this report ([Exhibit 1 – P1](#)).

Proposal for Improvement 3: Include timescales and methods within the Whistleblowing Policy for responding to those who raise concerns and keeping them up to date on the investigation

The Council's revised Whistleblowing Policy now includes a timescale for responding to concern-raisers and a mechanism for keeping them informed

- 13 In reaching this conclusion we found that:
- the Whistleblowing Policy now states that the concern-raiser will be invited to a meeting within seven calendar days of HR receiving the concern; and

- in this meeting, the concern-raiser and Council representatives will agree 'terms of reference' to specify how often and by what method the Council will provide updates.

Proposal for Improvement 4: Mandate the e-learning whistleblowing module for all officers

The Council's Whistleblowing Policy states that an e-learning package is available and that all employees are required to complete it, but the majority of employees have not completed the training

- 14 In reaching this conclusion we found that:
- the Whistleblowing Policy clearly states that an e-learning package is available and that all employees are required to complete it;
 - an annual reminder is circulated to all employees to raise awareness of whistleblowing and to ensure they complete the e-learning module, however, the Council told us that completion rates for the e-learning module are around 45%;
 - the Council stated that mandating e-learning to all staff presents a logistical problem due to the 'peripatetic nature' of some parts of the workforce; and
 - the e-learning package has not been actively promoted to councillors.
- 15 The requirement of this proposal was for the Council to ensure all staff had received training in whistleblowing. As this has not happened we have issued a further proposal for improvement in this report ([Exhibit 1 – P2](#)).

Proposal for Improvement 5: Clarify the role of Human Resources in the Council's Grievance Policy

The Council has clarified the role of HR in the revised Grievance Policy

- 16 In reaching this conclusion we found that:
- the Grievance Policy now states that once a manager has received a written grievance they should invite the individual to a meeting to discuss the issue;
 - the Policy also requires the manager to contact the HR Advisory Team; and
 - according to the Grievance Policy, line managers are empowered to handle informal grievances without reporting them to the HR Advisory Team.

Proposal for Improvement 6: Review and amend the Council's Grievance Policy to include clarification of the investigation process

The Council has clarified how it will deal with investigations in the revised Grievance Policy

17 In reaching this conclusion we found that:

- the Grievance Policy now specifies that a line manager decides if an investigation is necessary;
- if an investigation is required, then the Investigating Officers are expected to follow the ACAS Guide on Conducting Workplace Investigations;
- the Grievance Policy includes a hyperlink to the ACAS Guide; and
- the Grievance Policy states that a full written explanation will be provided to the employee setting out what action the employer intends to take to resolve the grievance.

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