

## GOVERNANCE

### **A. Whistleblowing Champion**

The organisation has appointed a Whistleblowing Champion (although they may be called something different) with responsibility for overseeing effectiveness of the organisation's whistleblowing arrangements.

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#### **Reasoning and Evidence**

Paragraph 9. of the Confidential Reporting Code (CRC) details the officer who has overall responsibility for the maintenance and operation of the Code. At Spelthorne, this is the Monitoring Officer who although not a member of the Management Team can be approached by those officers.

### **B. Senior Leaders**

The Senior Management of the organisation demonstrates a clear commitment to a culture where employees and other stakeholders can raise concerns without fear of reprisal.

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#### **Reasoning and Evidence**

Senior Leaders actively demonstrate a commitment to workers being able to raise concerns without fear of reprisal. The CRC procedure is brought to new staff's attention at the CEX Induction and explained regularly at staff meetings.

### **C. Whistleblowing Lead/Team**

The organisation has appointed a lead person to oversee the effective implementation of the whistleblowing arrangements.

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#### **Reasoning and Evidence**

Same as A – it is considered this approach is proportionate for a small Local Authority. There is a clear understanding of which responsibilities are held by the Champion and other key staff who have responsibilities under the whistleblowing arrangements.

### **D. Line Managers**

Line managers have clear roles and responsibilities in relation to the organisation's whistleblowing arrangements

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#### **Reasoning and Evidence**

We have appointed Line Managers as the first point of contact for staff raising concerns within the whistleblowing arrangements. (Para 7.1) Staff and Line Managers are made aware of the role that Line Managers have within the arrangements through the Policy, posters, information on the internal website, and at staff meetings.

## WRITTEN POLICY AND PROCEDURES

### **A. Written policy and/or procedures**

The organisation has a whistleblowing policy and / or procedures providing guidance to staff on how to raise concerns.

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#### **Reasoning and Evidence**

A Policy exists and there is appropriate reference to whistleblowing arrangements in other relevant policies, e.g. anti-fraud, bribery and corruption policy.

### **B. Policy review**

The written policy and/or procedures are reviewed regularly.

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#### **Reasoning and Evidence**

We review the policy and/or procedures every year to take into account legal, regulatory or industry developments and to ensure contact details within the policy and/or procedures are up to date.

### **C. Policy accessibility**

The written policy and/or procedures are easily accessible to staff (and other relevant stakeholders)

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#### **Reasoning and Evidence**

The Policy is available on the website. It can be found easily by searching 'whistleblowing' or 'raising concerns'.

### **D. Policy language**

The written policy and/or procedures are clear and easy to understand

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#### **Reasoning and Evidence**

The Policy is written in simple terms a lay person could understand, are structured clearly and explain practical aspects of raising concerns. The Policy is accessible to all members of staff in a language they understand.

### **E. Types of concerns**

The written policy identifies types of concerns to which the policy and/or procedures relate.

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#### **Reasoning and Evidence**

The policy provides clear examples of the types of concerns that may be relevant to our role as a Local Authority. The Policy makes clear the difference between whistleblowing concerns and grievance or HR issues. (Paragraphs 2.2 and 2.3)

## **F. Where concerns can be raised**

The policy identifies how and where concerns should be raised

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### **Reasoning and Evidence**

The policy includes multiple channels for blowing the whistle and contains names and/or roles and contact details for relevant persons / bodies where appropriate. It is clear you can bypass any layer of management if needed. Our policy makes it clear that concerns can be reported externally without having to go through the internal/line management channels.

## **G. The investigation process**

The written policy sets out clearly what the investigative process may entail

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### **Reasoning and Evidence**

The policy contains a clear commentary which explains how a concern may be handled/ investigated. Policy explains that the Monitoring Officer or manager with whom the concern was raised will contact and update individuals on the investigation as it progresses. (Paragraph 8.6)

## **H. Raising concerns openly, confidentially or anonymously**

The written policy clearly explains the difference between raising openly, confidentially or anonymously and provides relevant assurances.

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### **Reasoning and Evidence**

The policy explains the difference between raising a concern openly, confidentially or anonymously and provides relevant assurances around maintaining confidentiality. (Paragraphs 4.1 and section 5.)

### **Suggested Improvement**

Strengthen section 4. of the policy to outline those circumstances which would prevent confidentiality being maintained and that in the event that the whistleblower's identity must be revealed, their prior consent will be sought, unless disclosure of identity is required by law (e.g. this may be the case in relation to safeguarding concerns, money laundering or other criminal offences).

## **I. Protection from victimisation**

The written policy makes it clear that whistleblowers are protected from victimisation.

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### **Reasoning and Evidence**

The Policy acknowledges possible victimisation and has a clear statement that we take a zero tolerance approach to harassment or victimisation of whistleblowers (Paragraph 1.4 and Section 3.). The Policy gives no indication of how to report it or how it will be handled by the organisation.

### **Suggested Improvement**

Strengthen Section 3. With examples of treatment which would constitute victimisation. Include a statement that proven unfair treatment towards a whistleblower in relation to their disclosure will be seen as a disciplinary matter. Encourage whistleblowers to report any victimisation and state the channels and support for doing so.

## **REVIEW AND REPORTING**

### **A. Periodic review**

The organisation conducts periodic audits of the effectiveness of the arrangements for staff to blow the whistle

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#### **Reasoning and Evidence**

Our organisation has not undertaken any internal or external review of the effectiveness of our arrangements for staff to blow the whistle.

### **Suggested Improvement**

Add a commitment in the Policy that a periodic internal review will be conducted on the effectiveness of our arrangements for staff to blow the whistle and report our findings to the Audit Committee.

### **B. Independent review and oversight**

There is independent review and oversight by the relevant committee of the whistleblowing arrangements [and those for handling concerns].

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#### **Reasoning and Evidence**

There is no reporting to the Audit Committee on the effectiveness of whistleblowing arrangements.

### **Suggested Improvement**

We report to the Audit Committee on the effectiveness of whistleblowing arrangements on a periodic basis in a manner that is appropriate for the size and complexity of the organisation.

### **C. External reporting on arrangements**

The organisations published annual report includes information about the effectiveness of the whistleblowing arrangements.

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#### **Reasoning and Evidence**

The Council has not made reference to our whistleblowing arrangements in an annual report or elsewhere publicly.

### **Suggested Improvement**

Include some brief information about the effectiveness of our arrangements in our annual report or elsewhere publicly.

## COMMUNICATIONS

### **A. Communication to staff and stakeholders**

The whistleblowing arrangements are communicated to staff and other relevant stakeholders via a variety of different media.

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#### **Reasoning and Evidence**

We communicate our whistleblowing arrangements via different media: on the intranet and using posters on staff boards. We also use presentations at staff meetings. This level of communication is considered appropriate for the size and limited variance in work cultures of staff at the Council.

### **B. Encouraging concerns**

The organisation actively encourages staff and relevant stakeholders to raise concerns

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#### **Reasoning and Evidence**

We have included in our policy a clear statement that we welcome or encourage staff raising a concern. Messages of encouragement are built into various media e.g. posters, presentations and inductions.

### **C. Testing awareness**

The organisation tests levels of staff and relevant stakeholders awareness of the whistleblowing arrangements

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#### **Reasoning and Evidence**

Our organisation has not tested levels of awareness of the whistleblowing arrangements within the last 3 years.

#### **Suggested Improvement**

Implement a single mechanism for assessing levels of awareness of the arrangements on an annual basis. This could take the form of a survey, focus group, questions during training session.

### **D. Staff Awareness**

Staff are aware of the mechanisms by which they can raise concerns /whistleblow.

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#### **Reasoning and Evidence**

Our organisation has not tested levels of awareness on how to raise a concern within the last 3 years.

#### **Suggested Improvement**

As above at C.

### **E. Testing confidence**

The organisation tests levels of staff confidence in whistleblowing arrangements.

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#### **Reasoning and Evidence**

Our organisation has not tested levels of staff confidence in whistleblowing arrangements within the last 3 years.

#### **Suggested Improvement**

As above at C.

### **F. Staff Confidence**

Staff have confidence in whistleblowing arrangements.

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#### **Reasoning and Evidence**

Our organisation has not tested staff confidence in whistleblowing arrangements within the last 3 years.

#### **Suggested Improvement**

As above at C.

## TRAINING

### **A. Staff training**

All staff receive training on the purpose of whistleblowing and how it operates within the organisation.

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#### **Reasoning and Evidence**

Staff receive basic whistleblowing training at induction only.

#### **Suggested Improvement**

Consider introducing in-depth training throughout the employment lifecycle to include as a minimum:

- Examples of the types of concerns that can be raised
- Overview of the channels available to raise a concern
- Information about how the concern may be handled
- Key assurances around confidentiality and protection from reprisal
- Information about accessing independent legal advice/speaking to the regulator

### **B. Line management training**

All Line Managers receive training on their role and responsibilities in relation to handling concerns.

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#### **Reasoning and Evidence**

Line Managers receive no whistleblowing training.

### **Suggested Improvement**

Consider introducing in-depth training for line managers to include as a minimum:

- How to recognise a concern and escalate as appropriate
- Information about the arrangements which are in place and the structure of responsibilities assigned to different designated contacts
- How to assist and communicate with the person responsible for the arrangements
- How to maintain confidentiality
- How to handle reprisals
- Their role in relation to investigations in line with any investigation procedures

### **C. Accountable and operational staff training**

All Accountable personnel (Whistleblowing Champion and/or designated officers) receive training on their role and responsibilities in relation to the whistleblowing arrangements.

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#### **Reasoning and Evidence**

Accountable personnel receive basic training at induction or promotion only.

### **Suggested Improvement**

Consider introducing in-depth training for accountable personnel to include as a minimum:

Explanations on independence

- How to recognise a whistleblowing concern;
- How to maintain confidentiality;
- How to handle reprisals;
- How to provide feedback where appropriate;
- Steps to ensure fair treatment of persons accused of wrongdoing, and;
- Who to highlight as sources of internal and external advice and support.
- The difference between grievances and whistleblowing
- When and how to escalate concerns internally;
- What information to record when staff raise a concern;
- What behaviour constitutes victimisation of a whistleblower
- The arrangements which are in place and the structure of responsibilities assigned to different managers
- How to protect whistleblowers and preserve confidentiality; and how to assess the seriousness of information provided by a whistleblower

## **SUPPORT AND PROTECTION**

### **A. Support**

Whistleblowers are supported throughout the process of raising a concern.

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#### **Reasoning and Evidence**

Whistleblowers are signposted to multiple internal and external independent sources of support or advice at the point of raising concerns via the Policy,

posters and training. There is no evidence whether these are used or if whistleblowers feel supported and protected.

### **B. Confidentiality**

The organisation has a process in place to manage concerns raised in confidence.

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#### **Reasoning and Evidence**

We have a process for handling concerns raised confidentially but this is not documented.

#### **Suggested Improvement**

We will review the Policy to explain how we maintain confidentiality sensitively throughout the process meaning a minimum number of people are made aware of the identity of the whistleblower (i.e. need to know).

### **C. Victimization: protection and sanction**

Instances of victimisation of whistleblowers are sanctioned appropriately.

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#### **Reasoning and Evidence**

We have no processes for responding to reports of whistleblower victimisation.

#### **Suggested Improvement**

Include in the Policy a process for dealing with instances of victimisation of Whistleblowers - encourage staff to report any acts of victimisation.

### **D. Settlement agreements**

Settlement agreements make it clear that workers are not prevented from making whistleblowing disclosures.

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#### **Reasoning and Evidence**

There is no standard clause in settlement agreements that makes it clear that nothing in the agreement prevents a worker from making a whistleblowing disclosure. It is not our intention to use settlement agreements to silence whistleblowers. It is expected that anyone who has a complaint, has raised it before that stage. Settlement agreements are used to settle difficult to resolve employment relationships by mutual consent.

## **RECORDING AND INVESTIGATIONS**

### **A. Recording**

Proper records are maintained for concerns raised and investigated.

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#### **Reasoning and Evidence**

We have no system for recording and maintaining whistleblowing concerns raised.

### **Suggested Improvement**

Implement a secure system or process to record and maintain whistleblowing concerns, including the substance of the concern raised, and methods to make it clear to all Managers when concerns should be recorded.

### **B. Investigations**

Investigations follow clear processes and professional principles.

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#### **Reasoning and Evidence**

There is no guidance on managing investigations generally within the organisation or escalation process. However, where Special Investigations (suspected fraud) are undertaken by Internal Audit, a structured and, as far as deemed appropriate, standard approach is applied.

### **Suggested Improvement**

Introduce guidance on managing investigations generally within the organisation which makes it clear to all Managers when concerns should be escalated.

## RESOLUTION AND FEEDBACK

### **A. Resolution**

The organisation has processes in place to ensure that concerns are resolved post investigation.

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#### **Reasoning and Evidence**

We have no (standard) process for taking action to resolve whistleblowing concerns which are substantiated after investigation. (i.e. action to deal with wrongdoing, prevent further wrongdoing or remove or minimise a risk). This is because it is considered there is sufficient oversight within the Council to ensure appropriate action is taken.

### **Suggested Improvement**

Introduce a (standard) process for taking action to resolve concerns which are substantiated which makes clear who is responsible for devising, monitoring and completing action plans to resolve concerns and when concerns should be escalated to regulators or other third parties. Lessons learned or positive outcomes from whistleblowing cases fed back to appropriate areas of the organisation and included in any summary reports.

### **B. Feedback to whistleblowers**

The organisation provides feedback to whistleblowers where possible and appropriate.

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### **Reasoning and Evidence**

At the point whistleblowers raise concerns, we explain how the concerns will be dealt with and provide an estimate of the length of investigation where possible. We provide feedback to whistleblowers, where possible, on the outcome of concerns raised as a matter of course, subject to limitations imposed by confidentiality / other legalities, and adhere to agreed timeframes.

### **C. Feedback from whistleblowers**

The organisation obtains feedback from whistleblowers on the effectiveness of its whistleblowing policy, procedures and operations.

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### **Reasoning and Evidence**

We have no (standard) process for seeking or capturing feedback from whistleblowers during or after the investigation process.

### **Suggested Improvement**

Implement a (standard) process to seek feedback from whistleblowers at the end of the process as a matter of course and use this information to improve arrangements.