



Board Meeting: 31 March 2017

PAPER TO NOTE

Title of paper:	Whistleblowing Report
Purpose of paper:	To provide the Board with an update on whistleblowing within the Welsh Government
Action required by the Board:	No decision needed. The paper is for the Board's information only.
Paper prepared by:	Jo Bergin, Permanent Secretary's Office
Publication	The paper can be published as none of the exemptions apply
Date submitted to Secretariat:	14 March, 2017

1. Background

- 1.1 Whistleblowing is when an employee raises a concern about wrongdoing or poor practice in the workplace that has a public interest aspect to it. In March 2014, the UK Public Accounts Committee published their report into the whistleblowing arrangements and cultures in Government departments. Whistleblowing legislation is not devolved, however, the Welsh Government were not requested to provide evidence to the UK PAC's report.
- 1.2 A number of recommendations were accepted by the UK Government and as a result the Welsh Government's Whistleblowing Panel reviewed our own arrangements to see whether any of the recommendations should be implemented. Details of the recommendations and the changes that were implemented by the Welsh Government are attached at Annex A. This paper, for the Board's information, has been commissioned in response to recommendation 4. This recommends that officials commit to a wider lessons learnt review, providing the Board with a report detailing statistics and emerging themes in relation to whistleblowing, staff turnover, complaints, the People Survey and HR issues. The first update covering complaints was presented to the Board in November 2016. The reports aim to identify trends across a number of areas.

2. Whistleblowing arrangements in Welsh Government

- 2.1 The Welsh Government has in place a Whistleblowing and Civil Service Code policy which details how staff can raise concerns. The policy requires the Welsh Government to have a number of Nominated Officers to provide advice and guidance to staff on the best route to raise concerns.
- 2.2 For every case raised under the policy, a Panel of members considers the facts and merits of the case before agreeing a course of action. This ensures consistency and fairness, as no single person takes a decision on whether to investigate. The Panel consists of;
- David Richards, Director of Governance – Chair and Nominated Officer
 - Peter Kennedy, Director of HR
 - Helen Morris, Head of Corporate Governance and Assurance
 - Katie Antippas, Chair of Trade Union Side
 - Jo Bergin – Secretary and Nominated Officer
- 2.3 Evidence of any investigatory work is presented to the Panel who decide on the most appropriate course of action.

3. Our statistics and how we compare

- 3.1 The UK Government circulated statistics in October 2016 covering the reporting period 1 April 2015 to 31 March 2016. Some 33 departments provided data, of which 18 departments reported cases raised through their whistleblowing or complaints channels, totalling 224 whistleblowing cases in all. The devolved administrations were not required to provide data and, unfortunately, neither Scotland nor Northern Ireland currently provides this data in their Governance Statements to allow us to compare.
- 3.2 In the same reporting period, five cases were reported under the Welsh Government's Whistleblowing and Civil Service Code policy. The table below shows the number of cases and types of issues raised.

1 April 2015 – 31 March 2016

Group	Total Number of Cases	Number of cases reported anonymously	Type of Whistleblowing Case
ESNR	2	1	Local, HR-related issue, failure to comply with legal obligations
OFMCO	2	1	Other
WG wide	1	0	Other
Total	5	2	

- 3.3 One of the reported cases was not investigated as it involved staff behaviour outside work and did not fall within the policy. Action was taken to remind staff involved of the levels of acceptable behaviour expected. One of the cases was unfounded and reported anonymously and maliciously by an ex-partner of a Welsh Government official. Two cases were founded and remedial management action was taken to address them. One case in relation to a potential breach of procurement regulations was investigated and found to be unsubstantiated and therefore did not require further action.
- 3.4 In the reporting period 1 April 2016 to 9 March 2017 there have been four cases reported to the Panel. Three of these cases were in relation to HR concerns, were actioned outside of the policy and closed. One case, which is still ongoing, is in relation to concerns around attendance of officials at political events. UK statistics are unlikely to be available until October this year in order to compare.
- 3.5 Details of our whistleblowing statistics since 2011 are detailed here.

Calendar Year	Number of cases	Cases reported Anonymously by staff
2011	2	0
2012	6	4
2013	5	3
2014	3	0
2015	6	2
2016	3	2
Total	25	11

- 3.6 In the last few years the Panel have worked to simplify the process and make it more accessible and to raise the profile of the Panel. The inclusion of the TUS Chair as a member of the Panel has also helped to reinforce its credibility with staff. Alongside this, feedback from those who have raised concerns has been positive. Within the policy there is an option for staff to request an independent review of a case, by the Director of Legal Services, if they are not happy with the outcome. So far this has not been used.

4. Resource implications

- 4.1 There are no financial or staff implications to this paper.

5. Risks

- 5.1 There are no risks associated with the issues covered in this paper.

6. Communication

6.1 Although there is no current communication planned, the Whistleblowing Policy is highlighted to staff a number of times a year on the staff newspaper.

7. General Compliance Issues

7.1 There are no compliance issues associated with this paper.

Ref	PAC Recommendation	Accept/Reject	Action
1	<p>Where the identity of whistleblowers is known, departments must ensure that they are protected, supported, and have their welfare monitored. This should include;</p> <ul style="list-style-type: none"> • Ownership from the top by assigning a board member who is accountable for the proper treatment of whistleblowers. • Providing whistleblowers with appropriate support and advice, such as access to legal and counselling services. • Appropriate and swift sanctions against employees, at all levels in the organisation, if they victimise whistleblowers. 	<p>Accept</p> <p>Accept</p> <p>Accept</p>	<ul style="list-style-type: none"> • David Richards, in his role as Chair of the panel and also as designated Board Member with personal accountability for the treatment of whistle blowers. • Currently the trade unions offer support to union members. If staff are not a member of the union they can contact the Occupational Health Team, Employee Assistance Programme for advice. This information is included in the Whistleblowing and Civil Service Code policy for staff and staff will be advised when raising a concern verbally. The whistleblowing intranet pages will be changed to have the details of the support for whistleblowers more prominent. • Whistleblowers will be reminded of their rights at the outset of them airing their concerns and to report any victimisation which will be reported to the Whistleblowing Panel and investigated.
2	<p>Departments should provide all employees with a route map that clarifies suitable internal and external reporting routes. This should be replicated through the delivery system with clear obligations on private and third party sector providers delivering public services that they must employ strong and effective whistleblowing policies.</p>	<p>Accept</p>	<p>The intranet pages help staff identify the difference between whistleblowing and grievance and include a list of appropriate contact points for whistleblowers. Effective procedures for whistleblowers to highlight concerns without fear of detriment is expected as outlined in Managing Welsh Public Money. Recently all Accounting Officers were sent the DAO notice outlining the requirement to report the effectiveness of their whistleblowing procedures in their annual governance statements.</p>
3	<p>Have clear arrangements for reporting back in a timely fashion to whistleblowers on how their concerns have been addressed.</p> <p>Publicise to their workforce and tell the whistle blower about changes they have made to processes and policies as a result of whistleblowing.</p>	<p>Accept</p> <p>Accept</p>	<p>Secretary of internal Whistleblowing Panel either contacts individuals personally or a member of the panel is identified as the liaison for the case to keep the whistleblower updated (where whistleblower is known).</p> <p>When changes are made to systems/processes as a result of whistleblowing this will be publicised. This change will also be made in the policy. Annual statistics have been published to staff to demonstrate the number of cases that have been reported.</p>

	Report on the effectiveness of whistleblowing arrangements in their governance statements in their Annual Report and Accounts.	Accept	A report on the effectiveness of the whistleblowing arrangements will be included in the annual governance statement for 2015/16. DAO note has been issued to all WGSBs for them to do the same.
4	Departments should assess whether whistleblowing arrangements are effective by making better use of currently available measures, such as the civil service survey, and introducing others, such as trends in the number of whistleblowing cases and the timeliness of investigations. Departments should also consider how they can enhance their support for whistleblowers, looking for instance at measures like tracking employment skills and career progression and asking whistleblowers about their views on the whistleblowing process.	Accept in part	As part of a wider lessons learnt review the Board will be provided with a report detailing statistics and emerging themes in relation to whistleblowing, staff turnover, complaints, people survey and HR issues. The report will allow the Board to identify trends across a number of areas.
5	Departments should collect and apply intelligence on concerns raised by whistleblowers from the full range of arm's length bodies and other providers involved in their sectors. They should use and analyse the data to identify any systemic issues.	Accept	Head of Internal Audit will raise whistle blowing at the governance meeting held with all WGSBs.
6	Public sector organisations should secure approval from the Cabinet Office for all special severance payments, and associated compromise agreements, where they relate to whistleblowing.	Not accepted	In the unlikely event that this arises, formal approval from the Permanent Secretary will be sought for any severance payment which relates to whistleblowing.