

HR Governance Report

Whistleblowing activity FY 2022/23

PURPOSE

The purpose of this report is to summarise whistleblowing activity during the financial year 2022/23, and to explain its monitoring and governance. The report is being presented to the Risk Governance Group, which includes the Chief Executive, the Chief Internal Auditor, the Executive Director of Resources, the Director of Law and Governance and the Director of People and Change. It will then be presented as a formal report to the Audit & Governance Committee.

Shella-Marie Smith, Director of People & Change

CONTEXT

Whistleblowing allegations can be received either in written format to a senior officer, or through Navex Global, an external service which allows employees to raise a concern about an aspect of the council, their service or their team, in complete confidentiality. Allegations can be made to Navex Global online, or by telephone.

A nominated person within the HR Governance team is the primary recipient of reports via Navex Global. They note the allegation, record it and determine whether the case should be investigated by People & Change, Internal Audit, or the Monitoring Officer. Any allegation that involves a potential instance of fraud – which may include someone not working their full hours, or submitting false time or travel claims for example, is investigated initially by Internal Audit.

Any whistleblowing allegation regarding HR practice or employees working in People & Change is investigated by the Monitoring Officer directly.

Receipt is acknowledged to the whistle-blower within 14 days of Navex Global receiving a whistleblowing report and further updates are provided after 28 days and once the case is closed. All correspondence is conveyed via Navex Global, maintaining the anonymity of the whistle-blower at all times.

Full information, including the policy and a flowchart of the lifecycle of a whistleblowing allegation, is available on SCC Info under [Whistleblowing](#). The Whistleblowing policy is also incorporated into the employee code of conduct which has recently been reviewed and updated and approved by Full Council in November 2022. In addition, communication campaigns to all staff occur four times a year to promote the service.

SCRUTINY

Whistleblowing cases are investigated by either People & Change, Internal Audit, the Monitoring Officer, or a combination of these depending on the nature of the allegation and the route by which the allegation has been made. Allegations about staff working in Twelve15 (Commercial Services) are directed to The Twelve15 HR division and allegations about teaching staff are currently managed by the Assistant HR Business Partner in the SCC HR team for Schools, in conjunction with the Area Schools Officer and the Chairs of Governors, where appropriate.

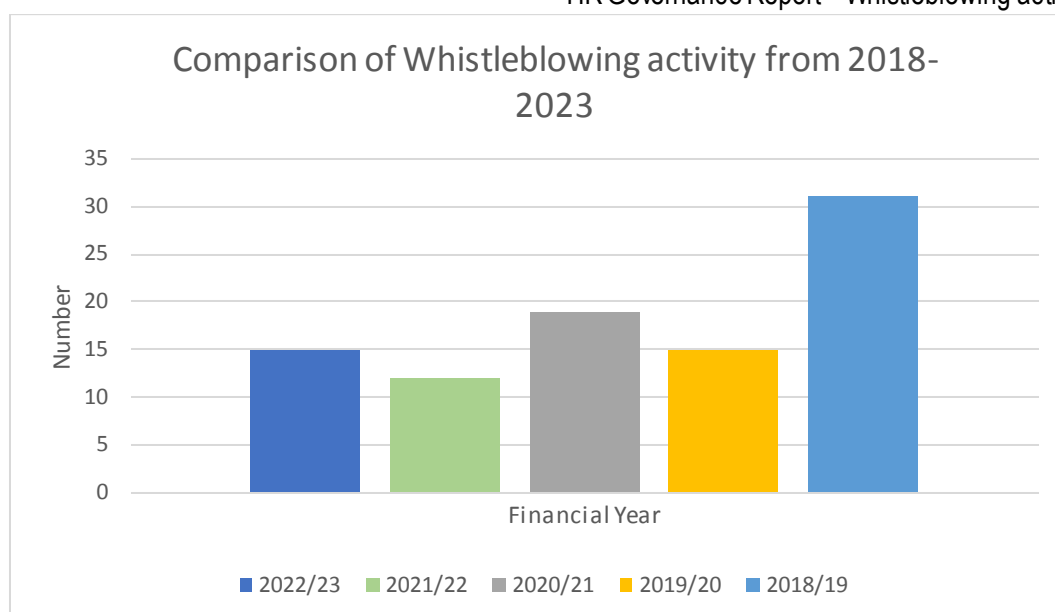
Officers from Internal Audit and People & Change and the Monitoring Officer meet on a quarterly basis to review recent whistle blowing activity including trends and patterns and related issues, such as promotion of the policy. Traffic to and from the SCC Info page is also reviewed at these meetings.

SUMMARY OF WHISTLEBLOWING ACTIVITY FY 2022/23

In FY 2022/23 there was a slight increase in allegations, in comparison to the activity of the previous financial year, maintaining a reasonable number of reported cases and in line with previous years, providing reasonable assurance that people understand how to report a whistleblowing case. With an increase of communications campaigns and new updated policies being circulated, this was an expected rise. Within the activity summary overleaf, “Direct” refers to reports received in writing or by telephone to a council officer, and “Navex Global” refers to reports received through our out-sourced service.

Comparison of whistleblowing activity FY 2018/19 to FY 2022/23

2022/23	2021/22	2020/21	2019/20	2018/19
15	12	19	15	31



The reports submitted were mainly concerning specific areas in Children, Families, Lifelong Learning (CFLL), Corporate Resources and Health, Wellbeing & Adult Social Care, 3 of our largest Directorates. A proportionate number of cases across the 3 directorates have not highlighted any concerns and coincide with structure changes including Senior Leadership.

Breakdown of Cases

Whistleblowing Cases	Grievance cases	Number of repeated cases submitted	Number of cases submitted on Navex
15	56	1	15

There were a total number of 15 cases submitted on Navex Global.

Number of Allegations

The tables below show pending cases and cases which have been closed in the FY 2022/23.

Pending Cases

Case number	Date received	Directorate	Allegation	Status	Referred to
41	01/03/2023	Resources	Discrimination	OPEN	HR PEOPLE CONSULTANT
43	15/03/2023	Resources	Discrimination/Exclusion	OPEN	HR PEOPLE CONSULTANT
44	24/03/2023	Health Wellbeing & ASC	Employee Relations	OPEN	HR PEOPLE CONSULTANT

Closed Cases

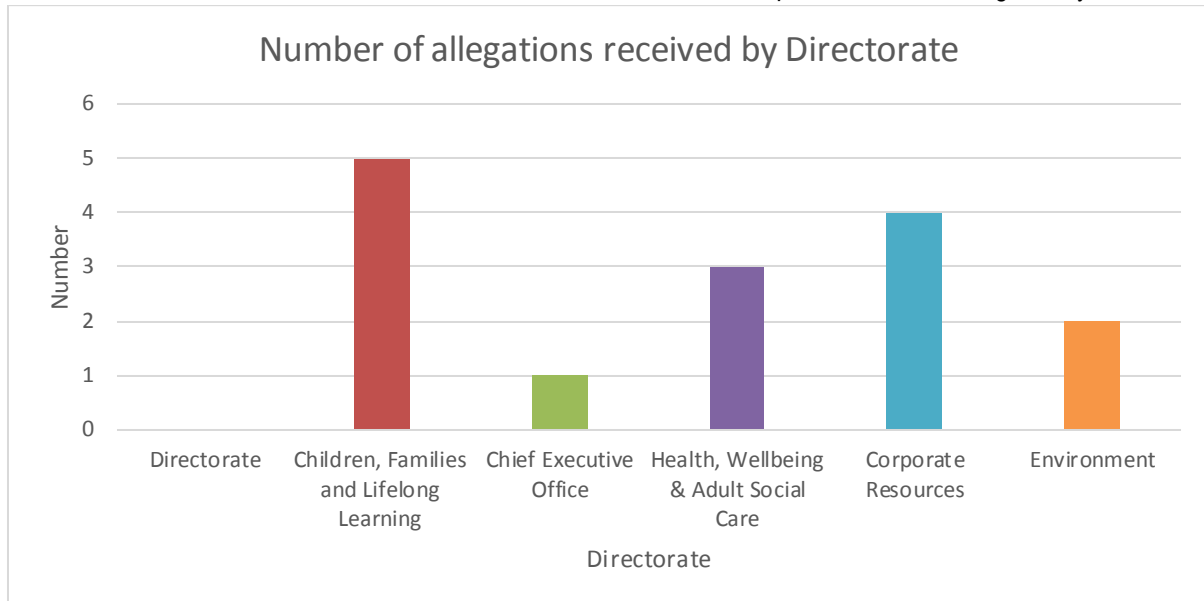
Case number	Date received	Directorate	Allegation	Outcome	Date closed
27	17/04/2022	Health Wellbeing & ASC	Employee Relations	Investigated by service, no case to answer, situation was to be monitored	17/05/2022
28	21/04/2022	Children Families & Learning	Policy issues	Due to the confidential nature of any investigation, findings must remain confidential and cannot be shared.	24/06/2022
29	16.05.2022	Children Families & Learning	Fraud	Education Service will be notifying the STA (Standards and Testing Agency) of this allegation and they will advise the local authority accordingly.	17/05/2022
30	14/07/2022	Env Transport & Infrastructure	Safety Issue	The organisation are satisfied with the employee's response and have advised there is no case to answer.	15/07/2022
31	18/07/2022	Env Transport & Infrastructure	Theft of goods	Contacted manager and arranged meeting – outcome not known.	14/10/2022
32	13/09/2022	Children Families & Learning	Discrimination	There are appropriate internal procedures for raising concerns about your employment that you are able to access and on this basis. I can confirm that the whistleblowing case will be closed.	17/10/2022
34	18/10/2022	Resources	Discrimination	The report did not meet our whistleblowing policy but encouraged the employees to raise grievance.	24/02/2023
35	18/10/2022	Resources	Retaliation of Whistleblowers	External investigation	24/02/2023
36	13/12/2022	Children Families & Learning	Conflict of Interest and Fraud	The Council is satisfied that no further action is required although it has identified potential	25/01/2022

				changes that may need to be considered to strengthen policy/management practice.	
39	18/01/2023	Children Families & Learning	Retaliation of Whistleblowers	The case notes do not provide any details of the issue/school. We would require more information to be able to investigate as an organisation.	20/01/2023
40	18/01/2023	CEO	Employee Relations	Withdrawn	15/05/2023
42	07/03/2023	Health Wellbeing & ASC	Fraud	Due to the confidential nature of any investigation, findings must remain confidential and cannot be shared	20/03/2023

Number of allegations received by Directorate FY22-23

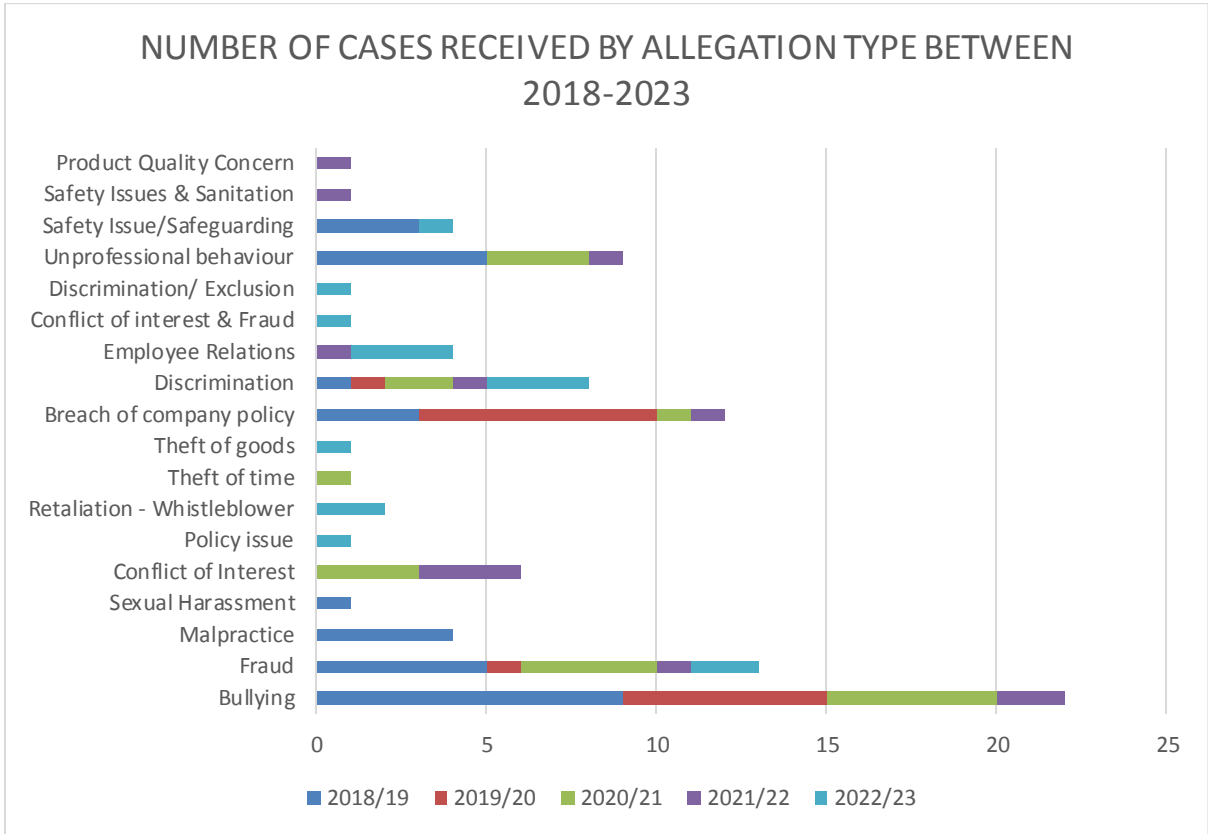
A summary of total number of cases by directorate is featured in the table and graph below.

Directorate	Number of cases
Children, Families and Lifelong Learning	5
Health, Wellbeing & Adult Social Care	3
Corporate Resources	4
Environment	2
Chief Executive Office	1
TOTAL	15



Number of cases received by allegation type between 2018 - 2023

Financial Year	Bullying	Fraud	Malpractice	Sexual Harassment	Conflict of Interest	Policy issue	Retaliation - Whistleblower	Theft of time	Theft of goods	Breach of company policy	Discrimination	Employee Relations	Conflict of interest & Fraud	Discrimination/ Exclusion	Unprofessional behaviour	Safety Issue/Safeguarding	Safety Issues & Sanitation	Product Quality Concern	Total
2018/19	9	5	4	1	0	0	0	0	0	3	1	0	0	0	5	3	0	0	31
2019/20	6	1	0	0	0	0	0	0	0	7	1	0	0	0	0	0	0	0	15
2020/21	5	4	0	0	3	0	0	1	0	1	2	0	0	0	3	0	0	0	19
2021/22	2	1	0	0	3	0	0	0	0	1	1	1	0	0	1	0	1	1	12
2022/23	0	2	0	0	0	1	2	0	1	0	3	3	1	1	0	1	0	0	15

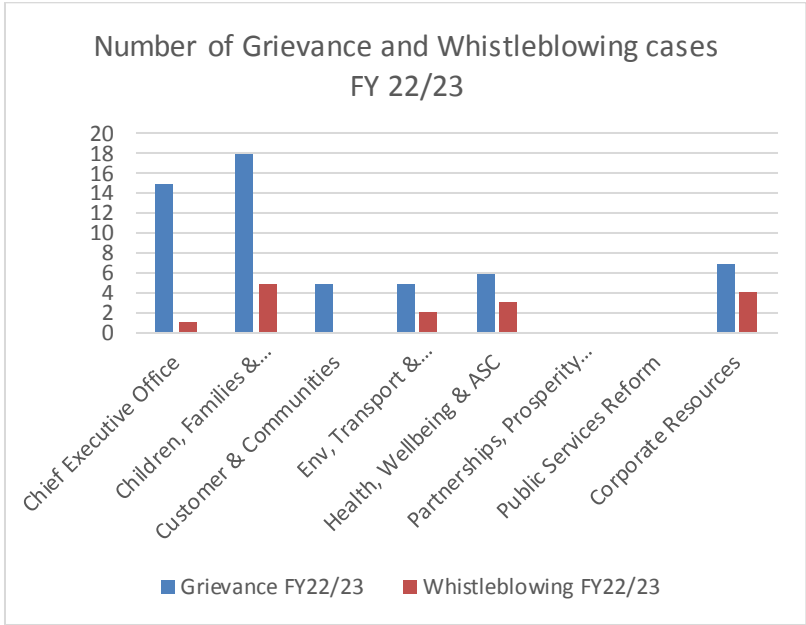
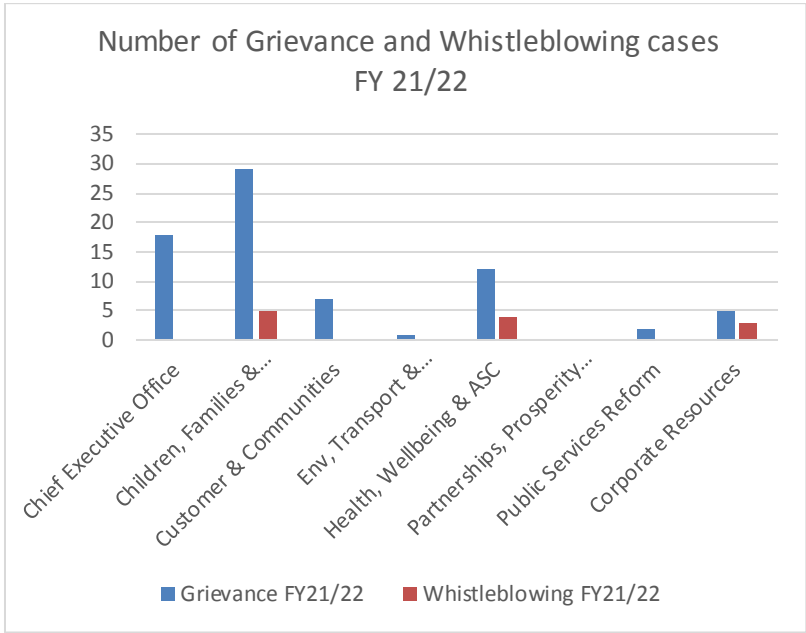


Comparison of Grievance versus Whistleblowing cases 2021 to present day with the relevant headcount for each Directorate

The below table shows the number of grievance and whistleblowing cases compared to the headcount of the directorates.

Directorate	Headcount (as of 31 March 2023)	FY 21/22		FY 22/23	
		Grievance FY21/22	Whistleblowing FY21/22	Grievance FY22/23	Whistleblowing FY22/23
Chief Executive Office *	748	18	0	15	1
Children, Families & Learning	3244	29	5	18	5
Customer & Communities	1166	7	0	5	0
Env, Transport & Infrastructure	828	1	0	5	2
Health, Wellbeing & ASC	2149	12	4	6	3
Partnerships, Prosperity & Growth	14	0	0	0	0
Public Services Reform	97	2	0	0	0
Corporate Resources	1920	5	3	7	4
Total	10127	74	12	56	15

***SFRS headcount numbers are included in CEX figures prior to the service move into its own directorate.**



INTERPRETATION OF ACTIVITY

There has been a slight increase in cases during the FY 2022/23. There has been a drop in bullying allegations which has been consistently the highest allegation type over the previous years. This demonstrates the strong working relationship between the Grievance Resolution policy, Ending of Bullying and Harassment policy and the Whistleblowing policy and highlights the effectiveness of the promotions of the policies by the People Consultancy team and the HR Governance team.

Comparison with other Councils

Figure 1- The table below shows a comparison of Whistleblowing activity with other Councils.

Year	Surrey	Brighton & Hove	Hampshire	East Sussex	West Sussex
2018-2019	31	8	0	2	3
2019-2020	15	15	0	2	1
2020-2021	19	9	3	2	1
2021-2022	12	11	3	2	1
2022-2023	15	13	0	1	1
Total	92	56	6	9	7

Surrey County Council has the highest rate of Whistleblowing activity whereas, Hampshire has the lowest rate. The number of cases across Hampshire, East Sussex and West Sussex Council is worryingly low and would appear to be under reporting. We consistently have the highest rate of activity but a healthy number in comparison to council size.

RECOMMENDATIONS / REQUESTS

The HR Governance team should continue with the communication exercises to further promote the Whistleblowing service on SCC intranet

Planned exercises

- Yammer communications
- Continued awareness with added dates for World Whistleblowing Day and National Whistleblowing Day.
- 3 further reminders booked with internal communications to post awareness on Sharepoint
- Posters to be circulated to be posted around SCC buildings such as homes, schools and offices.
- E learning for new starters
- Whistleblowing information added to provisional offer for new starters

Recommendations

- Grievance benchmarking with other councils
- Increased communications of Code of Conduct policy

The communications of Grievance Resolution policy, Ending of Bullying and Harassment policy and Whistleblowing Policy have proved successful in increasing Council awareness and new cases of Whistleblowing were reported within a few weeks of when the awareness posts went live on SCC Daily with grievances taking the correct route.

There are no major concerns that malpractice in the workplace is an issue, although People & Change continues to keep a close eye on trends and ensures closure of cases in an appropriate and timely way.

In order to mitigate the challenge of assessing performance of the Whistleblowing process, as low numbers of allegations could mean there is very little irregularity within the Council, or it could mean lack of awareness of the Whistleblowing policy a continued and improved communications plan is in place to support this and the HR Business Partners can also support services to understand best practice with regards to employee relations to reduce the number of whistleblowing cases in areas such as bullying, harassment and time management.

In addition, the quarterly Pulse Survey results for have shown that only 4% of the respondents did not know how to report a Bullying, Harassment or Discrimination case, with 88% either knowing how to report or knowing where to find out the process, which is positive.

Discussions are being held with the Learning Design and Technology team to create an e-learning tile for Whistleblowing. It will form part of the employee induction pack and will be highlighted to managers and employees alike within the Code of Conduct, which will also be promoted to joiners of the Council.

CONCLUSION

The report highlights the average rate of whistleblowing across Surrey County Council. It also shows that although a higher number of cases are reported than other councils, this is a healthy number in comparison and a sign of strength that the alignment of policies is working effectively and the relationship between HR Governance and People Consultancy works well. The communications and awareness campaigns are showing to be effective and the quarterly discussions with People & Change, Internal Audit and Monitoring Officer work well to identify trends and patterns.